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14 CITY OF SANTA MONICA

*Exempt from filing fee pursuant to  
Government Code § 6103*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 OSCAR DE LA TORRE and ELIAS SERNA,

CASE NO.: 21STCV08597

18 Plaintiffs,

Assigned to Hon. Richard L. Fruin

19 v.

**DECLARATION OF CAROL M.  
SILBERBERG IN SUPPORT OF  
20 DEFENDANT CITY OF SANTA  
21 MONICA’S MOTION FOR SUMMARY  
22 JUDGMENT OR, IN THE ALTERNATIVE,  
23 SUMMARY ADJUDICATION VOL III OF  
IV (EXS. 28-39)**

24 CITY OF SANTA MONICA,  
and DOES 1 through 10, inclusive

25 Defendants.

Date: May 6, 2022  
Time: 9:15 a.m.  
Dept.: 15  
Reservation No: 661700682638

Action Filed: March 4, 2021  
Trial Date: May 16, 2022

1 I, Carol M. Silberberg, declare as follows:

2 1. I am an attorney, duly licensed to practice law in the State of California and am an  
3 attorney in the law firm of Berry Silberberg Stokes PC, counsel for Defendant City of Santa Monica.  
4 I have personal knowledge of the matters stated herein and, if called upon to do so, I could and would  
5 competently testify thereto.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of transcript excerpts from the  
7 deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of transcript excerpts from the  
9 deposition of Maria Loya taken on January 25, 2022 in this matter.

10 4. Attached hereto as **Exhibit 3** is a true and correct copy of transcript excerpts from the  
11 deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

12 5. Attached hereto as **Exhibit 4** is a true and correct copy of transcript excerpts from the  
13 deposition of Elias Serna taken on January 21, 2022 in this matter.

14 6. Attached hereto as **Exhibit 5** is a true and correct copy of transcript excerpts from the  
15 deposition of Oscar De la Torre in his individual capacity taken on May 9, 2018 in the CVRA Action.

16 7. Attached hereto as **Exhibit 6** is a true and correct copy of transcript excerpts from the  
17 deposition of Oscar De la Torre in his capacity as the person most qualified for the Pico Neighborhood  
18 Association taken on May 11, 2018 in the CVRA Action.

19 8. Attached hereto as **Exhibit 7** is a true and correct copy of transcript excerpts from the  
20 deposition of Maria Loya taken on May 15, 2018 in the CVRA Action.

21 9. Attached hereto as **Exhibit 8** is a true and correct copy of transcript excerpts from the  
22 deposition of Terrence O'Day taken on September 23, 2016 in the CVRA Action.

23 10. Attached hereto as **Exhibit 9** is a true and correct copy of transcript excerpts from the  
24 deposition of Kevin McKeown taken on December 16, 2016 in the CVRA Action.

25 11. Attached hereto as **Exhibit 10** is a true and correct copy of transcript excerpts from the  
26 deposition of Ted Winterer taken on February 26, 2018 in the CVRA Action.

27 12. Attached hereto as **Exhibit 11** is a true and correct copy of transcript excerpts from the  
28 deposition of Sue Himmelrich taken on May 30, 2017 in the CVRA Action.

1           13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the trial  
2 transcripts in the CVRA action from August 22, 2018 and August 23, 2018.

3           14. Attached hereto as **Exhibit 13** is a true and correct copy of Deposition Exhibit 6 from  
4 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

5           15. Attached hereto as **Exhibit 14** is a true and correct copy of Deposition Exhibit 7 from  
6 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

7           16. Attached hereto as **Exhibit 15** is a true and correct copy of Deposition Exhibit 12 from  
8 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

9           17. Attached hereto as **Exhibit 16** is a true and correct copy of Deposition Exhibit 17 from  
10 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

11           18. Attached hereto as **Exhibit 17** is a true and correct copy of Deposition Exhibit 21 from  
12 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

13           19. Attached hereto as **Exhibit 18** is a true and correct copy of Deposition Exhibit 24 from  
14 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

15           20. Attached hereto as **Exhibit 19** is a true and correct copy of Deposition Exhibit 25 from  
16 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

17           21. Attached hereto as **Exhibit 20** is a true and correct copy of Deposition Exhibit 30 from  
18 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

19           22. Attached hereto as **Exhibit 21** is a true and correct copy of Deposition Exhibit 31 from  
20 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

21           23. Attached hereto as **Exhibit 22** is a true and correct copy of Deposition Exhibit 38 from  
22 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

23           24. Attached hereto as **Exhibit 23** is a true and correct copy of Deposition Exhibit 39 from  
24 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

25           25. Attached hereto as **Exhibit 24** is a true and correct copy of Deposition Exhibit 41 from  
26 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

27           26. Attached hereto as **Exhibit 25** is a true and correct copy of Deposition Exhibit 42 from  
28 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

1           27. Attached hereto as **Exhibit 26** is a true and correct copy of Deposition Exhibit 45 from  
2 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

3           28. Attached hereto as **Exhibit 27** is a true and correct copy of Deposition Exhibit 51 from  
4 the deposition of Maria Loya taken on January 25, 2022 in this matter.

5           29. Attached hereto as **Exhibit 28** is a true and correct copy of Deposition Exhibit 56 from  
6 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

7           30. Attached hereto as **Exhibit 29** is a true and correct copy of Deposition Exhibit 57 from  
8 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

9           31. Attached hereto as **Exhibit 30** is a true and correct copy of Deposition Exhibit 58 from  
10 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

11           32. Attached hereto as **Exhibit 31** is a true and correct copy of Deposition Exhibit 60 from  
12 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

13           33. Attached hereto as **Exhibit 32** is a true and correct copy of Deposition Exhibit 64 from  
14 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

15           34. Attached hereto as **Exhibit 33** is a true and correct copy of Deposition Exhibit 65 from  
16 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

17           35. Attached hereto as **Exhibit 34** is a true and correct copy of Deposition Exhibit 68 from  
18 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

19           36. Attached hereto as **Exhibit 35** is a true and correct copy of Deposition Exhibit 72 from  
20 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

21           37. Attached hereto as **Exhibit 36** is a true and correct copy of Deposition Exhibit 74 from  
22 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

23           38. Attached hereto as **Exhibit 37** is a true and correct copy of Deposition Exhibit 76 from  
24 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

25           39. Attached hereto as **Exhibit 38** is a true and correct copy of Deposition Exhibit 79 from  
26 the deposition of Kevin Shenkman taken on January 27, 2022 in this matter.

27           40. Attached hereto as **Exhibit 39** is a true and correct copy of Deposition Exhibit 80  
28 without the accompanying exhibits from the deposition of Kevin Shenkman taken on January 27, 2022



1 in this matter.

2 41. Attached hereto as **Exhibit 40** is a true and correct copy of the January 26, 2021 City  
3 Council hearing transcript.

4 42. Attached hereto as **Exhibit 41** is a true and correct copy of the April 13, 2021 City  
5 Council hearing transcript.

6 43. Attached hereto as **Exhibit 42** is a true and correct copy of the November 9, 2021 City  
7 Council hearing transcript.

8 44. On November 11, 2021, Deputy City Attorney Kirsten Galler and I participated in a  
9 scheduled meet and confer telephone conference with counsel for Plaintiffs, Wilfredo Trivino-Perez,  
10 and Plaintiff Oscar De la Torre. When the telephone conference began, Mr. Shenkman was also on the  
11 line and in the same room as Mr. Trivino-Perez and Mr. De la Torre, and Mr. Shenkman participated  
12 throughout the two-and-a-half-hour conference, including making legal arguments opposing the  
13 discovery sought by the City of Santa Monica.

14 45. In November 2021, Mr. Shenkman drafted a declaration to avoid discovery and to aid  
15 in the assertion of the deliberative process privilege. On November 17, 2021, Mr. Trivino-Perez sent  
16 an email to me attaching “proposed declarations in lieu of discovery” including a proposed declaration  
17 for Mr. Shenkman. Attached hereto as **Exhibit 43** is a true and accurate copy of that email and  
18 attachment.

19 46. Attached hereto as **Exhibit 44** is a true and correct copy of documents bates labeled as  
20 P0863-0895 produced by Plaintiffs in this matter.

21 47. Attached hereto as **Exhibit 45** is a true and correct copy of documents bates labeled as  
22 P0910-0916 produced by Plaintiffs in this matter.

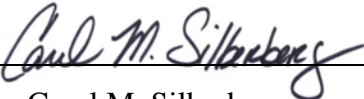
23 48. Attached hereto as **Exhibit 46** is a true and correct copy of a declaration of Jon Katz  
24 executed on February 4, 2022 (without the thumb drives referenced therein).

25 49. Attached hereto as **Exhibit 47** is a true and correct copy of Deposition Exhibit 36 from  
26 the deposition of Oscar De la Torre taken on January 20, 2022 in this matter.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
28 true and correct to the best of my knowledge, information, and belief.

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Executed on February 12, 2022 at Pasadena, California.

By   
Carol M. Silberberg

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# Exhibit 28

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14 Attorneys for Plaintiffs

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SAN BERNARDINO**

17 **PICO NEIGHBORHOOD**  
**ASSOCIATION and MARIA LOYA,**

18 Plaintiffs,

19 v.

20 **CITY OF SANTA MONICA, and**  
**DOES 1 through 100, inclusive,**

21 Defendants.

Case No.: BC616804

22 **DECLARATION OF KEVIN SHENKMAN**  
23 **IN SUPPORT OF PLAINTIFFS' MOTION**  
24 **FOR AWARD OF ATTORNEYS' FEES**  
25 **AND EXPENSES**

Date: August 28, 2019  
Time: 8:30 a.m.  
Dept.: SSC-9

26  
27 **Exhibit**  
28 **0056**



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I, Kevin I. Shenkman, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and I am a principal of Shenkman & Hughes PC, attorneys of record for Plaintiffs in the above-captioned case. The facts set forth in this declaration are within my personal knowledge and, if called as a witness, I could and would competently testify as follows:

Shenkman & Hughes Attorneys

2. I have been primarily responsible for the handling of the above-captioned case since its inception, and I have been involved in all aspects of this case. My partner, Mary R. Hughes, has also worked on this matter, as have John L. Jones II and Andrea Alarcon, as well as attorneys and professionals with the Parris Law Firm, Law Offices of Milton C. Grimes and Law Office of Robert Rubin.

3. I graduated from Rice University in 1999 and completed my J.D. at Columbia University School of Law in 2002. I was admitted to the California Bar in 2002, and began working at Hennigan, Bennett & Dorman LLP (now McKool Smith Hennigan), where I worked on a wide variety of complex litigation until 2008. In 2011, I founded the law firm of Shenkman & Hughes along with Mary R. Hughes, whom I had known from my time at Gibson Dunn & Crutcher LLP.

4. Mary R. Hughes graduated from California State University Northridge in 1999 and completed her J.D. at the University of Southern California Gould Law School. She was admitted to the California Bar in 2002, and began working at Gibson, Dunn & Crutcher LLP, where she worked until 2010. In 2011, Ms. Hughes co-founded the law firm of Shenkman & Hughes.

5. John L. Jones II graduated from Creighton University in 1996 and completed his J.D. at Yale Law School in 2001. Following a short career in investment banking, he began working at Hennigan, Bennett & Dorman LLP (now McKool Smith Hennigan) in 2002, where he remained until 2008. While at Hennigan Bennett & Dorman LLP, and since

1 his time at that firm, he has worked on complex litigation and bankruptcy matters, including  
2 the notable bankruptcies of Hawaiian Airlines and Brobeck Phleger & Harrison LLP.

3 6. Andrea Alarcon graduated from Georgetown University in 2000 and  
4 completed her J.D. at Loyola Law School in 2009. Ms. Alarcon has had an extensive career  
5 in government and public service, before joining Shenkman & Hughes PC. For example,  
6 Ms. Alarcon served as Director of the Los Angeles office of Attorney General Bill Lockyer  
7 and Assistant to Attorney General Jerry Brown, and served as President of the Los Angeles  
8 Board of Public Works (the only Latina to serve in that role in the City of Los Angeles'  
9 history), responsible for an annual budget of \$1.8 billion. Important to the instant case, Ms.  
10 Alarcon has also been involved in the Latino civil rights movement and politics for her  
11 entire life.

12 7. True and correct copies of condensed resumés for Ms. Hughes and I, and the  
13 resumés for Mr. Jones and Ms. Alarcon are collectively attached hereto as **Exhibit A**.

14 8. Ms. Hughes, Mr. Jones and I were also primarily responsible for the handling  
15 of the first and second cases brought pursuant to the California Voting Rights Act to proceed  
16 to trial – *Jauregui v. City of Palmdale*, Los Angeles Superior Court Case No. BC483039 and  
17 *Garrett v. City of Highland*, San Bernardino Superior Court Case No. CIVDS1410696. We  
18 prevailed in both of those cases. Following our trial victory in *Jauregui v. City of Palmdale*,  
19 we also prevailed in both the intermediate appellate court and the California Supreme Court  
20 – *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4<sup>th</sup> 781 (*review denied, en banc*, Aug.  
21 20, 2014)

22 9. For our successes in *Jauregui v. City of Palmdale*, subsequent cases brought  
23 pursuant the California Voting Rights Act, and efforts to end unfair at-large elections  
24 throughout California, I have been featured, sometimes along with the other attorneys of  
25 Shenkman & Hughes PC, in various media, such as the Los Angeles Times, New York  
26 Times, Wall Street Journal, ABC, CBS, PBS, NPR, Los Angeles Daily Journal, Dr. Drew  
27 Show and Breitbart News (claiming that we were ending democracy in California). I am  
28 frequently invited to speak to audiences of attorneys and non-attorneys concerning voting

1 rights and elections. For example, I have been the keynote speaker at Los Angeles County  
2 Bar Association events for young lawyers, and the annual conference of the California  
3 Latino School Board Association.

4  
5 **Our Work On This Case**

6 10. Even before filing suit, we worked with two renowned experts, David Ely and  
7 J. Morgan Kousser, to study Santa Monica's elections to determine whether those elections  
8 were characterized by racially polarized voting – the key element in a CVRA case. At the  
9 same time, we engaged with civic leaders in Santa Monica and immersed ourselves in Santa  
10 Monica's politics, city council actions, and historical discrimination to develop a better  
11 sense of the unique circumstances in Santa Monica concerning race and elections.  
12 Particularly because of Santa Monica's unique reputation and demographics, we also  
13 worked with those same experts to evaluate the likely effectiveness of any remedial changes  
14 to Santa Monica's election system. And, we also investigated the unique history and  
15 controversy surrounding Santa Monica's adoption and maintenance (at various times) of its  
16 at-large election system, to evaluate whether an Equal Protection claim might also be  
17 justified.

18 11. While many political subdivisions, since our victory in *Jauregui v. City of*  
19 *Palmdale*, had chosen to adopt district elections upon receiving notice that their at-large  
20 elections violate the CVRA, we expected that Santa Monica would not likely change its  
21 election system without a court battle. In fact, early in our pre-filing investigation, I met  
22 with then-councilman Tony Vazquez, who had led the effort to adopt district elections for  
23 Santa Monica's council in the late 1980s and early 1990s. Mr. Vazquez emphasized the  
24 continuing power of those who had clung to the at-large election system in Santa Monica in  
25 the past, and doubted that we would be successful in any effort to convince other council  
26 members to adopt a fair district-based election system. Indeed, Santa Monica is  
27 exceptionally wealthy, enabling its council to carry on a scorched-earth approach to  
28 defending its at-large elections, as some of its council members have noted in rationalizing

1 their expensive fight against the CVRA. A true and correct copy of a July 12, 2018 opinion-  
2 editorial in the Los Angeles Times authored by Santa Monica's mayor and mayor pro-tem,  
3 touting Santa Monica's financial resources that enabled it to vigorously litigate (and appeal)  
4 the instant case, is attached as **Exhibit B**. Prior to filing the instant case, while we did not  
5 fully comprehend the extreme lengths to which Defendant's council members would go to  
6 maintain the at-large system by which they were elected, we understood that they would  
7 fight, and so a robust and complete pre-filing investigation would be necessary.

8 12. Satisfied that our preliminary investigation justified further action, on  
9 December 15, 2015 we wrote to Defendant, notifying Defendant that its at-large elections  
10 were unlawful and requesting that Defendant contact us to discuss changing its at-large  
11 system of electing its city council. A true and correct copy of my December 15, 2015  
12 correspondence to Defendant is attached hereto as **Exhibit C**. There is no question that  
13 Defendant's city council took notice of our December 15, 2015 letter – not only did I speak  
14 personally with the then-city attorney, Marsha Moutrie, when I personally delivered the  
15 letter along with several Pico Neighborhood activists (Ms. Moutrie actually communicated  
16 her personal support for our efforts), but the letter was also the subject of a closed session  
17 meeting of Defendant's city council in January 2016. A true and correct copy of the relevant  
18 page of Defendant's city council meeting agenda for its January 12, 2016 meeting is  
19 attached hereto as **Exhibit D**.

20 13. We waited for four months – well past the requested response date in the  
21 December 15, 2015 letter – but received no substantive response from Defendant or its  
22 attorneys. On April 12, 2016 Plaintiffs filed the above-captioned case.

23 14. Defendant quickly sprang into action to retaliate against me personally for  
24 filing the above-captioned case on behalf of our clients. At that time, I was one of three  
25 members of the Malibu Unification Negotiation Committee appointed by the City of Malibu  
26 to negotiate financial terms for the establishment of an independent Malibu unified school  
27 district. My counterparts from Santa Monica on that committee walked away from those  
28 negotiations at Defendant's direction, demanded that we dismiss the above-captioned case,

1 and even forced the cancellation of the Committee's next scheduled publicly-noticed Brown  
2 Act meeting. This all caused me a great deal of distress, particularly because several of my  
3 neighbors blamed me for harming the years-long effort to establish a Malibu school district  
4 – an effort on which I had spent significant time and resources. Ultimately, I decided,  
5 consistent with my ethical obligations to our various clients, to resign from the Malibu  
6 Unification Negotiation Committee, and make clear that we would never abandon our clients  
7 or our fight for minority voting rights. My resignation letter was published by local  
8 newspapers, and a true and correct copy of that letter is attached as **Exhibit E**. The Santa  
9 Monica members of that committee returned to negotiate financial terms, and that committee  
10 completed its work without me, but the damage to our relationships with our neighbors and  
11 community, caused by that episode, persist.

12 15. Defendant's city attorney office has been involved in this case from its  
13 inception, and Defendant also retained the very large and very expensive law firm - Gibson  
14 Dunn & Crutcher LLP – a few weeks after the case was filed. My partner, Ms. Hughes,  
15 worked as an associate at Gibson Dunn & Crutcher LLP for nearly 8 years, and I also  
16 worked at that firm for a short time, so we understood that Defendant's retention of that firm  
17 meant that it planned to spare no expense in its defense of its racially discriminatory at-large  
18 election system. We also understand, from our experience at Gibson Dunn & Crutcher LLP,  
19 what it takes to prevail over that firm, particularly recognizing that we could never match the  
20 financial resources and manpower that firm brings to bear.

21 16. The litigation that followed over the next three years has been extensive and  
22 contentious. That litigation, culminating in a judgment finding that Defendant's at-large  
23 election system not only violates the CVRA but also was adopted and maintained for a  
24 discriminatory purpose, and thus violates the Equal Protection Clause, included, among  
25 other things:

- 26 • An expert-intensive six-week trial;
- 27 • Three writ petitions;
- 28 • A petition for review to the California Supreme Court;

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- A summary judgment motion;
- Two pleading challenges;
- Twenty-four (24) depositions of fact witnesses;
- Eight (8) depositions of expert witnesses; and
- Thirty-one (31) discovery motions

Furthermore, particularly because of Defendant’s publicity campaign orchestrated by its significant in-house public relations department, we also needed to press Plaintiffs’ case in the court of public opinion and rally support among community leaders, activists and residents in Santa Monica. Similarly, because of Defendant’s efforts to lobby the California Legislature to amend the CVRA in ways that would exculpate Defendant, we also needed to press Plaintiffs’ case with legislative leaders and Democratic Party officials.

17. Throughout the three-year litigation, Plaintiffs attempted to convince Defendant that an amicable resolution through settlement would be superior, for all parties concerned, to a disputed resolution by the court. In fact, Plaintiffs even convinced renowned mediator, Jeffrey Krivis, to mediate the case for free. Though Defendant agreed to participate in that free mediation, and then asked for a second day of free mediation (which was held a few weeks after the first day of mediation), Defendant obstinately insisted at every stage that it would never agree to any structural changes to its discriminatory at-large election system. Rather, Defendant’s city attorney bluntly explained Defendant’s rationale for refusing any change to its election system, remarking that she “just do[es]n’t see any merit in this case.” Even during the six-week trial, Defendant’s counsel inquired several times whether Plaintiffs were ready to dismiss their case, and eschewed my invitations to discuss settlement. Rather, Defendant complained that somehow Plaintiffs’ actions were improper because they were aimed at coercing Defendant to settle. For example, in opposing Plaintiffs’ efforts to question Defendant’s city council members about their campaign finances, Defendant argued that Plaintiffs’ counsel “used the deposition to attempt to pressure Mr. O’Day to settle the case” and “broached the improper topic of settlement” with Ms. Davis. A true and correct

1 copy of the relevant pages from Defendant's Opposition to Plaintiffs' motion to compel the  
2 subsequent depositions of Glean Davis and Terry O'Day is attached hereto as **Exhibit F**.

3 18. To be sure, though the facts and law certainly support this Court's findings,  
4 decision and Judgment, this case was no "sure thing." In fact, Defendant's counsel was  
5 interviewed by Law.com on the eve of trial, and proclaimed: "We feel really good about our  
6 case on the merits here." Defendant's counsel went even further, stating: "The reality is that  
7 if Santa Monica fails the CVRA test, then no city could pass." Notably, in that same  
8 interview Defendant's counsel stated that CVRA cases are "so costly and time-consuming."  
9 A true and correct copy of the August 1, 2018 Law.com article, titled "In Rare California  
10 Voting Rights Trial, Gibson Dunn Steps Up for Santa Monica," is attached hereto as **Exhibit**  
11 **G**. Defendant and its counsel were not the only ones to doubt whether Plaintiffs would  
12 prevail in this case – prior to filing this case, I invited the law firm of Goldstein Borgen  
13 Dardarian & Ho LLP as well as the Mexican American Legal Defense and Education Fund  
14 ("MALDEF") to join us on this case but they both declined. Fortunately, other political  
15 subdivisions have learned from Defendant's miscalculation; since this Court decided in favor  
16 of Plaintiffs, many other political subdivisions in California have eliminated their potentially  
17 dilutive at-large election systems, without the need for any lawsuit, as demonstrated by, for  
18 example, the recent reporting of the Marin Independent Journal (a true and correct copy of  
19 which is attached as **Exhibit H**).

20  
21 Billing Rates

22 19. Shenkman & Hughes PC charges our hourly-paying clients \$815 per hour for  
23 my time, \$740 per hour for Ms. Hughes' time, and \$615 per hour for Ms. Alarcon's time.  
24 Mr. Jones no longer works for Shenkman & Hughes PC, but in his years with Shenkman &  
25 Hughes PC, Mr. Jones' billing rate was always the same as that of Ms. Hughes (which is  
26 \$740 per hour). We have, in some instances, charged a blended rate for our services. In  
27 those instances where we determine a blended rate is appropriate, that blended rate is \$715  
28 per hour.

1           20.     In 2014, our firm’s attorney rate (at that time, for Ms. Hughes, Mr. Jones and  
2 myself) was \$550 per hour, and that rate was approved by the Los Angeles Superior Court  
3 for our work in *Jauregui v. City of Palmdale*. Since that time, in response to significant  
4 demand for my services and the services of other Shenkman & Hughes’ attorneys, we have  
5 increased our respective rates several times, to the current rates stated above. Those rate  
6 increases have not resulted in any decrease in demand for our services; if anything, the  
7 demand for our services has continued to increase well beyond our capacity.

8           21.     In addition to gauging the demand for our services, we arrived at our rates by  
9 surveying the rates charged by attorneys with comparable education, skill, experience and  
10 past results. Our rates are generally consistent with the billing rates suggested by the  
11 Updated Laffey Matrix for attorneys with our respective experience. The Updated Laffey  
12 Matrix suggests an hourly rate of: \$685 for Ms. Alarcon – higher than her current rate of  
13 \$615; and \$742 for Ms. Hughes – slightly higher than her current rate of \$740. While my  
14 hourly rate of \$815 is slightly higher than that suggested by the Updated Laffey Matrix  
15 (\$740), I believe my exceptional experience and results warrant a rate greater than that  
16 suggested by the Updated Laffey Matrix. Specifically, very few attorneys with less than  
17 twenty years of experience have been lead counsel in the sort of notable trial victories as  
18 *Jauregui v. City of Palmdale* and *Garrett v. City of Highland* as well as a rare trial of a  
19 certified class action, and no other attorneys of any experience-level can claim greater  
20 experience with the CVRA. Even Breitbart, while criticizing our work and the CVRA more  
21 generally, conceded that I am “one of the most prolific and successful civil rights lawyers of  
22 his generation.” A true and correct copy of the Updated Laffey Matrix is attached as  
23 **Exhibit I.**

24  
25           22.     The demand for my services, as well as other attorneys with Shenkman &  
26 Hughes PC, has increased dramatically, particularly over the last seven years. I believe that  
27 significant increase in demand for our services is the result of, among other things, three  
28 recent notable victories our firm has achieved. First, as discussed above, in 2013 we



1 prevailed in the first-ever trial of a case brought under the CVRA, and prevailed in the  
2 appeal of that same case in 2014. Second, later in 2014, we prevailed in a rare trial of a  
3 certified class action, wherein the jury awarded the class of approximately 2500 consumers  
4 we represented more than \$4.3 million, including punitive damages. Third, as discussed  
5 above, in January 2016 we prevailed in the second-ever trial of a case brought under the  
6 CVRA.

7         23. The hourly rates of the attorneys at Shenkman & Hughes PC are also modest  
8 in comparison to the rates charged by Defendant's attorneys – Gibson Dunn & Crutcher LLP  
9 – over whom we prevailed in this case. For example, filings in other cases reveal both the  
10 historic rates of the particular Gibson Dunn & Crutcher attorneys who worked on this case,  
11 as well as the rate of annual increase in their rates: in 2009 Marcellus McRae's billing rate  
12 was \$785 per hour; William Thomson's rate increased from \$665 per hour in 2011 to  
13 \$864.50 per hour in 2014; Kahn Scolnick's rate increased from \$641.25 per hour in 2012 to  
14 \$764.75 in 2014; and Tiaunia Henry's (f/k/a Tiaunia Bedell) rate increased from \$508.25 in  
15 2011 to \$631.75 in 2013. This indicates an annual rate increase of 9.5% - 12%, reflecting  
16 both the increase in the prices for legal services generally and the increased skill and  
17 expertise attorneys gain through additional years of practice. A true and correct copy of the  
18 relevant pages of court filings showing the historic rates of Mr. McRae, Mr. Thomson, Mr.  
19 Scolnick and Ms. Henry are collectively attached hereto as **Exhibit J**. A court filing in  
20 another case also reveals Gibson Dunn & Crutcher LLP's blended rates for 2018 for non-  
21 bankruptcy attorneys and paralegals: \$1,117 per hour for partners; \$870 per hour for  
22 "counsel"; \$710 per hour for associates; and \$399 per hour for paralegals. That same court  
23 filing also reveals the 2019 hourly rates of particular Gibson Dunn & Crutcher attorneys  
24 along with their respective dates of admission to practice law. Based on that court filing, if  
25 Ms. Hughes, Mr. Jones and I were at Gibson Dunn & Crutcher LLP (where both Ms.  
26 Hughes and I worked at one point in our respective careers), our billing rate would be  
27 approximately \$1,275 per hour. If Ms. Alarcon were at Gibson Dunn & Crutcher LLP, her  
28

1 billing rate would be approximately \$900 per hour. A true and correct copy of relevant  
2 pages of the court filing showing the blended rates charged by Gibson Dunn & Crutcher in  
3 2018 as well as the specific rates of various Gibson Dunn & Crutcher attorneys and  
4 paralegals in 2018 and 2019 is attached hereto as **Exhibit K**.

5 **Billing Records**

6 24. The attorneys with Shenkman & Hughes PC maintain contemporaneous time  
7 records. Attached hereto as **Exhibit L** is a true and correct copy of the contemporaneous  
8 records of time reasonably spent by Shenkman & Hughes PC's attorneys in this case. I  
9 personally reviewed the time records of each Shenkman & Hughes PC attorney, and  
10 exercised my billing judgment in deleting approximately 240 hours of time that did not  
11 appear reasonably necessary or reflected small amounts of time for minor tasks. In total, after  
12 those reductions, Shenkman & Hughes PC attorneys spent 7786.3 hours pursuing this case.

13 25. To assist the evaluation of our billings, particularly due to the volume of billing  
14 entries, I have also categorized the time by task. Attached hereto as **Exhibit M** is a true and  
15 correct copy of the summary "time-and-task" chart that I prepared from the contemporaneous  
16 time records.

17 26. Particularly in light of the anticipated complexity of this case and my  
18 recognition that Defendant would put up a significant fight, I invited several firms to join  
19 Shenkman & Hughes in pursuit of this case. I asked Milton Grimes to join us as co-counsel  
20 due to his exceptional trial experience and understanding of racial issues and how to present  
21 sensitive racial issues at trial. I asked Rex Parris and his firm to join us as co-counsel  
22 similarly due to their exceptional trial experience. Finally, I asked Robert Rubin to join us as  
23 co-counsel due to his experience and knowledge in the field of voting rights. Each of these  
24 firms has been involved in this case since April 2016 when the original Complaint was filed.  
25 Though my colleagues at Shenkman & Hughes and I did the majority of the work on this  
26 case, the contributions of these three other firms proved to be invaluable at various points in  
27 this case; without them it would have been nearly impossible to compete with the resources  
28

1 and manpower of Defendant's counsel, both Defendant's in-house city attorneys and outside  
2 counsel at Gibson Dunn & Crutcher LLP.

3 27. While the involvement of multiple law firms was essential to the litigation and  
4 trial of this case, it also posed challenges in avoiding the duplication of work. Even with  
5 these other law firms, we could never match the combined resources and manpower of  
6 Gibson Dunn & Crutcher LLP and Defendant with its well-staffed city attorney's office, so  
7 we needed to be efficient in the way that we litigated and tried this case; we did not have the  
8 luxury of duplicating each other's work. Though some duplication of work was inevitable,  
9 and even occasionally desirable in limited circumstances, we minimized any duplication of  
10 work by implementing a clear system for allocating work. Specifically, I was responsible for  
11 allocating and coordinating all work by all attorneys, as well as overall case strategy. While  
12 attorneys at firms other than Shenkman & Hughes necessarily kept abreast of the events, facts  
13 and law of the case, so that they had at least a basic understanding of the case to allow them  
14 to do their work when called upon, those other attorneys handled only work, issues and  
15 matters as I directed. My allocation of work was principally guided by the unique strengths  
16 of each attorney. For instance, Mr. Parris and Mr. Grimes are accomplished and skilled trial  
17 attorneys; and Mr. Rubin has decades of experience in voting rights. Additionally, Mr. Parris  
18 has experience in municipal government, having served as Mayor of Lancaster for over a  
19 decade, and Mr. Grimes has first-hand experience in the civil rights movement – both  
20 important in this case. I took these strengths (and others) into account in assigning various  
21 tasks, issues and work to each co-counsel firm as well as among the attorneys within  
22 Shenkman & Hughes. Oftentimes work in this case required the involvement of more than  
23 one attorney or firm, and I have always found that it is beneficial to the ultimate work product  
24 to have attorneys discuss issues with one another, however, by maintaining responsibility for  
25 the allocation of all work in the first instance, I was able to minimize duplication of efforts in  
26 this case.

27 28. While the amount of work required of plaintiffs' attorneys is often greater than  
28 that of defendants' attorneys, particularly because plaintiffs generally bear the burden of

1 proof, the number of hours expended, and the amount of attorneys' fees incurred, by a non-  
2 prevailing party can sometimes be informative of the reasonableness of the prevailing parties'  
3 fees. For the sake of comparison, the defendant in *Jauregui v. Palmdale* revealed, in  
4 opposing the plaintiffs' first fees motion, that its counsel had worked approximately 2850  
5 hours through the entry of judgment; and the court found 4363.9 hours expended by  
6 plaintiffs' counsel to be reasonable.

7 29. In order to make the comparison in this case, I directed Marci Hilsinger, a  
8 paralegal at the Parris Law Firm, to submit a California Public Records Act ("CPRA")  
9 request to Defendant for: the aggregate total amount of money paid by Defendant to Gibson  
10 Dunn & Crutcher LLP by producing all warrants approved by its city council for payments to  
11 Gibson Dunn & Crutcher LLP; and the billing rates charged by each of Defendant's attorneys  
12 in this case by producing the agreement approved by Defendant's city council for legal  
13 services by Gibson Dunn & Crutcher LLP. Defendant refused to provide *any* of this  
14 information, and asserted that it would not provide any information at all. A true and correct  
15 copy of Defendant's response to the CPRA request is attached hereto as **Exhibit N**.

16 30. We are not the only ones who have sought to uncover this information  
17 concerning Defendant's expenditure of public funds on lawyers to defend its council  
18 members' self-interested decision to cling to the racially discriminatory at-large election  
19 system. As the Santa Monica Lookout reported on March 5, 2019, that newspaper also  
20 requested the same information, and that request was similarly refused by Defendant. A true  
21 and correct copy of the March 5, 2019 article in the Santa Monica Lookout, titled "City  
22 Officials Won't Reveal Cost of Voting Rights Lawsuit Until Case is Closed" is attached  
23 hereto as **Exhibit O**.

24  
25 **Fee Awards in Other CVRA Cases**

26 31. Based on being plaintiff's counsel in a significant portion of the CVRA  
27 litigation to date, as well as developing relationships with nearly all other attorneys who have  
28

1 worked on any CVRA litigation at all, I am familiar with the conduct and fees awards in  
2 nearly all CVRA cases.

3 32. In *Jauregui v. City of Palmdale*, following an eight-day trial and an appeal of  
4 the preliminary injunction issued in that case, the court ultimately awarded Plaintiffs' counsel  
5 over \$4.6 million. In *Sanchez v. City of Modesto*, the defendant paid \$3 million – a case in  
6 which the trial court granted the defendant's motion for judgment on the pleadings less than a  
7 year after the complaint was filed, but was then reversed by an intermediate appellate court,  
8 and the case settled with no further litigation activity. Notably, Defendant's counsel (before  
9 he retired), George Brown, represented the plaintiff in *Sanchez v. City of Modesto*. In  
10 *Yumori-Kaku v. City of Santa Clara*, the court recently awarded more than \$3.1 million in  
11 fees after one year of litigation culminating in a five-day trial.

12 33. None of those cases was even remotely as lengthy, hard-fought and extensive as  
13 the instant case. Up until this case, *Jauregui v. City of Palmdale* was the hardest-fought  
14 CVRA case. *Jauregui* required an 8-day trial approximately one year after the case was filed;  
15 the trial of this case lasted six *weeks* and began more than two years after the case was filed.  
16 For comparison, in *Jauregui* there were six (6) fact witness depositions, all but one of which  
17 lasted less than three hours; in this case there were twenty-four (24) fact witness depositions.  
18 In *Jauregui*, there were two (2) discovery motions; in this case there were thirty-one (31)  
19 discovery motions. I have been involved in the litigation of multi-million dollar cases since  
20 being admitted to practice law in 2002, and even a multi-billion dollar case that reached the  
21 U.S. Supreme Court (*MGM Studios, Inc. v. Grokster, Ltd.* (2005) 545 U.S. 913); none of  
22 those cases have been as hard-fought, extensive, and physically and emotionally taxing as  
23 this case.

24  
25 **Expenses**

26 34. In the course of litigating the above-captioned case, Shenkman & Hughes PC  
27 incurred significant expenses – the majority of which were expert witness fees. Through a  
28 query of our firm's accounting system, I was able to retrieve a summary of the expenses,

1 excluding expert witness fees, incurred in connection with the above-captioned case.  
2 Attached hereto, collectively, as **Exhibit P** is a true and correct copy of that summary,  
3 organized by expense type (e.g. travel, filing and messenger fees, and meals).

4 35. The majority of the expenses incurred in this case were for expert witnesses /  
5 consultants. Specifically, expert demographer David Ely with Compass Demographics, Inc.,  
6 Caltech Professor J. Morgan Kousser, an expert on racially polarized voting, history and  
7 elections, survey expert Jonathan Brown and Loyola Law School professor Justin Levitt were  
8 invaluable in the development and trial of this case. Their invoices totaled \$97,482.76;  
9 \$394,712.50; \$30,250.00 and \$90,155.00, respectively, for work through the entry of  
10 judgment on February 13, 2019. True and correct copies of their invoices for the work they  
11 performed on this case are attached collectively as **Exhibit Q**. Note that while Professor  
12 Levitt's invoice is for \$91,430, a small portion of that invoice is for work after entry of  
13 judgment, and so Plaintiffs seek reimbursement of only \$90,155 for Professor Levitt's work  
14 at this time.

15 36. In total, other than small items for which Shenkman & Hughes does not track  
16 and therefore does not seek to recover, Shenkman & Hughes incurred a total of \$633,221.04  
17 in expenses in pursuit of this case.

18  
19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct.

21 Executed this 3rd day of June 2019, at Malibu, California.

22 

23  
24 \_\_\_\_\_  
25 Kevin I. Shenkman  
26  
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EXHIBIT L

Client ID: Pico Neighborhood Assn, et al.

Matter ID: City of Santa Monica

01-01-2015 – 02-13-2019

Attorney Time Detail

Date	Attorney	Task	Hours
6/25/15	KIS	Discussion with C. Foster re: O. de la Torre, Pico Youth Center, and desire to bring district elections to Santa Monica; quick research regarding CVRA applicability.	3.4
6/26/15	KIS	Telephone conversation with O. de la Torre; further research issues raised by O. de la Torre.	4.9
6/30/15	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding potential case against City of Santa Monica under the California Voting Rights Act of 2001.	5.9
7/1/15	KIS	Discuss potential case against Santa Monica with M. Kousser, particularly M. Kousser's previous work for Santa Monica; review M. Kousser's report from 1992.	3.5
7/2/15	MRH	Review both current and historic demographics of Santa Monica; pull key data from US Census	5.7
7/3/15	MRH	Review election history of Santa Monica; gather historical election data from Los Angeles County Registrar	7.4
7/5/15	MRH	Prepare memorandum comparing Santa Monica demographics and voting patterns to benchmark political subdivisions, including summary spreadsheet of historical elections and demographics of Santa Monica.	10.8
7/6/15	MRH	Continue work on memorandum comparing Santa Monica demographics and voting patterns to benchmark political subdivisions, including summary spreadsheet of historical elections and demographics of Santa Monica.	6.3
7/7/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding past work on Santa Monica and potential case against Santa Monica.	8.1
7/8/15	KIS	Review summary memorandum on potential Santa Monica case and meet with M. Hughes to discuss.	4.0
7/8/15	MRH	Meeting with K. Shenkman regarding potential Santa Monica case.	2.0
7/9/15	KIS	Discuss intentional discrimination law and demographic concentration with M. Hughes.	2.5
7/9/15	MRH	Research regarding intentional discrimination and neighborhood level demographics of Santa Monica, discuss same with K. Shenkman.	9.1
7/10/15	MRH	Travel to/from Compass Demographics and meet with D. Ely regarding potential case against Santa Monica.	7.5
7/13/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding intentional discrimination and potential case against Santa Monica.	9.3



7/14/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding potential Equal Protection case against Santa Monica, and interplay between CVRA and intentional discrimination case	6.8
7/20/15	MRH	Research regarding intentional discrimination and issue of federal question and potential for California Constitution claim.	7.3
7/21/15	MRH	Research regarding intentional discrimination and available legal avenues to address same.	5.9
7/22/15	MRH	Research equal protection claims and drafting firm memorandum.	9.0
7/23/15	MRH	Research avenues of addressing intentional discrimination, elements of applicable claims, and drafting firm memorandum.	7.5
7/24/15	MRH	Draft firm memorandum regarding issues in potential CVRA and Equal Protection case against Santa Monica; discuss same with K. Shenkman	10.2
7/24/15	KIS	Review firm memorandum and discuss with M. Hughes	4.4
7/25/15	MRH	Gather data and information regarding elections of Santa Monica and statewide propositions; discuss with experts.	7.7
7/27/15	MRH	Travel to/from and meet with D. Ely at Compass Demographics to work on Santa Monica potential case and potential impact thereof.	7.5
7/27/15	JLJ	Research regarding financial and health disparities in Santa Monica, city council decisions, racial appeals in Santa Monica campaigns, discuss with K. Shenkman.	8.2
7/28/15	MRH	Gather data and information on exogenous elections of Santa Monica.	7.0
7/28/15	JLJ	Research regarding comparative literacy rates and educational outcomes in Santa Monica and historical decisions of Santa Monica city council relating to education, focusing on north-south divide and racial segregation in schools and effect of intradistrict and interdistrict transfers; discuss same with K. Shenkman	9.4
7/28/15	KIS	Discuss education issues in Santa Monica with J. Jones.	1.5
7/29/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding potential case against Santa Monica; complete initial ecological regression and ecological inference results	7.9
7/30/15	KIS	Call with O. de la Torre and M. Loya regarding progress and potential case.	0.7
8/3/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding potential case against Santa Monica	6.5
8/5/15	MRH	Travel to/from Caltech and meet with M. Kousser regarding potential case against Santa Monica	7.1
8/13/15	MRH	Travel to/from Compass Demographics and work with D. Ely to develop election data sets for RPV analyses.	8.3
8/17/15	MRH	Work with Compass Demographics to prepare HPA analysis, and creation of maps of elections by precinct.	6.9

8/20/15	MRH	Work with Compass Demographics to prepare HPA analysis, and creation of maps of endogenous and exogenous elections by precinct.	7.4
8/21/15	MRH	Run rough regression analyses on key elections; discuss same with K. Shenkman.	7.5
8/25/15	MRH	Discuss potential additional exogenous elections for further analysis with K. Shenkman, M. Kousser and D. Ely; gather information regarding exogenous elections; discuss with experts and K. Shenkman.	7.9
8/26/15	MRH	Compile research and findings and prepare summary firm memorandum and recommendations.	5.8
8/27/15	MRH	Compile research and findings, further legal research concerning potential case against Santa Monica, and prepare summary firm memorandum and recommendations.	6.0
8/28/15	MRH	Revise, finalize firm memorandum re potential Santa Monica case; discuss same with K. Shenkman	3.6
8/28/15	KIS	Review summary firm memorandum regarding Santa Monica and discuss with M. Hughes.	4.5
8/30/15	KIS	Review firm memorandum and Kousser 1992 report; draft and circulate demand letter and respond to comments.	5.2
9/4/15	KIS	Travel to/from and meet with Pico Neighborhood activists regarding potential case and district election outreach campaign.	5.5
9/7/15	JLJ	Research campaign spending, sources of funds financing campaigns, endorsements tied to electoral success in Santa Monica	7.5
9/8/15	JLJ	Investigate history of discrimination in Santa Monica, representation in local government, boards and commissions, and historical and recent decisions of Santa Monica city council.	8.6
9/9/15	JLJ	Investigate history of discrimination in Santa Monica and compile theses on the subject.	5.3
9/9/15	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding district election public campaign and organizing effort	4.0
9/10/15	JLJ	Research racial appeals in Santa Monica elections (endogenous and exogenous), racial issues in local politics both recent and historic	6.4
9/11/15	JLJ	Continue research on 14028(e) factors; compile research materials and prepare summary firm memorandum on 14028(e) factors	8.9
9/14/15	JLJ	Draft summary firm memorandum on 14028e factors	4.0
9/29/15	KIS	Travel to/from and meet with O. de la Torre re: Santa Monica campaign and potential case and outreach to Latino leaders.	3.6
10/2/15	KIS	Discuss potential case and tour Santa Monica's Pico Neighborhood with M. Grimes	5.0

10/15/15	KIS	Review firm memoranda in preparation for meeting with Santa Monica activists; meet with O. de la Torre and Pico Youth Center staff.	6.3
10/16/15	KIS	Meet with M. Loya and O. de la Torre about Santa Monica case and public campaign	3.8
10/16/15	MRH	Travel to/from and meet with O. de la Torre and M. Loya to discuss initial findings and potential case.	3.8
10/19/15	MRH	Work on materials for Santa Monica outreach campaign for district elections	5.1
10/20/15	MRH	Work on powerpoint and FAQs for outreach campaign for district elections	5.5
10/26/15	MRH	Revise powerpoint and FAQs for outreach campaign for district elections, discuss with O. de la Torre	4.6
10/30/15	KIS	Travel to/from and meet with O. de la Torre and M. Loya to prepare materials for community activist workshop.	4.9
10/30/15	MRH	Work with M. Loya and O. de la Torre in advance of rollout meeting.	4.9
11/3/15	KIS	Travel to/from and participate in community activist workshop on district elections and history in Santa Monica to discuss CVRA and process.	4.5
11/3/15	MRH	Santa Monica district election campaign rollout meeting	4.5
11/9/15	JLJ	Research regarding procedural path of Santa Monica to change its election system voluntarily through political process and/or through court intervention in light of city charter, review applicable Government Code and Elections Code sections; discuss with K. Shenkman.	6.8
11/10/15	JLJ	Research federal voting rights cases outside California to develop potential paths for voluntary changes to election system of Santa Monica despite city charter	8.0
11/11/15	JLJ	Research FVRA preclearance and effect cases for election changes in context of settlements not effected through consent decrees or judgments, to develop potential paths for voluntary election change in Santa Monica.	7.7
11/12/15	JLJ	Research charter status and contents of jurisdictions making electoral changes in response to allegations of voting rights and election law violations in and outside of California and discuss with K. Shenkman for applicability to Santa Monica.	8.1
11/13/15	JLJ	Research availability of voluntary election change in Santa Monica in light of charter and Jauregui decision; draft summary firm memorandum regarding same.	9.8
11/17/15	KIS	Travel to/from and meet with T. Vazquez and O. de la Torre, and then meet with O. de la Torre and Pico Center staff thereafter	5.0
11/25/15	KIS	Review report re police misconduct of SMPD against O. de la Torre; discuss same with O. de la Torre	2.0
12/13/15	KIS	Draft press release for Santa Monica rollout	1.0

12/14/15	KIS	Revise press release, discussions with O. de la Torre and M. Loya re same.	1.2
12/15/15	KIS	Rally in support of adopting district elections at SM city hall, deliver demand, discuss with SM Daily Press, discuss with SM City Attorney M. Moutrie	3.7
12/20/15	KIS	Deal with M. Feinstein opposition; discuss situation with CfER and FairVote leadership.	2.5
12/28/15	KIS	Evaluate correspondence from M. Moutrie saying city will address the demand letter at Jan 12 meeting; discuss with O. de la Torre re next steps.	0.8
1/4/16	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding Santa Monica, efforts to obtain districts, and potential case.	6.8
1/12/16	KIS	Meet with O de la Torre and attend city council meeting thereafter	4.7
1/15/16	KIS	Correspondence with T. Vazquez re support for district elections and other issues	0.4
1/23/16	KIS	Call with T. Vazquez and follow up thereafter	1.9
2/4/16	MRH	Identify potential experts regarding discrimination and disparities in Santa Monica; research background of same; discuss potential engagement by phone.	5.5
2/5/16	MRH	Identify potential experts regarding discrimination and disparities in Santa Monica; research background of same; discuss potential engagement by phone.	4.8
2/12/16	JLJ	Gather initial research on Santa Monica and racially-polarized voting analysis; begin synthesizing research; for preparation of firm summary memorandum.	3.2
2/13/16	JLJ	Research and drafting firm summary memorandum for potential Santa Monica CVRA case.	5.7
2/14/16	JLJ	Revise and finalize S&H firm summary memorandum regarding potential Santa Monica CVRA case; circulate and discuss same	4.4
2/17/16	MRH	Travel to/from and meet with potential 14028(e) experts	6.6
2/22/16	MRH	Work w/ D. Ely on potential remedies in light of potential challenge based on lack of majority-minority district	5.9
2/24/16	MRH	Research potential for single-member and multi-member districts and combination of remedies	5.6
2/26/16	MRH	Continue research regarding potential remedies and elections systems employed in South Dakota and New Hampshire, draft firm memorandum concerning same.	6.8
2/29/16	MRH	Continue research regarding remedies and charter city authority to enact remedies inconsistent with charter, continue drafting firm memorandum concerning same.	6.4
3/1/16	MRH	Further research and complete firm summary memorandum concerning flexibility and availability of combination remedies inconsistent and consistent with charter enactments.	6.3
3/4/16	KIS	Discuss potential case with Pico Neighborhood activists and breakout groups regarding district election campaign	4.9

3/7/16	KIS	Discuss potential CVRA case against Santa Monica and provisions of Santa Monica city charter with AMPS leaders.	3.0
3/8/16	KIS	Research regarding Education Code, county committee authority on election changes, and effect of Santa Monica charter and potential effect thereon of case against City of Santa Monica	4.5
3/9/16	KIS	Further discussion with AMPS leaders regarding involvement / support of potential case against City of Santa Monica	1.7
3/9/16	MRH	Discuss AMPS role with K. Shenkman, research regarding Education Code and potential impact of finding of CVRA violation and/or Equal Protection violation.	2.8
3/10/16	MRH	Research regarding potential effect of court findings on charter provisions on county committee authority under Ed Code 5019; begin drafting memorandum re same.	5.7
3/11/16	MRH	Further research and finalize firm memorandum regarding potential impact of CVRA/Equal Protection declaration concerning Santa Monica city charter on county committee authority	6.0
3/14/16	MRH	Research regarding standing of Pico Neighborhood Association and AMPS, based on membership and interests.	6.2
3/15/16	MRH	Discussion with O. de la Torre concerning Pico Neighborhood Association membership and interests; further research regarding standing of Pico Neighborhood Association and AMPS, based on membership and interests.	3.9
3/17/16	MRH	Research regarding standing of AMPS and Pico Neighborhood Association; draft firm memorandum regarding same.	2.6
3/18/16	MRH	Research regarding standing of AMPS and Pico Neighborhood Association; draft firm memorandum regarding same.	4.5
3/20/16	KIS	Review memorandum concerning organizations' standing; discussion with AMPS leadership regarding same and potential involvement in case.	1.0
3/23/16	KIS	Research equal protection claim and potential for removal based on federal question.	2.4
3/24/16	KIS	Research regarding standards under equal protection clauses in US and Cal Constitutions; discuss same with M. Hughes.	3.5
3/25/16	KIS	Research regarding relative standards under federal and California constitutions for equal protection claims and similar claims under other provisions of federal and state constitutions	4.8
3/26/16	KIS	Research regarding relative standards under federal and California constitutions for equal protection claims and similar claims under other provisions of federal and state constitutions	6.0
3/28/16	KIS	Research and begin drafting firm memorandum regarding relative standards under federal and California constitutions for equal protection claims and similar claims under other provisions of federal and state constitutions	4.3

3/29/16	KIS	Research concerning desirability of asserting equal protection claim under US and/or California constitutions; drafting memorandum on same.	5.1
3/31/16	KIS	Further research, drafting, revising memorandum regarding relative standards under US and Cal Constitutions and availability of removal based on claims, defenses and allegations asserted	5.9
4/1/16	KIS	Revise memorandum on equal protection claim and potential removal; circulate same and discuss with M. Hughes	3.3
4/2/16	KIS	Drafting complaint and reviewing demographic and election information and firm memoranda for the same; discuss same	2.9
4/3/16	KIS	Drafting complaint and reviewing demographic and election information for the same, coordinate with Pico activists on press and organizational effort.	4.6
4/5/16	MRH	Finalizing complaint for filing, draft summons and civil case coversheet	1.1
4/6/16	KIS	Review complaint; discuss with R. Rubin and concerns re removal	0.9
4/7/16	KIS	Work with Pico Neighborhood activists and AMPS leadership on publicity and organizational effort to coincide with complaint filing.	2.0
4/8/16	KIS	Work with Pico Neighborhood activists and AMPS leadership on publicity and organizational effort to coincide with complaint filing, call with R. Rubin re: same	0.8
4/11/16	KIS	Draft, revise, finalize press release regarding case filing and coordinate rollout with Pico Neighborhood activists.	1.8
4/13/16	MRH	Research regarding Judge Palazuelos to determine whether to file 170.6 challenge, and discuss experiences with Palazuelos with attorneys appearing in her courtroom previously.	2.4
4/13/16	KIS	Discuss case with local press.	1.3
4/14/16	KIS	Deal with retaliation by Santa Monica for case filing; discussions with O. de la Torre, M. Sweetmore and C. Foster among others regarding same.	3.5
4/15/16	KIS	Further deal with retaliation by Santa Monica related to MUNC walkout from negotiations, discuss same with press, conference call with AMPS leadership; discuss same and potential impact on SMMUSD with its attorney (M. Foster).	6.6
4/16/16	KIS	Travel to/from and meet with L. Rosenthal, C. Foster, M. Sweetmore and R. Israel regarding MUNC walkout retaliation and AMPS role	4.5
4/17/16	KIS	Discussions with AMPS leadership, Malibu city staff, Pico Neighborhood activists etc. regarding MUNC situation and AMPS continued role; field press inquiries; draft resignation letter and formulate press strategy for same.	6.9
4/18/16	KIS	Revise MUNC resignation letter; deal with aftermath of resignation letter; field press inquiries regarding same and	5.9

		voting rights case generally, call with R. Rubin regarding interplay between case and school district	
4/19/16	KIS	Discussions with local press, AMPS leadership and Pico Neighborhood activists regarding resignation and response to Santa Monica retaliation; draft correspondence re: same.	4.4
4/20/16	KIS	Correspondence and discussions with M. Moutrie, T. Larmore, S. Peak and C. Foster regarding Santa Monica's response to lawsuit and aftermath of retaliation	4.5
4/21/16	KIS	Research regarding historical elections and draft first set of discovery requests to Santa Monica	5.3
4/22/16	KIS	Draft first set of discovery requests to Santa Monica	2.5
4/25/16	MRH	Research regarding ethical obligations due to split in interests between AMPS and Pico plaintiffs	7.3
4/26/16	MRH	Research regarding ethical obligations due to split in interests between AMPS and Pico plaintiffs, and impact of various alternatives on NM ability to represent Santa Monica.	6.4
4/27/16	MRH	Further research regarding ethical obligations due to AMPS desire to withdraw from case and potential for maintaining conflict for NM.	6.8
4/28/16	MRH	Further research regarding ethical obligations re AMPS-PNA split and impact on NM conflict; drafting firm memorandum regarding same.	7.0
5/2/16	KIS	Evaluate letter from T. Larmore regarding intention to return to MUNC task because of K. Shenkman resignation; discuss same and course of action re AMPS with M. Sweetmore.	0.7
5/3/16	MRH	Continue research regarding course of action in light of AMPS request; investigate Santa Monica's process of retaining counsel; complete firm memorandum regarding ethical and suggested course of action.	7.2
5/9/16	KIS	Discussion with R. Simon regarding airport dispute and potential for collaboration; Investigate same thereafter.	3.8
5/11/16	KIS	Travel to/from and meet with R. Simon and N. Rubin regarding potential collaboration and politics of airport and Santa Monica more generally.	2.9
5/18/16	KIS	Evaluate Santa Monica's Answer; research for potential demurrer to answer; discuss with M. Hughes.	2.2
5/19/16	MRH	Research regarding potential demurrer to answer, propriety of amending answer and need for leave of court, and whether pleading challenge to answer can prevent amendment of answer.	4.9
5/24/16	KIS	Call with J. Shachtner re discovery, retaliation, and case generally; investigate contentions of J. Shachtner; draft correspondence regarding deposition dates	1.5
5/26/16	KIS	Correspondence with J. Shachtner re discovery, retaliation, and case generally	1.9
5/28/16	KIS	Evaluate amended answer, compare for inconsistency; research regarding sham pleadings and potential action.	4.0

6/1/16	KIS	Evaluate deficient discovery responses from Defendant	1.0
6/3/16	KIS	Drafting meet and confer letters in response to deficient discovery responses.	2.5
6/6/16	KIS	Research and drafting meet and confer letters in response to deficient discovery responses.	3.1
6/7/16	KIS	Review supplementary discovery responses from Defendant; discuss with M. Hughes.	3.8
6/10/16	KIS	Drafting meet and confer letters in response to Defendant's supplemental discovery responses; research propriety of supplementing RFA responses in inconsistent manner and appropriate action in response thereto.	5.9
6/17/16	KIS	Evaluate SMDP article regarding Pico Neighborhood political organization and Sanders-Clinton primary results; investigate precinct level results and O. de la Torre involvement in Sanders campaign.	4.8
6/20/16	KIS	Review discovery responses and drafting meet and confer letters	4.7
6/21/16	KIS	Review discovery responses and drafting meet and confer letters	2.6
6/22/16	KIS	Review documents produced by Defendant	4.1
6/23/16	KIS	Review documents produced by Defendant; prepare summary of council actions and consideration	5.6
6/24/16	KIS	Review documents produced by Defendant; prepare summary; investigate council and political action following 1992 meeting	6.8
6/24/16	MRH	Document review and preparing spreadsheets for historical elections.	7.0
6/27/16	MRH	Document review and preparing spreadsheets for historical elections.	5.2
6/28/16	KIS	Review discovery responses and drafting meet and confer letters; finalize meet and confer letter regarding special interrogatories	3.9
6/28/16	MRH	Document review and preparing spreadsheets for historical elections.	5.9
6/29/16	KIS	Review discovery responses and drafting meet and confer letters; finalize meet and confer letters regarding first and second sets of requests for production of documents and form interrogatories	4.5
7/8/16	KIS	Evaluate correspondence regarding counsel change; discuss with M. Hughes	0.4
7/8/16	MRH	Investigate Gibson Dunn experience in CVRA cases; review previously obtained briefs by Gibson attorneys on CVRA case; discuss with K. Shenkman	5.3
7/11/16	KIS	Review discovery requests and responses; prepare for and participate in conference call with Defendant's new counsel; discuss case strategy with R. Rubin thereafter	3.3
7/11/16	MRH	Evaluate options with respect to AMPS in light of new counsel identification and discuss same with K. Shenkman	1.0



7/12/16	KIS	Discussions with AMPS leadership, and separately with Pico Neighborhood plaintiffs, regarding plan to remove AMPS from case.	1.2
7/13/16	KIS	Draft meet and confer letter regarding document production.	1.5
7/14/16	MRH	Investigate T. Vazquez history	3.8
7/15/16	KIS	Review documents produced and responses to document requests and revise meet and confer letter accordingly.	2.7
7/15/16	MRH	Investigate T. Vazquez and M. Leon-Vazquez	5.5
7/18/16	MRH	Investigate council members and actions in late 1980s and early 1990s	6.9
7/19/16	MRH	Investigate council members and actions in late 1980s and early 1990s	6.6
7/20/16	KIS	Draft request for dismissal and discuss with AMPS leadership and M. Delrahim.	1.0
7/21/16	KIS	Evaluate correspondence from Defendant's counsel along with draft CMS and supplemental discovery responses and supplemental document production.	3.2
7/22/16	MRH	Review supplemental documents produced by Defendant and work on historical election spreadsheets.	7.0
7/25/16	KIS	Review Defendant's draft CMS, draft correspondence regarding same, and draft Plaintiffs' CMS	1.2
7/28/16	KIS	Attempt to review supplemental document production, and correspondence with Defendant's counsel re same.	0.3
7/29/16	KIS	Evaluate Defendant's CMS and draft correspondence regarding impropriety of same (purporting to be a joint CMS)	1.0
7/30/16	KIS	Review supplemental discovery responses and begin drafting correspondence regarding continued deficiencies in responses.	5.6
7/31/16	KIS	Evaluate RFA responses and research regarding standard and procedure for denying a previously admitted RFA.	4.1
8/1/16	KIS	Review supplemental document production, and drafting correspondence regarding continued deficiencies in supplemental discovery responses and need for deposition dates.	3.0
8/2/16	KIS	Review correspondence from Defendant's counsel, revised Defendant's CMS, and further supplemental interrogatory responses	1.4
8/3/16	KIS	Travel to/from and meet with M. Grimes, J. Karton and I. Jackson to develop case story.	3.4
8/5/16	MRH	Review correspondence regarding deposition availability and investigation in preparation for depositions of council members	4.8
8/5/16	KIS	Evaluate correspondence regarding depositions and discuss same and deposition preparation with M. Hughes.	0.6
8/6/16	MRH	Investigation for upcoming depositions of council members	7.3
8/8/16	KIS	Travel to/from and meet with O. de la Torre and R. Rubin	3.5

8/9/16	KIS	Travel to/from and attend meeting with M. Hughes, O. de la Torre and M. Grimes re case generally and council member depositions	5.4
8/9/16	KIS	Call with R. Rubin regarding CMC and Defendant's counsel	0.5
8/9/16	MRH	Meet with K. Shenkman, Oscar De La Torre and Milton Grimes regarding deposition investigation and preparation and general story / theme.	5.4
8/10/16	KIS	Travel to/from and attend CMC and debrief co-counsel and clients thereafter.	5.0
8/11/16	KIS	Travel to/from and attend meeting with O. de la Torre regarding case and upcoming depositions	3.8
8/12/16	KIS	Evaluate Defendant's discovery requests and discuss with J. Douglass	1.8
8/16/16	KIS	Drafting responses to Defendant's discovery requests.	3.5
8/19/16	KIS	Drafting responses to Defendant's discovery requests.	5.1
8/22/16	MRH	Investigation and preparing deposition outlines for Santa Monica council members.	7.5
8/24/16	MRH	Investigation and preparing deposition outlines for Santa Monica council members.	6.9
8/25/16	MRH	Investigation and preparing deposition outlines for Santa Monica council members.	7.3
8/29/16	MRH	Investigation and preparing deposition outlines for Santa Monica council members.	7.4
9/2/16	KIS	Travel to/from and meet with Pico Neighborhood Association Board re case update and outlook.	4.2
9/6/16	KIS	Correspondence with Defendant's counsel regarding deposition scheduling and location; research regarding location of depositions.	3.8
9/7/16	KIS	Research regarding location of depositions and "good cause" for ordering location be different than the default of the CCP; discuss with R. Parris; call with Defendant's counsel regarding location and scheduling of T. Vazquez deposition and depositions going forward.	6.9
9/9/16	KIS	Draft and revise responses to Defendant's first set of discovery requests.	3.1
9/11/16	KIS	Revise and finalize responses to Defendant's discovery requests.	2.6
9/12/16	KIS	Review materials for T. Vazquez deposition prepared by M. Hughes and discuss same with M. Hughes	3.4
9/12/16	MRH	Investigation for T. Vazquez and T. O'Day depositions and discuss with K. Shenkman	8.3
9/13/16	KIS	Investigate further for T. Vazquez deposition and prepare for same	7.2
9/15/16	KIS	Investigation and prepare for deposition of T. Vazquez	4.7
9/16/16	KIS	Investigation and preparation for T. Vazquez deposition; review, deal with and draft response to correspondence from Defendant's counsel regarding the same	6.5

9/19/16	KIS	Prepare for deposition of T. Vazquez	7.8
9/20/16	KIS	Prepare for, travel to/from and take deposition of T. Vazquez.	11.3
9/20/16	MRH	Investigation for T. O'Day deposition.	4.9
9/21/16	KIS	Discuss findings on T. O'Day with M. Hughes and continue preparation for T. O'Day deposition; deal with Defendant's counsel's continued nonsense regarding the scheduling and location of depositions of council members	5.3
9/22/16	KIS	Continue investigation of T. O'Day actions and issues; prepare notes outline of T. O'Day findings and discuss same with R. Parris	7.4
9/23/16	KIS	Debriefing re T. O'Day deposition and continue to deal with Defendant's counsel's nonsense regarding deposition scheduling and location.	2.0
9/26/16	KIS	Evaluate Defendant's further supplemental responses to form interrogatories; discuss further action regarding same.	1.2
9/27/16	KIS	Research regarding potential actions to compel deposition attendance and location and potential for sanctions for Defendant's cancellation of deposition.	5.0
9/28/16	KIS	Correspondence back and forth with Defendant's counsel regarding their continued insistence on ignoring the CCP command about deposition location and their refusal to schedule depositions; further research regarding same and begin drafting motion to compel completion of T. Vazquez deposition.	8.5
9/29/16	KIS	More correspondence back and forth with Defendant's counsel regarding their continued insistence on ignoring the CCP command about deposition location and their refusal to schedule depositions; drafting motion to compel completion of T. Vazquez deposition, call with R. Rubin re: same.	7.9
9/30/16	KIS	Evaluate correspondence from Defendant's counsel purporting to be meet and confer regarding Plaintiffs' discovery responses; research regarding sufficiency of meet and confer; review discovery responses to respond to Defendant's letter	4.8
10/1/16	KIS	Review investigation findings re G. Davis from M. Hughes and discuss same with M. Hughes; further investigate for G. Davis deposition; research regarding voter perception of ethnicity to guide G. Davis deposition questioning.	9.2
10/2/16	KIS	Further investigate for G. Davis deposition and prepare deposition outline; further research regarding voter perception of ethnicity in identifying minority candidates; discuss with M. Grimes.	8.6
10/3/16	KIS	Review discovery responses referenced in Defendant's letter; research sufficiency of same; drafting responsive letter	4.5
10/4/16	KIS	Further research regarding sufficiency of discovery responses and impropriety of certain of Defendant's discovery requests, and draft letter responding to Defendant's purported meet and confer letter	7.0

10/5/16	KIS	Further investigation for G. Davls deposition; discuss same with M. Grimes to prepare for deposition.	5.6
10/6/16	KIS	Travel to/from and attend deposition of G. Davis.	9.7
10/7/16	KIS	Continue to deal with T. Vazquez deposition scheduling and continued dispute regarding deposition location and draft correspondence re same.	2.9
10/10/16	KIS	Travel to/from and meet with Parris firm team regarding depositions and case generally, and conference call with Defendant's counsel regarding scheduling of T. Vazquez deposition and location.	6.8
10/10/16	MRH	Meeting with Parris attorneys and staff to coordinate tasks and strategy for case.	6.5
10/11/16	KIS	Evaluate correspondence from Defendant's counsel regarding Plaintiffs' discovery responses and review referenced discovery responses.	3.0
10/12/16	MRH	Review and summarize deposition transcript of T. Vazquez, and discuss deposition with K. Shenkman	5.6
10/12/16	KIS	Discuss first day of deposition of T. Vazquez with M. Hughes and further investigate and prepare for second day of T. Vazquez deposition.	4.7
10/13/16	MRH	Investigation for McKeown deposition	5.8
10/14/16	MRH	Continue investigation for McKeown deposition, discuss with K. Shenkman and O. de la Torre (separately), and drafting deposition outline	7.9
10/16/16	KIS	Review correspondence from Defendant's counsel regarding discovery responses, research regarding sufficiency of meet and confer and draft correspondence re same.	2.6
10/17/16	KIS	Draft supplemental responses to Defendant's discovery requests where appropriate _	4.3
10/20/16	KIS	Draft supplemental responses to Defendant's discovery requests where appropriate, call with R. Rubin regarding timing and disclosure of expert opinions	4.9
10/23/16	KIS	Draft supplemental responses to Defendant's discovery requests where appropriate	2.2
10/24/16	KIS	Read and summarize transcript of O'Day deposition and discuss with R. Parris.	4.8
10/25/16	KIS	Research and drafting opposition papers to Defendant's ex parte application to advance hearings on 8 motions to compel further responses.	9.4
10/26/16	KIS	Finalize ex parte opposition papers, travel to/from and attend ex parte hearing, debrief co-counsel thereafter, and review motion to compel at issue in ex parte.	8.8
10/27/16	KIS	Research regarding discovery referee appointment and costs allocation, discuss potential discovery referees with R. Parris, correspondence with Defendant's counsel re same, evaluate 8 motions to compel purportedly necessitating discovery referee appointment	6.0

10/28/16	KIS	Further research regarding appointment of discovery referee and costs therefor and lengthy discussion with Defendant's counsel regarding discovery referee and discovery disputes; draft correspondence memorializing conversation with Defendant's counsel	8.3
10/31/16	KIS	Correspondence and further lengthy conversation with Defendant's counsel regarding discovery referee and discovery disputes, and research in advance of conversation.	7.4
11/1/16	KIS	Prepare for, travel to/from and attend continued ex parte hearing regarding discovery referee, discuss same with R. Parris, and correspondence thereafter regarding same.	4.9
11/2/16	KIS	Travel to/from and meet with M. Grimes, M. Hughes, F. Juarez and O. de la Torre, call with R. Rubin thereafter regarding discrimination expert	7.1
11/2/16	MRH	Meeting at Grimes office with potential local discrimination expert.	6.0
11/3/16	KIS	Prepare for and participate in lengthy conference with Defendant's counsel regarding discovery disputes etc., and begin drafting memorializing correspondence on same.	3.8
11/4/16	KIS	Drafting supplemental responses to discovery requests consistent with conversations with Defendant's counsel.	4.3
11/7/16	KIS	Investigation in preparation of T. Vazquez continuing deposition.	4.2
11/8/16	KIS	Research and drafting supplemental responses to discovery requests, and draft correspondence memorializing November 3 conference with Defendant's counsel.	5.3
11/10/16	KIS	Preparation for T. Vazquez deposition, investigate 2016 campaign and precinct totals for same.	5.9
11/11/16	KIS	Evaluate correspondence from Defendant's counsel regarding discovery disputes, research and working on supplemental responses consistent with discussions and letter.	4.0
11/14/16	KIS	Further investigation and preparation for T. Vazquez continuing deposition, including review of previous deposition transcript and available videos of T. Vazquez	7.3
11/15/16	KIS	Prepare for, travel to/from and take deposition of T. Vazquez; meet with Parris team thereafter	9.5
11/16/16	KIS	Call with R. Rubin regarding discovery	0.3
11/23/16	KIS	Correspondence with Defendant's counsel regarding discovery referee etc.	1.0
11/27/16	KIS	Drafting supplemental discovery responses (RFAs and form Interrogatories) in light of discussions with Defendant's counsel and research concerning expert discovery timing and impact on RFAs	5.5
11/28/16	KIS	Research and drafting opposition papers for Defendant's ex parte application regarding discovery referee.	7.1
11/29/16	KIS	Prepare for, travel to/from and attend ex parte hearing regarding discovery referee and Defendant's continuing	6.7

		gripes; work with Defendant's counsel on discovery referee stipulation and correspondence regarding the same thereafter.	
11/30/16	KIS	Travel to/from and meet with O. de la Torre and Centinela Valley USD constituents regarding T. Vazquez and M. Leon-Vazquez transgressions; further deal with discovery referee stipulation and confer with R. Parris re same.	5.2
12/1/16	KIS	Drafting supplemental discovery responses (RFAs and form interrogatories) in light of discussions with Defendant's counsel and research concerning expert discovery timing and impact on RFAs	6.3
12/2/16	KIS	Drafting supplemental responses to document requests in light of discussions with Defendant's counsel and research concerning expert discovery timing and good cause requirement for motions to compel responses to RFPs	5.4
12/3/16	MRH	Read and summarize transcript of second deposition of T. Vazquez, discuss with K. Shenkman.	4.9
12/4/16	KIS	Coordinate with R. Parris regarding list of potential discovery referees and address stipulation regarding same.	1.1
12/4/16	MRH	Investigate potential discovery referees and pull available decisions of each to compile proclivities on discovery issues and voting rights where available.	5.8
12/5/16	KIS	Discuss document request responses and production and implications thereof with O. de la Torre and M. Loya; drafting supplemental responses to document requests in light of discussions with Defendant's counsel and research concerning expert discovery timing and good cause requirement for motions to compel responses to RFPs	3.5
12/5/16	MRH	Further investigate potential discovery referees and complete chart comparing discovery referee candidates.	2.9
12/8/16	KIS	Call with R. Rubin regarding experts	0.5
12/9/16	MRH	Document review and preparation for production and work with clients to gather documents.	6.2
12/10/16	MRH	Gathering documents, review and preparation for production	5.7
12/11/16	KIS	Coordinate preparation of discovery referee info for list to court, and review drafts of same.	0.8
12/13/16	KIS	Travel to/from and meet with O. de la Torre regarding case generally, document production, etc.	4.3
12/14/16	KIS	Travel to/from and meet with Pico Neighborhood Assn board	4.0
12/15/16	KIS	Investigation for McKeown deposition, discuss with R. Parris	4.9
12/15/16	MRH	Prepare deposition outline with K. Shenkman for McKeown deposition and discuss McKeown actions with Santa Monica residents.	6.0
12/16/16	KIS	Travel to/from and attend deposition of K. McKeown and debriefing and discussion with R. Parris and M. Cussimonio thereafter regarding case preparation.	10.9

12/18/16	KIS	Review discovery requests and responses and correspondence regarding same to identify scope of continued disputes, and discuss with R. Rubin	2.8
12/19/16	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding case generally, discovery and logistics and gathering of documents for production, call with M. Hughes, R. Parris and R. Rubin, and draft correspondence regarding remaining discovery disputes and path forward for resolution of same.	7.8
12/19/16	MRH	Meeting with PNA clients and conference with K. Shenkman, R. Parris and R. Rubin.	5.2
12/20/16	MRH	Document review and preparation for production, discuss same with K. Shenkman	5.3
12/21/16	KIS	Prepare for and further discussion with Defendant's counsel regarding discovery responses, production etc., and drafting supplemental discovery responses in light of continuing discussions.	4.6
12/24/16	KIS	Call with R. Rubin and R. Parris regarding experts	0.4
12/27/16	MRH	Draft and revise supplemental responses to document requests in light of discussion with K. Shenkman regarding conversations with Defendant's counsel and review of documents available to produce.	5.3
12/29/16	KIS	Evaluate motion for judgment on the pleadings and discuss same with M. Hughes.	3.6
12/29/16	MRH	Read Defendant's motion for judgment on the pleadings, quick research raised by motion, discuss with K. Shenkman.	4.8
12/30/16	KIS	Research for opposition to motion for judgment on the pleadings, call with R. Rubin re: same	5.9
12/31/16	KIS	Research for opposition to motion for judgment on the pleadings and develop outline for opposition	5.5
1/1/17	KIS	Further research for opposition to motion for judgment on the pleadings	4.9
1/2/17	KIS	Research and drafting opposition to motion for judgment on the pleadings	7.0
1/3/17	KIS	Research and drafting opposition to motion for judgment on the pleadings, call with R. Rubin re: same	8.5
1/4/17	KIS	Research and drafting opposition to motion for judgment on the pleadings	9.3
1/5/17	KIS	Research and drafting opposition to motion for judgment on the pleadings	9.6
1/6/17	KIS	Research and drafting opposition to motion for judgment on the pleadings	7.5
1/7/17	MRH	Discuss motion for judgment on the pleadings with K. Shenkman; revise opposition	3.2
1/7/17	KIS	Revise opposition to motion for judgment on the pleadings and draft ancillary documents; further research for final points.	7.7

1/8/17	KIS	Revise opposition to motion for judgment on the pleadings and draft supporting documents; further research for final points.	5.0
1/9/17	MRH	Revise opposition to motion for judgment on the pleadings	2.2
1/10/17	KIS	Finalize opposition papers to motion for judgment on the pleadings and coordinate filing.	2.7
1/11/17	KIS	Call with R. Rubin regarding experts	0.4
1/11/17	MRH	Review additional documents at clients' home gathered by clients for document production	3.4
1/12/17	KIS	Coordinate production of documents.	0.6
1/12/17	KIS	Conference with potential survey experts	0.7
1/15/17	KIS	Coordinate production of documents.	0.5
1/17/17	KIS	Draft supplemental responses to special interrogatories consistent with discussions with Defendant's counsel	1.3
1/18/17	KIS	Travel to/from clients' home for document production, review documents to be produced and coordinate same.	5.5
1/19/17	KIS	Travel to/from and meet with PNA board.	3.5
1/24/17	KIS	Evaluate Defendant's reply in support of motion for judgment on the pleadings; discuss same with R. Rubin; research cases cited therein and issues raised by reply.	4.6
1/25/17	KIS	Travel to/from and meet with O. de la Torre and S. Duron	3.9
1/30/17	KIS	Coordinate with M. Kousser on case and needed analysis	0.7
1/30/17	KIS	Call with R. Rubin re: upcoming hearing	0.7
2/1/17	KIS	Research and prepare for hearing on motion for judgment on the pleadings	2.0
2/2/17	KIS	Prepare for hearing on motion for judgment on the pleadings, discuss with R. Rubin.	3.6
2/3/17	KIS	Prepare for, travel to/from and attend hearing on motion for judgment on the pleadings; deal with press thereafter.	5.2
2/10/17	KIS	Evaluate correspondence from Defendant's counsel to discovery referee's assistant regarding supplementing Defendant's motions to compel, research ability to supplement motions to compel after 45-day deadline has passed, draft correspondence regarding same.	4.9
2/20/17	KIS	Review case materials and drafting FAC to address issues in court's ruling on motion for judgment on the pleadings	3.5
2/21/17	KIS	Draft FAC, call with R. Rubin re: same	3.9
2/22/17	KIS	Discuss FAC with co-counsel and clients, and revise accordingly.	2.3
2/24/17	KIS	Travel to/from and attend PNA event to discuss case generally and expected path going forward.	4.0
3/4/17	KIS	Evaluate planning commission reports for statements concerning Pico Neighborhood disparities, distinctions and history	4.2
3/5/17	MRH	Pull commission reports and city council minutes and review for helpful items of discrimination against minorities and the Pico Neighborhood	9.0



3/6/17	MRH	Investigate process associated with location of the 10 freeway; evaluate commission reports and city council minutes and review for helpful items of discrimination against minorities and the Pico Neighborhood.	7.6
3/6/17	KIS	Travel to/from and meet with T. Crane.	3.3
3/7/17	KIS	Call with R. Parris re: depositions	0.4
3/13/17	KIS	Travel to/from and speak at N.E. Neighbors meeting to provide information and update on case.	3.8
3/14/17	KIS	Travel to/from and meet with A. Gonzalez regarding T. Vazquez and case generally fitting into Southwest Voter Registration Education Project campaign.	5.4
3/16/17	KIS	Review correspondence from Defendant's counsel regarding demurrer and discuss with M. Hughes.	0.3
3/20/17	KIS	Coordinate retention of survey expert	0.6
3/21/17	KIS	Pull CVRA complaints filed by G. Brown in Sanchez v Modesto and Rey v Madera USD to compare level of specificity with FAC, research regarding level of specificity in voting rights complaints generally, and discuss course of action re need for amendment with R. Rubin.	6.1
3/22/17	KIS	Prepare for and participate in conference with Defendant's counsel regarding anticipated demurrer.	2.0
3/23/17	KIS	Evaluate correspondence from Defendant's counsel regarding anticipated demurrer; draft correspondence in response; and research for same.	4.9
3/24/17	KIS	Evaluate letter brief submitted by Defendant	0.5
3/29/17	KIS	Call with R. Rubin regarding upcoming conference with discovery referee	0.5
3/31/17	KIS	Prepare for and participate in telephonic conference with Judge Bostrom; confer with co-counsel re same.	4.0
4/1/17	KIS	Evaluate demurrer to FAC, discuss with M. Hughes	2.8
4/1/17	MRH	Review Defendant's demurrer to Plaintiffs' FAC and research compiled on specificity of voting rights complaints and discuss with K. Shenkman.	3.8
4/3/17	KIS	Research for opposition to demurrer to FAC	5.2
4/4/17	KIS	Call with R. Rubin regarding demurrer	0.5
4/6/17	KIS	Research for opposition to demurrer to FAC and discussion with J. Levitt re same and case generally	6.0
4/7/17	KIS	Research for opposition to demurrer to FAC and case generally consistent with discussion with J. Levitt	5.7
4/10/17	KIS	Research for opposition to demurrer to FAC and case generally consistent with discussion with J. Levitt and summarize research in firm memorandum, call with R. Rubin re: same	7.8
4/11/17	KIS	Evaluate submissions to discovery referee by Defendant; research and draft responsive letter brief	9.6
4/12/17	KIS	Research and drafting letter brief to discovery referee	9.3
4/12/17	KIS	Travel to/from and meet with F. Guerra, A. Alarcon and B. Gilbert regarding survey expert and case generally	3.5

4/13/17	KIS	Travel to/from and meet with J. Levitt regarding demurrer and case generally and potential for J. Levitt as expert witness	6.5
4/14/17	MRH	Discuss letter brief and discovery responses with K. Shenkman, revise letter to Bostrom accordingly	1.5
4/14/17	KIS	Revise letter brief to discovery referee and discuss same with M. Hughes.	0.7
4/17/17	KIS	Call with R. Rubin regarding demurrer	0.4
4/18/17	KIS	Research and investigate issues identified in discussion with J. Levitt for demurrer and case generally.	7.0
4/19/17	KIS	Research and investigate issues identified in discussion with J. Levitt for demurrer and case generally.	7.7
4/21/17	KIS	Research and investigate issues identified in discussion with J. Levitt for demurrer and case generally, conference with M. Fahey and R. Rubin re: same	7.2
4/25/17	KIS	Research and drafting opposition to demurrer to FAC	8.3
4/26/17	KIS	Research and drafting opposition to demurrer to FAC	6.9
4/29/17	KIS	Research and drafting opposition to demurrer to FAC	8.2
5/1/17	KIS	Research and drafting opposition to demurrer to FAC	7.3
5/2/17	KIS	Research and drafting opposition to demurrer to FAC	7.6
5/4/17	KIS	Research and drafting opposition to demurrer to FAC and associated papers	6.2
5/5/17	KIS	Research and drafting opposition to demurrer to FAC and associated papers, call with M. Fahey and R. Rubin re: same	6.6
5/7/17	KIS	Research and drafting opposition to demurrer to FAC and associated papers	5.0
5/8/17	KIS	Revising opposition to demurrer to FAC; discuss same with M. Hughes and J. Levitt	3.8
5/8/17	MRH	Review and revise opposition to demurrer and discuss with K. Shenkman	3.7
5/9/17	KIS	Revise and finalize papers in opposition to demurrer for filing.	2.9
5/10/17	KIS	Correspondence about discovery referee scheduling and Defendant claiming prejudice by scheduling.	0.4
5/11/17	KIS	Call with M. Kousser and direct tasks on ER analysis	1.5
5/13/17	KIS	Research and drafting letter briefs requested by discovery referee in opposition to Defendant's various motions to compel	7.4
5/14/17	KIS	Research and drafting 8 letter briefs requested by discovery referee in opposition to Defendant's various motions to compel	6.9
5/15/17	KIS	Research and drafting letter briefs requested by discovery referee in opposition to Defendant's various motions to compel	5.5
5/16/17	MRH	Revise opposition briefs for discovery referee and discuss with K. Shenkman	2.0
5/16/17	KIS	Revise letter briefs consistent with discussion with M. Hughes.	0.8
5/17/17	KIS	Revise and finalize 8 letter briefs to discovery referee regarding Defendant's motions to compel	2.1

5/20/17	KIS	Evaluate Defendant's reply papers in support of its demurrer, research cases cited therein.	4.5
5/23/17	MRH	Draft further requests for production of documents	2.3
5/23/17	KIS	Evaluate Defendant's letter briefs to discovery referee and deal with some issues identified as still in dispute and draft correspondence re same.	2.5
5/24/17	KIS	Prepare for, travel to/from and attend discovery referee hearing at Judicate West, and deal with aftermath.	6.8
5/25/17	KIS	Investigate S. Himmelrich actions and issues in preparation for deposition	5.3
5/26/17	KIS	Investigation for S. Himmelrich deposition, discuss with Santa Monica constituents	4.9
5/28/17	KIS	Research and preparation for S. Himmelrich deposition	6.5
5/29/17	KIS	Further investigation and discussion with SM constituents re S. Himmelrich; draft deposition outline.	7.1
5/30/17	KIS	Prepare for, travel to/from and take deposition of S. Hlmmelrich.	6.7
6/1/17	KIS	Call with R. Rubin re: upcoming hearing	0.5
6/2/17	KIS	Travel to/from and meet with D. Parker and CDP officials regarding Santa Monica case, party resolutions and political support	4.5
6/2/17	MRH	Meeting with Cal. Dem. Party.	4.5
6/4/17	KIS	Review demurrer papers, research open issues and prepare for demurrer hearing.	3.9
6/5/17	KIS	Travel to/from (Santa Monica) and participate in Voice of America filming for story on Santa Monica voting rights case	4.3
6/5/17	KIS	Travel to/from and meet with R. Rubin to prepare for demurrer hearing.	3.5
6/6/17	KIS	Prepare for, travel to/from and attend hearing on demurrer; discuss with co-counsel and press thereafter.	5.4
6/7/17	KIS	Meeting with PNA Board to update on case and coordinate organizational effort.	3.8
6/8/17	KIS	Travel to/from and meet with D. Ely and J. Jones regarding case tasks and demographic presentation	5.8
6/8/17	JLJ	Meeting with K. Shenkman and D. Ely	4.0
6/9/17	KIS	Evaluate Defendant's draft stipulation concerning case schedule, draft correspondence in response to same, and coordinate with R. Parris re same.	1.5
6/12/17	KIS	Travel to/from (downtown) and participate in Voice of America filming for story on Santa Monica voting rights case	4.9
6/12/17	JLJ	Research regarding expert witness conflict issue.	6.0
6/13/17	JLJ	Research regarding expert witness conflict issue.	6.7
6/14/17	JLJ	Research and drafting firm memorandum regarding expert witness conflict issue.	8.3
6/15/17	JLJ	Research and drafting firm memorandum regarding expert witness conflict issue.	9.6

6/20/17	KIS	Correspondence back and forth and conference call with Defendant's counsel regarding case schedule in advance of status conference.	1.1
6/21/17	KIS	Prepare for, travel to/from and attend status conference regarding case schedule.	4.7
6/21/17	JLJ	Work with D. Ely on case showing two worlds in one city.	5.3
6/22/17	JLJ	Work with D. Ely on case showing two worlds in one city.	5.9
6/23/17	JLJ	Work with D. Ely on case showing two worlds in one city.	4.8
6/26/17	KIS	Handle scheduling mess regarding conference with discovery referee and draft correspondence re same, call with R. Rubin re: same.	0.7
6/27/17	JLJ	Work with D. Ely on case showing two worlds in one city.	5.5
6/28/17	KIS	Review Defendant's answer to FAC and discuss with co-counsel possibility of demurrer to answer.	1.0
6/28/17	MRH	Evaluate Defendant's responses to third set of document requests and compare with notes of investigation.	1.5
7/3/17	JLJ	Work with D. Ely on case showing story of election effect on Pico Neighborhood.	6.0
7/5/17	JLJ	Work with D. Ely on case showing two worlds in one city.	3.3
7/6/17	KIS	Travel to/from and speak at NOMA meeting regarding case status and contentions.	3.8
7/10/17	JLJ	Work with D. Ely on case showing effect of election method on not only outcome but also impact on Pico Neighborhood and people of color	7.2
7/11/17	JLJ	Work with D. Ely on case showing effect of election method on not only outcome but also impact on Pico Neighborhood and people of color	6.1
7/12/17	KIS	Prepare for and participate in conference with discovery referee, research issue of discovery referee authority in response to concern expressed by discovery referee	3.2
7/13/17	KIS	Evaluate Defendant's submission regarding authority of discovery referee, research same issues, send correspondence to discovery referee in light of research	4.6
7/14/17	MRH	Read and summarize transcript of deposition of S. Himmelrich	5.3
7/14/17	KIS	Review correspondence from Defendant's counsel alleging violation of ethical obligations; confer with M. Grimes regarding allegations; research applicable ethical obligations; draft response.	4.0
7/17/17	JLJ	Discuss allegations by Defendant's counsel with K. Shenkman; research ethical obligations raised by correspondence from G. Brown.	6.6
7/18/17	JLJ	Further research regarding ethical obligations in light of allegations by Defendant's counsel.	7.0
7/19/17	JLJ	Further research on ethical issues raised by Defendant's counsel's allegations; draft memorandum re same; discuss suggested course of action with K. Shenkman.	8.1
7/19/17	KIS	Discuss ethics issue with J. Jones.	0.4

7/21/17	KIS	Research for oppositions to motions to compel further responses to special interrogatories, and review responses and supplements for same.	6.3
7/24/17	KIS	Research and drafting oppositions to motions to compel further responses to special interrogatories to Loya and PNA	4.0
7/25/17	KIS	Travel to/from and meet with D. Ely, A. Gonzalez and A. Alarcon regarding T. Vazquez and case generally.	5.9
7/26/17	KIS	Research and drafting oppositions to motions to compel further responses to special interrogatories	7.2
7/27/17	KIS	Research and drafting oppositions to motions to compel further responses to special interrogatories to Loya and PNA and associated papers.	7.5
7/28/17	KIS	Research and drafting oppositions to motions to compel further responses to special interrogatories to Loya and PNA and associated papers	8.4
7/31/17	MRH	Revise opposition papers in response to MTCs special interrogatories	2.0
7/31/17	KIS	Revise oppositions to motions to compel further responses to special interrogatories; drafting ancillary papers including separate statements	7.3
8/1/17	KIS	Revise oppositions to motions to compel further responses to special interrogatories; drafting ancillary papers for same.	6.5
8/2/17	KIS	Finalize papers in opposition to motions to compel further responses to special interrogatories (Loya and PNA) and coordinate submission to discovery referee.	3.8
8/4/17	JLJ	Speak to Santa Monica residents regarding P. O'Connor and investigate leads.	7.0
8/7/17	JLJ	Further investigation for O'Connor deposition and discuss with K. Shenkman	5.8
8/8/17	KIS	Evaluate Defendant's writ petition, discuss with J. Bickford, M. Hughes, M. Fahey and R. Rubin	2.9
8/8/17	MRH	Read Santa Monica petition for writ of mandamus and discuss potential response with K. Shenkman	2.0
8/9/17	KIS	Research issues in writ petition and formulate outline for delighted letter	6.5
8/10/17	KIS	Review findings of O'Connor investigation for deposition and discuss with R. Parris.	1.0
8/11/17	KIS	Meet with O. de la Torre regarding O'Connor deposition, travel to/from O'Connor deposition (until learning that she walked out),	1.8
8/12/17	KIS	Research and drafting correspondence to discovery referee regarding O'Connor walking out of deposition.	4.9
8/13/17	KIS	Research and drafting delighted letter in opposition to writ petition.	5.6
8/13/17	MRH	Review and revise preliminary opposition to writ petition.	0.6

8/14/17	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding case and next depositions and continuing public efforts	4.6
8/15/17	KIS	Read O'Connor deposition transcript and discuss motion to compel with R. Parris and J. Douglass	1.3
8/16/17	KIS	Research, review and revise motion to compel deposition of P. O'Connor, review correspondence regarding O'Connor walk out and discuss same with R. Parris and J. Douglass.	4.8
8/18/17	KIS	Travel to/from and meet with O. de la Torre and E. Sanchez in Oceanside regarding public outreach on voting rights and district elections and coordinating SoCal efforts.	8.9
8/21/17	KIS	Conference call with Defendant's counsel regarding O'Connor deposition walkout; discuss with R. Parris before and after call.	1.8
8/22/17	KIS	Research and drafting opposition to motion to compel further responses to RFAs, call with R. Rubin re: same	7.2
8/23/17	KIS	Review order denying Defendant's writ petition and discuss same with local press.	1.4
8/24/17	KIS	Prepare for and participate in conference call with discovery referee regarding O'Connor walkout	1.1
8/24/17	KIS	Travel to/from and meet with T. Crane and P. Brock regarding case, local support and current/former council members.	3.6
8/25/17	KIS	Travel to/from and attend discovery referee hearing regarding motion to compel further responses to special interrogatories directed to M. Loya and PNA, discussion with M. Grimes thereafter.	5.3
8/26/17	KIS	Research and drafting opposition to motion to compel further responses to RFAs and form interrogatory 17.1	5.9
8/27/17	KIS	Research and drafting opposition to motion to compel further responses to RFAs and associated papers	6.4
8/28/17	MRH	Review PNA membership documents, discuss with O. de la Torre and draft declaration to resolve issues concerning discovery requests to PNA.	4.8
8/28/17	KIS	Research and drafting opposition to motion to compel further responses to RFAs and associated papers	6.0
8/29/17	MRH	Revise opposition to MTC RFAs.	2.5
8/29/17	KIS	Revise papers in opposition to motion to compel further responses to RFAs, and research/deal with Defendant's belated withdrawal of a portion of that motion.	6.7
8/30/17	KIS	Revise and finalize all papers for opposition to motion to compel further RFA responses.	4.6
8/30/17	KIS	Work on survey script	1.4
8/31/17	AAA	Review and revise survey script	0.5
9/1/17	KIS	Evaluate Defendant's motion for protective order and opposition to motion to compel deposition of P. O'Connor, and discuss same with J. Douglass.	1.9
9/1/17	AAA	Research SM commissioners and draft summary memo	2.8

9/5/17	KIS	Evaluate rulings of discovery referee, discuss same with R. Parris, compare correspondence from Defendant's counsel to determine action regarding de la Torre declaration.	1.5
9/6/17	KIS	Evaluate Defendant's petition for review from Cal. Supreme Court and discuss same and responsive course of action with M. Hughes and J. Bickford	2.3
9/6/17	MRH	Read petition for review of denial of writ petition and discuss with K. Shenkman	1.8
9/6/17	AAA	Review First Amended Complaint, Rulings of the Discovery Referees, Special Interrogatories and Responses; Initiate Draft for Supplemental Responses to SM's Special Interrogatories per Referee Rulings; Initiate Draft of Special Interrogatories, Set One from PNA to SM.	5.7
9/7/17	KIS	Research for answer to petition for review, and research timing of petition and completeness of submission.	6.0
9/7/17	AAA	Call with KS to discuss PNA's Special Interrogatories to SM and begin drafting	1.4
9/8/17	KIS	Review Defendant's papers and discovery referee ruling to determine scope of remaining disputes and draft correspondence regarding same and call with Defendant's counsel re same; review Defendant's reply in support of its motions to compel RFA responses.	3.5
9/8/17	AAA	Research Santa Monica electoral history and incorporate election information into draft of PNA's Special Interrogatories to SM	3.7
9/9/17	KIS	Research, review and revise opposition to motion for protective order and reply in support of motion to compel deposition of P. O'Connor	3.9
9/10/17	KIS	Research, review and revise opposition to motion for protective order and reply in support of motion to compel deposition of P. O'Connor	4.7
9/10/17	AAA	Finalize draft of special interrogatories from PNA to SM (187 Special Interrogatories).	3.6
9/11/17	KIS	Draft supplemental responses to special interrogatories consistent with discovery referee ruling, and draft additional interrogatories based on view expressed in discovery referee ruling.	6.9
9/11/17	AAA	Review special interrogatory responses from K. Shenkman	0.5
9/12/17	KIS	Research and drafting answer to petition for review	8.5
9/12/17	AAA	Continue preparing draft supplemental responses; draft additional SROGs re: city atty's legal advice to CM's & Charter Review Commission.	3.5
9/13/17	KIS	Research and drafting answer to petition for review	7.9
9/14/17	KIS	Research and drafting answer to petition for review	8.0
9/14/17	AAA	Research and confirm historical candidates' ethnicities.	1.8

9/17/17	KIS	Review Defendant's reply brief in support of motions to compel RFA responses, research issue therein, and prepare for hearing on same.	3.8
9/18/17	KIS	Prepare for, travel to/from and attend hearing with discovery referee regarding RFAs and form interrogatory 17.1, research regarding mootness of discovery motions thereafter in response to issue that arose at hearing.	7.0
9/19/17	KIS	Research and drafting opposition to motion to compel RFP responses.	7.8
9/19/17	AAA	Finish draft supplemental responses	3.2
9/20/17	KIS	Research and drafting opposition to motion to compel RFP responses.	7.1
9/21/17	KIS	Review Defendant's reply in support of motion for protective order and discuss with R. Parris.	0.8
9/22/17	MRH	Discuss petition for review with K. Shenkman and work on organization.	2.2
9/22/17	KIS	Research and drafting answer to petition for review; discuss with M. Hughes.	7.6
9/23/17	MRH	Research and drafting sections of opposition to MTC further responses to document requests	6.5
9/23/17	KIS	Research and drafting opposition to motion to compel RFP responses.	7.0
9/24/17	MRH	Research and draft letter brief regarding entitlement to a ruling on submitted motions to compel.	5.8
9/24/17	MRH	Work on opposition to petition for review to Cal. S. Ct.	4.6
9/24/17	KIS	Research and drafting opposition to motion to compel RFP responses.	6.2
9/25/17	KIS	Travel to/from and attend hearing with discovery referee on O'Connor deposition motions, meeting re case generally and O'Connor thereafter with R. Parris et al.	5.3
9/25/17	AAA	Draft supplemental responses to RFAs and form rogs	3.1
9/25/17	MRH	Research and draft letter brief regarding entitlement to a ruling on submitted motions to compel.	3.3
9/25/17	MRH	Work on opposition to petition for review to Cal. S. Ct.	4.3
9/26/17	MRH	Revise opposition to petition for review.	2.0
9/26/17	KIS	Revise answer to petition for review and gather exhibits for same.	5.6
9/27/17	KIS	Revise and finalize Answer to petition for review to the Cal. Supreme Court	4.7
9/28/17	KIS	Research and drafting opposition and ancillary papers in response to motion to compel RFP responses.	6.6
9/28/17	MRH	Revise opposition to MTC further responses to RFPs, discuss with K. Shenkman	2.5
9/29/17	MRH	Finalize papers in opposition to Defendant's motion to compel further responses to document requests.	3.9
9/30/17	KIS	Travel to/from and meet with M. Baller and L. Ho regarding Santa Monica and Santa Clara cases and coordination of same.	13.8



10/3/17	KIS	Draft further supplemental responses to special interrogatories consistent with discovery referee ruling, and draft supplemental responses to form interrogatories consistent with discussions and likely rulings of discovery referee, and draft supplemental responses to RFAs consistent with discovery referee rulings.	5.4
10/6/17	KIS	Evaluate Defendant's reply brief in support of its motions to compel RFP responses, and Defendant's letter brief regarding withdrawal of a portion of its motion to compel RFA responses.	1.1
10/8/17	KIS	Prepare for discovery referee hearing on Defendant's motions to compel RFP responses.	2.7
10/9/17	KIS	Prepare for, travel to/from and attend hearing on Defendant's motions to compel RFP responses.	5.0
10/11/17	MRH	Review Defendant's reply in support of its petition for review, discuss with K. Shenkman	1.2
10/11/17	KIS	Evaluate Defendant's reply in support of petition for review to Cal. Supreme Court, discuss same with M. Hughes, research cases cited therein.	2.1
10/12/17	KIS	Evaluate discovery referee ruling on motions re O'Connor deposition walkout; field inquiries from local Santa Monica press and LA Times and regarding same and case generally.	2.5
10/16/17	MRH	Research and investigate disparities and disparate treatment of Pico Neighborhood and minority residents.	7.4
10/17/17	MRH	Research and investigate disparities and disparate treatment of Pico Neighborhood and minority residents.	8.2
10/17/17	KIS	Evaluate discovery referee amended ruling re RFAs and direct corresponding action, and discovery referee directive concerning additional briefing; initial research for additional briefing.	3.5
10/18/17	MRH	Research and investigate disparities and disparate treatment of Pico Neighborhood and minority residents.	5.5
10/19/17	MRH	Research and investigate disparities and disparate treatment of Pico Neighborhood and minority residents; prepare guide and summary of wellbeing report	6.3
10/21/17	KIS	Evaluate order denying petition for review, discuss same with local press.	1.0
10/23/17	KIS	Investigate campaign contribution violations in light of reporting re FPPC fine; research ability to take second depositions; direct M. Cussimonio re same.	5.0
10/23/17	KIS	Calls with R. Rubin regarding settlement potential and possibilities.	1.1
10/24/17	KIS	Evaluate correspondence from Defendant's counsel regarding depositions, discuss with R. Parris, and research issue identified therein.	3.9

10/27/17	KIS	Travel to/from and meet with Mr. and Mrs. Holbrook regarding case generally and 1992 decision; investigate council member corruption issues identified at meeting.	8.7
10/28/17	KIS	Investigate council member finances.	4.8
10/29/17	KIS	Travel to/from and meet with P. Brock and C. Matthews regarding case, council members and local effort	4.4
10/30/17	KIS	Travel to/from and meet with PNA board regarding case, council member revelations and path forward.	3.9
11/1/17	KIS	Research regarding legal standard for leave to take second depositions, and formulate argument for same	5.7
11/2/17	KIS	Research and drafting letter to discovery referee re seeking subsequent depositions of T. O'Day and G. Davis in light of FPPC fines.	4.8
11/6/17	KIS	Draft additional interrogatory	0.3
11/7/17	KIS	Further research regarding propriety of subsequent depositions and relevancy of campaign spending, contributions and fundraising to RPV analysis and 14028(e) factors; discuss same with J. Douglass.	6.1
11/7/17	KIS	Call with M. Kousser regarding ER and EI results and RPV analysis.	1.4
11/7/17	AAA	Coordinate with M. Kousser and research regarding intent, correspondence with Santa Monica Historical Museum	2.0
11/10/17	AAA	Coordinate with Santa Monica Historical Museum to get materials.	0.8
11/14/17	KIS	Assist LA County DA with investigation of Santa Monica corruption uncovered in investigation and depositions, as requested.	2.4
11/15/17	AAA	Research at the Santa Monica Library directed by M. Kousser	9.5
11/16/17	KIS	Travel to/from and attend N.E. Neighbors meeting to provide community with update on case and support organizing efforts; respond to inquiries of local press regarding statements concerning council corruption.	5.5
11/16/17	AAA	Research at the Santa Monica Library directed by M. Kousser	8.7
11/17/17	KIS	Evaluate Defendant's supplemental brief in support of its motion to compel further responses to RFPs; initial research for supplemental opposition; discuss with M. Hughes.	3.0
11/17/17	MRH	Read supplemental papers submitted by Defendant regarding discovery motion and discuss with K. Shenkman	1.8
11/20/17	KIS	Research, draft and revise supplemental papers in opposition to motion to compel further responses to RFPs	7.5
11/21/17	MRH	Review and revise supplemental opposition to MTC responses to document requests.	2.0
11/21/17	KIS	Revise supplemental papers in opposition to motion to compel further responses to RFPs	4.5
11/22/17	KIS	Evaluate correspondence from K. Scolnick regarding discovery responses and discovery referee rulings; compare responses	3.3

		with direction from discovery referee to determine appropriate reaction.	
11/28/17	KIS	Review discovery referee rulings and supplemental responses In preparation for conference with Defendants' counsel, and participate in conference.	2.8
11/29/17	AAA	Review research from Santa Monica library and historical museum and draft outline summary for M. Kousser	5.5
11/30/17	KIS	Review Defendant's supplemental reply in support of motion to compel further responses to RFPs, research new issues and evidence raised in supplemental reply, and back-and-forth about submitting a surreply and/or having a further hearing.	2.9
12/2/17	KIS	Travel to/from and meet with A. Gonzalez regarding T. Vazquez and his place in case narrative.	5.3
12/4/17	KIS	Research and drafting motion to compel subsequent depositions of G. Davis and T. O'Day.	4.6
12/5/17	KIS	Research and drafting motion to compel subsequent depositions of G. Davis and T. O'Day.	4.9
12/6/17	KIS	Research and drafting motion to compel and associated papers seeking subsequent depositions of G. Davis and T. O'Day.	6.0
12/8/17	KIS	Revise and finalize motion to compel subsequent depositions of G. Davis and T. O'Day and associated papers.	1.8
12/11/17	KIS	Prepare for and participate in telephonic hearing with discovery referee regarding Defendant's motion to compel further responses to RFPs	2.6
12/11/17	AAA	Research at Santa Monica Library regarding charter commissions.	7.0
12/12/17	KIS	Review Defendant's responses to discovery requests and discuss same with J. Douglass for preparation of meet-and-confer letter.	2.0
12/12/17	AAA	Review research and draft memorandum for M. Kousser regarding charter commissions	4.5
12/13/17	KIS	Call with M. Kousser regarding ER and EI results and RPV analysis.	1.3
12/14/17	KIS	Review and revise meet-and-confer letter	1.8
12/15/17	KIS	Evaluate notice regarding change in counsel for Defendant; discuss same with M. Hughes and R. Rubin, and investigate new counsel.	2.6
12/15/17	AAA	Appointment at SM History Museum for research on SM	6.8
12/18/17	KIS	Research regarding assertion of Fifth Amendment in civil action by party-affiliated witness and consequences in California and federal cases.	5.0
12/19/17	KIS	Evaluate correspondence from Defendant's counsel regarding discovery disputes and unavailability to meet and confer; research regarding 45-day deadline on motion to compel and failure to participate in meet and confer process and coordinate with M. Cussimonio regarding relevant dates.	3.0

12/20/17	KIS	Research regarding effect of prior order on 45-day deadline, direct co-counsel on approach in light of research and Defendant's tact.	4.2
12/20/17	KIS	Research regarding Fifth Amendment and further investigation regarding T. Vazquez and Santa Monica government corruption; draft correspondence requesting subsequent deposition of T. Vazquez and explaining basis therefor.	5.7
12/22/17	KIS	Evaluate correspondence from K. Scolnick; research Rule 5-100 issue raised in K. Scolnick's letter.	4.3
12/23/17	KIS	Research and drafting motion for subsequent deposition of T. Vazquez	5.6
12/25/17	KIS	Research and drafting motion for subsequent deposition of T. Vazquez	1.2
12/26/17	KIS	Research and drafting motion for subsequent deposition of T. Vazquez	3.9
12/27/17	KIS	Research and drafting motion for subsequent deposition of T. Vazquez	4.7
12/28/17	KIS	Research, drafting and revising motion to compel further responses to special interrogatories	6.0
12/28/17	AAA	Research at SM Library for M. Kousser	5.7
12/29/17	AAA	Research at SM Library for M. Kousser	5.4
12/29/17	KIS	Research, drafting and revising motion to compel further responses to special interrogatories and associated papers	6.4
1/2/18	KIS	Travel to/from and meet with O. de la Torre and M. Loya regarding case generally, settlement idea, and how to pursue resolution.	4.0
1/2/18	KIS	Research and drafting motion for subsequent deposition of T. Vazquez	5.2
1/3/18	MRH	Revise and finalize MTC subsequent deposition of T. Vazquez.	3.7
1/4/18	KIS	Revise and finalize motion to compel further responses to special interrogatories and associated papers	5.6
1/5/18	KIS	Research regarding inclusion of multi-member districts and differing election structures within a jurisdiction as remedy for voting rights violation.	6.5
1/6/18	KIS	Travel to/from and meet with J. Newman regarding effort to legislate away Santa Monica CVRA case.	4.4
1/8/18	KIS	Research regarding RPV in Individual elections for reply to anticipated opposition to motion to compel special interrogatory responses.	4.8
1/9/18	KIS	Evaluate Defendant's opposition to motion for subsequent depositions of G. Davis and T. O'Day and formulate reply; correspondence regarding discovery motion briefing and scheduling.	2.1
1/10/18	KIS	Research and drafting reply in support of subsequent depositions of O'Day and Davis.	6.0
1/11/18	KIS	Research and drafting reply in support of subsequent depositions of O'Day and Davis.	7.7

1/12/18	KIS	Research and drafting reply in support of subsequent depositions of O'Day and Davis.	5.4
1/15/18	MRH	Review moving and opposition papers regarding subsequent depositions of council members, discuss with K. Shenkman and revise reply	3.8
1/15/18	KIS	Revising reply in support of subsequent depositions of O'Day and Davis.	4.0
1/15/18	KIS	Correspondence with M. Barreto and LatinoDecisions team, and talk to A. Gonzalez about problems with Barreto et al.	1.2
1/16/18	KIS	Finalize reply papers for motion seeking subsequent depositions of O'Day and Davis.	3.2
1/16/18	AAA	Follow up regarding CPRA request and coordinate with K. Shenkman and M. Kousser	0.9
1/17/18	KIS	Interview with potential polling expert, and follow up with scope and survey outline.	2.4
1/18/18	KIS	Research regarding legality of potential settlement proposal; discuss same with clients and affected constituents.	6.6
1/19/18	KIS	Research regarding legality of potential settlement proposals and confer with experts regarding likely remedial effectiveness; lobby clients and affected constituents for support for same.	7.5
1/22/18	KIS	Prepare for, travel to/from and attend discovery referee hearing regarding motion for subsequent depositions of O'Day and Davis.	5.0
1/23/18	MRH	Read discovery oppositions submitted by Defendant and discuss responses with K. Shenkman	1.9
1/23/18	KIS	Evaluate Defendant's oppositions to motions to compel subsequent deposition of T. Vazquez and further responses to special interrogatories, and initial research for reply; discuss with M. Hughes.	4.9
1/24/18	KIS	Research and drafting reply in support of motion for subsequent deposition of T. Vazquez; conference with E. Gordon regarding reply in support of motion to compel special interrogatory responses.	6.8
1/25/18	KIS	Research and drafting reply in support of motion for subsequent deposition of T. Vazquez	6.0
1/26/18	KIS	Travel to/from and meet with Pico Neighborhood activists including most of PNA board.	4.1
1/26/18	KIS	Review draft survey text and discuss with J. Brown	1.0
1/27/18	KIS	Research and drafting reply in support of motion for subsequent deposition of T. Vazquez	5.7
1/28/18	MRH	Review moving and opposition papers, discuss with K. Shenkman and revise reply regarding T. Vazquez deposition	3.0
1/28/18	KIS	Research, drafting and revising reply in support of motion for subsequent deposition of T. Vazquez	5.9
1/29/18	MRH	Review and revise reply in support of MTC special interrogatories.	5.1

1/29/18	KIS	Revise replies in support motions to compel T. Vazquez deposition and further responses to interrogatories	4.5
1/29/18	KIS	Call with R. Rubin regarding settlement possibilities	0.5
1/30/18	KIS	Finalize replies in support of discovery motions – interrogatories and T. Vazquez deposition – and deal with dispute over subpoena of M. Leon-Vazquez.	5.2
1/31/18	KIS	Prepare for and participate in conference with Defendant's counsel regarding deposition and subpoena of M. Leon-Vazquez	0.9
2/1/18	MRH	Calls with Santa Monica activists regarding T. Winterer business dealings etc., and summarize for K. Shenkman for deposition.	4.3
2/1/18	KIS	Investigation / preparation for T. Winterer deposition.	6.1
2/2/18	KIS	Prepare for, travel to/from and attend discovery referee hearing on Defendant's motion to compel further responses to special interrogatories, and review rulings from discovery referee concerning document requests.	6.5
2/3/18	KIS	Travel to/from and meet with G. Ramos and O. de la Torre regarding council member misconduct and campaign finance.	5.4
2/5/18	MRH	Research regarding mediation privilege and confidentiality, and applicability to non-participating members of a governing board; discuss with K. Shenkman	6.2
2/5/18	KIS	Research regarding availability of multi-member district remedies and applicability of equal protection to remedies that treat different districts differently in light of Bush v Gore	7.4
2/6/18	KIS	Prepare for, travel to/from and attend discovery referee hearing regarding subsequent T. Vazquez deposition and Plaintiff's motion to compel further responses to interrogatories.	6.0
2/7/18	KIS	Investigation / preparation for T. Winterer deposition.	5.9
2/8/18	MRH	Research and drafting mediation brief.	9.3
2/8/18	KIS	Correspondence and call with K. Scolnick regarding mediation and stand-down agreement; research sufficiency of Defendant's proposal regarding same; discussion with J. Krivis regarding mediation scheduling.	4.8
2/8/18	AAA	Review video obtained from CPRA request	2.2
2/9/18	AAA	Finish watching council meeting video and draft time linked summary	5.3
2/9/18	MRH	Research and drafting mediation brief.	8.9
2/9/18	KIS	Travel to/from and meet with G. Ramos, O. de la Torre, A. Elmahrek and B. Oreskes regarding campaign finance and council member dealings.	4.0
2/10/18	MRH	Research and drafting mediation brief.	8.4
2/10/18	KIS	Work on mediation brief with M. Hughes, and research remedies for potential violation of mediation confidentiality to determine appropriate level of detail to provide to Defendant's counsel in advance of mediation.	9.5

2/11/18	MRH	Research and drafting mediation brief.	7.8
2/11/18	KIS	Work on mediation brief with M. Hughes, and correspondence with K. Scolnick regarding sneak preview of settlement offer	5.5
2/12/18	MRH	Research and drafting mediation brief.	7.1
2/12/18	AAA	Compile research regarding SM commissioners and send to K. Shenkman.	0.6
2/12/18	KIS	Revise mediation brief and discuss with M. Hughes.	4.7
2/13/18	MRH	Revise and finalize mediation brief.	2.8
2/13/18	KIS	Travel to/from and meet with R. Tahvildaran-Jesswein regarding SMRR and case generally.	2.5
2/13/18	KIS	Call with R. Rubin regarding settlement authority	0.5
2/14/18	KIS	Conversations with clients, co-counsel and Interested parties to secure buy-in for mediation strategy.	2.6
2/15/18	KIS	Discussions with clients and co-counsel regarding mediation and likely effectiveness of various remedies and range of proposals acceptable to clients.	3.3
2/16/18	KIS	Prepare for, travel to/from and attend mediation; meeting with clients and co-counsel thereafter.	8.5
2/16/18	AAA	Mediation and team meeting	7.1
2/19/18	KIS	Evaluate motion for protective order / quash subpoena to prevent deposition of M. Leon-Vazquez; research for opposition.	5.0
2/20/18	KIS	Research and drafting opposition to M. Leon-Vazquez motion	6.6
2/21/18	KIS	Research and drafting opposition to M. Leon-Vazquez motion	7.3
2/22/18	KIS	Research and drafting opposition to M. Leon-Vazquez motion; evaluate second amended ruling from discovery referee regarding RFAs	7.1
2/23/18	MRH	Revise and finalize opposition to motion for protective order regarding M. Leon-Vazquez.	2.4
2/23/18	KIS	Travel to/from and meet with PNA board regarding mediation, settlement and case prospects.	4.5
2/25/18	KIS	Revise outline and prepare for deposition of T. Winterer	6.3
2/26/18	KIS	Prepare for, travel to/from and take deposition of T. Winterer.	10.2
2/27/18	KIS	Research propriety of seeking clarification through informal means, and draft correspondence to discovery referee regarding amended rulings	4.4
2/28/18	KIS	Evaluate Defendant's reply in support of its motion to prevent deposition of M. Leon-Vazquez, and deal with press aftermath of Defendant's use of article in its reply.	1.8
3/1/18	KIS	Evaluate correspondence from K. Scolnick evidencing Defendant's purpose to use mediation as discovery tool; research regarding what K. Scolnick terms a "coalition theory" in response.	5.2
3/2/18	KIS	Research regarding what K. Scolnick terms a "coalition theory," sufficiency of pleadings to put Defendant on notice, and propriety of Defendant using mediation as a discovery tool.	7.0

3/3/18	KIS	Research regarding what K. Scolnick terms a "coalition theory," sufficiency of pleadings to put Defendant on notice, and propriety of Defendant using mediation as a discovery tool; draft correspondence to K. Scolnick regarding same.	3.6
3/5/18	KIS	Prepare for discovery referee hearing and discuss with M. Grimes.	3.5
3/6/18	KIS	Prepare for, travel to/from and attend discovery referee hearing regarding M. Leon-Vazquez deposition, and discussion with J. Levitt thereafter.	6.9
3/7/18	KIS	Call with J. Krivis regarding potential second day of mediation and handling of discovery in the Interim; direct team in light of discussion.	1.1
3/8/18	KIS	Evaluate discovery referee ruling and direct action in light of ruling, and correspondence regarding depositions.	0.9
3/8/18	AAA	Contact M. Quinones-Perez and follow up correspondence	1.2
3/9/18	MRH	Discuss discovery referee ruling and Defendant's intent to challenge ruling; research regarding procedure for confirming / objecting and authority of discovery referee under CCP.	5.7
3/10/18	MRH	Research regarding discovery referee authority and procedure for turning referee rulings into court orders based on authority for referee appointment and stipulation; discuss with K. Shenkman.	5.0
3/10/18	KIS	Travel to/from (Santa Clarita) and meet with M. Grimes and R. Parris regarding work allocation and case tasks and strategy	3.9
3/12/18	KIS	Evaluate discovery referee ruling on T. Vazquez subsequent deposition, draft correspondence in light of same and research in order to get prompt depositions.	2.9
3/13/18	KIS	Prepare for second mediation; calls with clients and other interested parties regarding settlement authority	2.8
3/14/18	KIS	Further research regarding available remedies and precedent therefor in advance of second mediation, discussion with J. Levitt re same and L. Dilg.	6.6
3/15/18	KIS	Prepare for, travel to/from and attend second day of mediation; team meeting with all counsel thereafter.	7.4
3/15/18	AAA	Mediation and team meeting	5.0
3/16/18	AAA	Contact M. Perez and M. Quinones-Perez to obtain cooperation	1.0
3/16/18	KIS	Work with D. Ely, M. Kousser and J. Levitt on respective opinions and reports in light of Defendant's refusal to engage in settlement discussions.	9.8
3/19/18	MRH	Review correspondence from K. Scolnick; research discovery referee authority and procedure in light of issues raised therein; discuss course of action with K. Shenkman	4.1
3/19/18	KIS	Work with D. Ely and M. Kousser on respective opinions and reports in light of Defendant's refusal to engage in settlement discussions.	9.2



3/20/18	MRH	Work on demographics and election recreation report with D. Ely.	6.5
3/21/18	MRH	Read and summarize T. Winterer deposition transcript for team and separate summary for press.	6.8
3/21/18	KIS	Travel to/from and meet with M. Grimes and W. Ouchi regarding work allocation and case generally.	5.4
3/22/18	KIS	Review correspondence from H. Galloway regarding deposition notices and objections, and direct action in response; deal with deposition scheduling and objection issues; draft correspondence regarding same.	1.9
3/23/18	AAA	Analysis of SM commissioners, current and historical	1.0
3/26/18	AAA	Analysis of SM commissioners, current and historical	4.4
3/26/18	KIS	Investigation for R. Cole deposition.	7.7
3/26/18	KIS	Finalize survey script and discuss sampling with J. Brown	0.8
3/27/18	MRH	Research and drafting ex parte application to confirm discovery referee rulings.	5.3
3/27/18	KIS	Investigate R. Cole role in Pasadena district election campaign, political career and actions in Santa Monica; begin preparing outline for R. Cole deposition.	6.9
3/28/18	MRH	Research and drafting ex parte application to confirm discovery referee rulings.	4.9
3/28/18	AAA	Analysis of SM commissioners, current and historical and prepare spreadsheet	3.7
3/28/18	KIS	Calls with Santa Monica activists concerning R. Cole and potential deposition inquiries; preparing outline for deposition and coordinate with W. Ouchi	4.8
3/28/18	KIS	Call with R. Rubin regarding MSJ	0.3
3/29/18	MRH	Read summary judgment papers and discuss with K. Shenkman	3.4
3/29/18	KIS	Travel to/from and meet with K. Scolnick and T. Henry regarding deposition scheduling and court review of discovery referee rulings in advance of depositions; quick review of MSJ and discuss with M. Hughes and A. Alarcon.	4.9
3/30/18	MRH	Review discovery referee rulings regarding subsequent depositions of T. Vazquez, G. Davis and T. O'Day, and motion to quash deposition subpoena to M. Leon-Vazquez; research and drafting ex parte application to confirm discovery referee rulings.	6.8
3/30/18	AAA	Revise commissioner study and spreadsheet	1.7
3/30/18	KIS	Prepare for, travel to/from and take deposition of R. Cole.	9.9
3/31/18	KIS	Evaluate MSJ and associated papers, circulate to experts and co-counsel; discuss same and allocation of work for opposition.	4.5
3/31/18	MRH	Revise ex parte application to confirm discovery referee rulings in light of Defendant's counsel's indication they would not comply with objection deadline.	3.1
4/1/18	MRH	Research issues identified in Defendant's summary judgment motion, discuss with K. Shenkman	7.0

4/1/18	KIS	Review MSJ papers; pull cases and research for opposition; coordinate with M. Hughes and R. Rubin.	7.3
4/2/18	MRH	Research for opposition to MSJ	5.8
4/2/18	AAA	Research at SM Library for M. Kousser	9.2
4/2/18	KIS	Review and revise ex parte papers to confirm discovery referee ruling, correspondence regarding same	3.4
4/3/18	AAA	Research regarding communications to discovery referee by non-parties in response to S. Martini email.	4.1
4/3/18	MRH	Research for opposition to MSJ	4.8
4/3/18	KIS	Prepare for, travel to/from and attend hearing on ex parte application to confirm discovery referee rulings.	5.9
4/4/18	AAA	Research regarding right to distribute discovery materials and deposition transcripts absent a court order to the contrary and appropriate response to communication to discovery referee by S. Martini email.	2.6
4/4/18	AAA	Research at SM Library for M. Kousser, focusing on Prop 3 and 1975	8.5
4/4/18	MRH	Research for opposition to MSJ	6.2
4/4/18	KIS	Research and work with D. Ely and M. Kousser for opposition to MSJ	7.8
4/4/18	KIS	Correspondence regarding yesterday's ex parte hearing and order; evaluate timing and enforcement potential of order.	0.6
4/5/18	MRH	Research for opposition to MSJ and draft issue memoranda	7.0
4/5/18	AAA	Research at SM Library for M. Kousser, focusing on 1975, 1990, 1991 and 1992, and compile documents for M. Kousser	9.9
4/5/18	KIS	Research and work with D. Ely and M. Kousser for opposition to MSJ	9.2
4/5/18	KIS	Travel to/from and meet with M. Grimes and W. Ouchi to allocate work and case strategy generally	4.4
4/6/18	MRH	Research for opposition to MSJ and draft issue memoranda	7.4
4/6/18	KIS	Work on materials that will be necessary for summary judgment opposition, meet with M. Grimes and talk with J. Levitt (separately) to coordinate same.	8.3
4/6/18	KIS	Evaluate Defendant's objection to discovery referee ruling regarding M. Leon-Vazquez deposition; communicate with press regarding Defendant's complaint that we communicate with the press.	2.9
4/7/18	KIS	Call with R. Rubin regarding MSJ	0.3
4/9/18	MRH	Research for opposition to MSJ and draft issue memoranda	6.5
4/9/18	AAA	Compile research regarding intent analysis for M. Kousser and K. Shenkman	4.8
4/9/18	KIS	Research and work with D. Ely and M. Kousser for opposition to MSJ	8.4
4/10/18	MRH	Research, draft and revise opposition to ex parte application.	6.7
4/10/18	KIS	Research and drafting opposition to ex parte application for reconsideration.	7.9
4/10/18	KIS	Call with J. Levitt regarding MSJ opposition.	0.6

4/11/18	MRH	Research for opposition to MSJ and draft issue memoranda and outline opposition sections.	7.6
4/11/18	KIS	Prepare for, travel to/from and attend hearing on ex parte application for reconsideration of court's confirmation of discovery referee rulings.	6.2
4/11/18	KIS	Call with M. Kousser regarding ER and EI results and RPV analysis and needed work on intent and impact analysis	0.5
4/12/18	MRH	Research for opposition to MSJ and draft issue memoranda	7.8
4/12/18	KIS	Research regarding timing of MSJ and consequences of late filing or improper service and work on opposition to MSJ	8.3
4/12/18	AAA	Research at SM Library, focusing on 2002 and election method proposition	7.1
4/13/18	AAA	Research at SM Library, focusing on 2002 and election method proposition; compile research for M. Kousser and K. Shenkman; meet with potential witness regarding ballot proposition	8.9
4/13/18	MRH	Research for opposition to MSJ and draft issue memoranda	7.5
4/13/18	KIS	Research regarding timing of MSJ and consequences of late filing or improper service and procedure for addressing same without waiving defect.	6.9
4/14/18	KIS	Research and drafting motions in limine	5.5
4/15/18	KIS	Research and drafting motions in limine	6.3
4/16/18	MRH	Discuss potential motions in limine with K. Shenkman and research for same.	6.8
4/16/18	AAA	Compile and prepare materials for meeting, meet with K. Shenkman and M. Kousser	6.7
4/16/18	KIS	Travel to/from and meet with M. Kousser and A. Alarcon regarding intent case	7.0
4/16/18	KIS	Research and drafting response to Defendant's objection to discovery referee ruling regarding M. Leon-Vazquez deposition.	6.4
4/17/18	MRH	Research for potential motions in limine	7.4
4/17/18	KIS	Research and drafting response to Defendant's objection to discovery referee ruling regarding M. Leon-Vazquez deposition.	5.5
4/17/18	KIS	Prepare sample responses to interrogatories and RFAs to PNA and M. Loya, and discuss same with E. Gordon.	2.1
4/17/18	AAA	Contact potential witness regarding T. Vazquez funding.	0.2
4/17/18	AAA	Review M. Kousser 1992 report and cross-reference to recent research and materials	1.7
4/18/18	MRH	Research for potential motions in limine; draft memorandum summarizing potential motions in limine.	8.9
4/18/18	KIS	Research and drafting response to Defendant's objection to discovery referee ruling regarding M. Leon-Vazquez deposition.	3.9
4/19/18	MRH	Research for potential motions in limine; draft memorandum summarizing potential motions in limine.	6.6

4/19/18	AAA	Research regarding 1946 SM and freeholders	2.2
4/19/18	KIS	Research and drafting response to Defendant's objection to discovery referee ruling regarding M. Leon-Vazquez deposition and associated papers.	4.3
4/20/18	MRH	Revise and finalize response papers regarding M. Leon-Vazquez deposition.	2.8
4/20/18	AAA	Research at SM Library, focusing on 1946 charter and source materials.	9.7
4/20/18	KIS	Revise response to objection to discovery referee ruling.	2.4
4/21/18	KIS	Investigate P. O'Connor votes, campaigns and finances; talk with constituents re same.	7.3
4/22/18	KIS	Further investigate P. O'Connor for deposition; draft outline for deposition.	7.9
4/23/18	KIS	Travel to/from and attend deposition of P. O'Connor, and case meeting thereafter.	10.8
4/23/18	AAA	Review and organize research documents from SM Library for M. Kousser and K. Shenkman	3.6
4/24/18	MRH	Work with D. Ely on report for MSJ opposition.	7.1
4/24/18	KIS	Research and drafting opposition to MSJ	6.9
4/24/18	KIS	Evaluate survey results and crosstabs and discuss with J. Brown	2.9
4/25/18	MRH	Work with M. Kousser on report for MSJ opposition.	8.7
4/25/18	KIS	Research and drafting opposition to MSJ.	7.5
4/26/18	MRH	Work with M. Kousser on report for MSJ opposition.	8.3
4/26/18	KIS	Research and drafting opposition to MSJ	7.4
4/27/18	MRH	Work with M. Kousser on report for MSJ opposition.	8.0
4/27/18	KIS	Read and summarize transcript of O'Connor deposition, communicate with press regarding O'Connor business	5.9
4/30/18	KIS	Travel to/from and meet with A. Sanchez, D. Ely and A. Alarcon in Sherman Oaks regarding Vazquez shakedown of labor unions and case generally.	3.7
4/30/18	AAA	Meeting with D. Ely, K. Shenkman and A. Sanchez	2.5
5/1/18	KIS	Evaluate correspondence from K. Scolnick regarding M. Leon-Vazquez deposition, discovery referee ruling and Defendant's objection; research and draft correspondence in response.	3.8
5/2/18	KIS	Deposition preparation with O. de la Torre and M. Loya	6.6
5/3/18	KIS	Research and drafting ex parte application to confirm discovery referee ruling / advance hearing date for objection regarding discovery referee ruling regarding M. Leon-Vazquez deposition.	5.2
5/4/18	MRH	Read Defendant's motion to stay, discuss with K. Shenkman and begin formulating response.	4.6
5/4/18	KIS	Deposition preparation with O. de la Torre	4.9
5/4/18	KIS	Evaluate Defendant's motion to stay deposition of M. Leon-Vazquez; discuss response with M. Hughes.	3.5
5/5/18	KIS	Research and drafting ex parte application to confirm discovery referee ruling / advance hearing date for objection	4.8

		regarding discovery referee ruling regarding M. Leon-Vazquez deposition.	
5/6/18	MRH	Research and drafting opposition to motion to stay M. Leon-Vazquez deposition.	6.1
5/6/18	KIS	Research and drafting opposition papers to MSJ, coordinate with M. Kousser re same and report	9.6
5/7/18	MRH	Research and drafting opposition to motion to stay M. Leon-Vazquez deposition.	4.2
5/7/18	KIS	Research and drafting ex parte application to confirm discovery referee ruling / advance hearing date for objection regarding discovery referee ruling regarding M. Leon-Vazquez deposition.	3.8
5/8/18	MRH	Research and drafting opposition to motion to stay M. Leon-Vazquez deposition.	5.1
5/8/18	KIS	Deposition preparation with O. de la Torre	4.5
5/9/18	MRH	Work with D. Ely on report for MSJ opposition, review P. Morrison declaration and determine whether deposition is warranted.	6.7
5/9/18	KIS	Travel to/from and defend deposition of O. de la Torre, meeting with O. de la Torre thereafter.	11.7
5/10/18	KIS	Research and drafting ex parte application to confirm discovery referee ruling / advance hearing date for objection regarding discovery referee ruling regarding M. Leon-Vazquez deposition.	5.4
5/10/18	KIS	Correspondence with Defendant's counsel regarding deposition scheduling and ex parte.	1.0
5/11/18	MRH	Research for MSJ opposition	6.6
5/11/18	KIS	Prepare for and travel to hearing on ex parte application regarding discovery referee ruling and objection thereto	4.0
5/11/18	KIS	Defend PMK deposition of PNA, and travel from.	6.7
5/12/18	MRH	Work with M. Kousser on report for MSJ opposition.	9.2
5/12/18	KIS	Research and drafting opposition to MSJ and supporting papers.	9.0
5/13/18	MRH	Research and drafting separate statement response for opposition to MSJ.	8.4
5/13/18	KIS	Research and drafting opposition to MSJ, discuss same with J. Levitt.	8.3
5/14/18	MRH	Research and drafting opposition and separate statement response for opposition to MSJ.	7.5
5/14/18	KIS	Research and drafting opposition to MSJ, coordinate with D. Ely to get necessary information and analysis to J. Levitt.	8.9
5/14/18	KIS	Deposition preparation with M. Loya, and back-and-forth with Defendant's counsel regarding various deposition and discovery matters.	7.9
5/15/18	MRH	Research and drafting opposition and separate statement response for opposition to MSJ.	7.0

5/15/18	KIS	Travel to/from and defend deposition of M. Loya, meeting with O. de la Torre and M. Loya and call with J. Levitt thereafter	10.9
5/16/18	MRH	Work on MSJ opposition papers	7.7
5/16/18	KIS	Research and drafting opposition to MSJ and supporting declarations; call with S. Farias regarding experiences in San Juan Capistrano and willingness to submit declaration.	10.4
5/17/18	MRH	Discuss experts with K. Shenkman and desirability of requesting exchange; draft expert witness exchange demand.	1.0
5/17/18	AAA	Work with M. Kousser and D. Ely on their respective reports	5.5
5/18/18	AAA	Research for M. Kousser at SM Library	4.8
5/18/18	MRH	Work on MSJ opposition declarations.	10.3
5/20/18	KIS	Travel to/from and participate in tour of Santa Monica for trial preparation	7.1
5/21/18	MRH	Work on MSJ opposition papers	5.9
5/21/18	KIS	Work with M. Kousser on his report and put together source materials for report.	6.2
5/21/18	KIS	Research and drafting opposition to MSJ	4.4
5/22/18	MRH	Work on MSJ opposition papers	5.7
5/22/18	AAA	Research at SM Library for M. Kousser	7.2
5/22/18	KIS	Research and drafting opposition to MSJ and discuss same with J. Levitt and R. Rubin	6.5
5/22/18	KIS	Deal with various discovery issues and correspondence regarding same.	0.9
5/23/18	MRH	Work on MSJ opposition papers	8.3
5/23/18	AAA	Research at SM Library for M. Kousser	9.7
5/23/18	KIS	Prepare for, travel to/from and attend hearing on Defendant's objection to discovery referee ruling, prepare opposition documents for continued hearing thereafter.	10.3
5/23/18	KIS	Deal with various discovery issues and correspondence regarding same; draft exemplary responses to RFPs regarding expert survey.	2.6
5/23/18	KIS	Work on summary judgment opposition and discuss with J. Levitt.	1.0
5/24/18	MRH	Work on MSJ opposition papers	9.5
5/24/18	AAA	Research at SM Library for M. Kousser	8.3
5/24/18	KIS	Research and drafting opposition to MSJ	10.6
5/24/18	KIS	Deal with various discovery issues and correspondence regarding same; draft exemplary responses to RFPs regarding expert survey.	1.3
5/25/18	MRH	Work on MSJ opposition papers	7.8
5/25/18	AAA	Conference call with R. Martinez; research Prop. 14, Caucasian clauses in SM and newspaper evidence of racist attitudes in SM	6.8
5/25/18	KIS	Call with R. Martinez for guidance on equal protection case.	1.5
5/25/18	KIS	Research and drafting opposition to MSJ	7.0

5/25/18	KIS	Deal with various discovery issues and correspondence regarding same; draft exemplary responses to RFPs regarding expert survey.	1.0
5/26/18	MRH	Work on MSJ opposition papers	6.9
5/26/18	AAA	Research at SM Library for M. Kousser	5.3
5/26/18	KIS	Review FPPC issue and press coverage and G. Davis deposition transcript and summary; prepare outline; call regarding questioning for deposition.	4.9
5/26/18	KIS	Research and drafting opposition to MSJ	6.4
5/27/18	MRH	Work on MSJ opposition papers	9.2
5/27/18	KIS	Research and drafting opposition to MSJ	10.5
5/28/18	MRH	Work on MSJ opposition papers	5.6
5/28/18	AAA	Research at SM Library for M. Kousser	5.5
5/28/18	KIS	Research and drafting opposition to MSJ	11.2
5/29/18	MRH	Work on MSJ opposition papers	5.8
5/29/18	AAA	Work on report with M. Kousser	11.4
5/29/18	KIS	Revise opposition to MSJ and associated papers.	7.4
5/29/18	KIS	Review FPPC issue and press coverage and G. Davis deposition transcript and summary; prepare outline; call regarding questioning for deposition.	3.5
5/30/18	MRH	Work on MSJ opposition papers	10.5
5/30/18	AAA	Work on Kousser report and MSJ opposition.	15.1
5/30/18	KIS	Revise and finalize opposition to MSJ and associated papers and discuss with co-counsel	16.2
5/31/18	KIS	Prepare for, travel to/from and attend hearing on Defendant's motion to reverse discovery referee ruling regarding M. Leon-Vazquez.	5.0
5/31/18	KIS	Finalize and transmit (consistent with order of the court at hearing earlier in the day) opposition to motion for summary judgment.	4.9
6/1/18	MRH	Work on motions in limine.	7.2
6/1/18	KIS	Correspondence and deal with continuing deposition issues.	0.8
6/1/18	KIS	Evaluate Defendant's motion for sanctions, confer with clients regarding same, address briefing schedule	3.9
6/2/18	MRH	Work on motions in limine	5.3
6/2/18	KIS	Research and drafting opposition to motion for sanctions.	7.6
6/3/18	KIS	Research and drafting opposition to motion for sanctions and associated papers.	8.2
6/4/18	MRH	Research and drafting motions to compel: 1) deposition of M. Quinones-Perez, and 2) production of documents re P. O'Connor	5.4
6/4/18	KIS	Research regarding necessity of providing editable version of separate statement and timing for doing so.	0.4
6/4/18	KIS	Research and drafting opposition to motion for sanctions and associated papers.	6.1

6/5/18	MRH	Research regarding depositions of MSJ opposition expert declarants and timing thereof, discuss with K. Shenkman to determine response to T. Henry.	2.5
6/5/18	KIS	Deposition preparation with O. de la Torre and gather documents for production at deposition	5.9
6/5/18	KIS	Research and drafting opposition to sanctions motion.	4.4
6/6/18	MRH	Work on motions to compel deposition of M. Quinones-Perez and document production from Kaplan Chen Kaplan.	3.9
6/6/18	KIS	Travel to/from and defend deposition of PNA PMK (vol. 2)	7.0
6/7/18	MRH	Research and draft objections to reply papers on MSJ	4.3
6/7/18	KIS	Santa Monica tour with photographer, M. Grimes and O. de la Torre for opening	7.1
6/7/18	KIS	Review Defendant's reply papers re MSJ; research and draft objection to reply separate statement and reply declaration of P. Morrison, and draft notice of errata	3.8
6/8/18	MRH	Research and drafting trial brief; discuss with K. Shenkman	6.3
6/8/18	KIS	Formulate rough outline for trial brief and discuss allocation with M. Hughes	2.9
6/8/18	KIS	Revise and finalize notice of errata, and objections to reply papers on SJ motion.	1.5
6/8/18	KIS	Review, revise and finalize motion to compel deposition of M. Quinones-Perez and motion to compel production of documents from Kaplan Chen Kaplan.	3.5
6/9/18	MRH	Work on opposition to motion for sanctions.	4.0
6/9/18	KIS	Research and drafting opposition to sanctions motion.	8.2
6/10/18	MRH	Work on opposition to motion for sanctions.	3.8
6/10/18	KIS	Research and drafting opposition to sanctions motion.	6.6
6/11/18	MRH	Work on opposition to motion for sanctions.	4.7
6/11/18	KIS	Research and drafting opposition to sanctions motion.	7.5
6/11/18	KIS	Drafting expert witness exchange documents, discuss with experts, and reviewing same from Defendant; deal with Defendant's gripe about timing and manner of exchange	6.3
6/11/18	KIS	Travel to/from and speak at N.E. Neighbors meeting regarding case generally.	4.0
6/12/18	MRH	Research regarding need for subpoenas for non-profit board members of a party litigant.	2.2
6/12/18	MRH	Research and drafting trial brief	6.4
6/12/18	KIS	Review MSJ papers and prepare for hearing.	5.0
6/12/18	KIS	Research and drafting opposition to motion for sanctions.	3.9
6/12/18	KIS	Deal with deposition notices and scheduling of PNA board members; discuss with M. Hughes.	0.7
6/12/18	KIS	Investigate Defendant's experts and prepare for expert depositions	2.0
6/12/18	KIS	Research regarding discovery referee authority to control schedule; correspondence regarding motion scheduling.	1.5
6/13/18	MRH	Review and revise papers in opposition to motion for sanctions.	3.3



6/13/18	AAA	Review summary judgment papers and prepare for hearing.	1.8
6/13/18	KIS	Revise and finalize opposition and supporting papers on sanctions motion.	2.0
6/13/18	KIS	Research and drafting section of trial brief.	4.9
6/13/18	KIS	Evaluate Defendant's response to objections to reply papers, and prepare for MSJ hearing.	4.4
6/14/18	MRH	Research and drafting trial brief	5.6
6/14/18	AA	Summary judgment hearing and conference with co-counsel.	5.0
6/14/18	KIS	Prepare for, travel to/from hearing on MSJ; meeting with J. Levitt thereafter; talk with local press, clients and community activists thereafter; research regarding 473 motions and waiver of untimely MSJ.	13.6
6/14/18	KIS	Prepare E. Gordon for deposition of T. O'Day.	0.9
6/14/18	KIS	Correspondence regarding scheduling of motion re M. Quinones-Perez	0.3
6/15/18	MRH	Review Defendant's "motion to reject Plaintiffs' argument"; research for opposition; discuss with K. Shenkman	4.5
6/15/18	AAA	Review Defendant's 473 motion and discuss with K. Shenkman	0.8
6/15/18	KIS	Correspondence regarding scheduling of motion re M. Quinones-Perez; research regarding timing and service on non-party witness represented by counsel who has made an appearance	2.4
6/15/18	KIS	Research and drafting opposition to Defendant's (sorta) 473 motion	5.8
6/15/18	KIS	Research regarding expert discovery timing	0.9
6/16/18	MRH	Research and drafting section of opposition to Defendant's "motion to reject Plaintiffs' argument"	6.8
6/16/18	KIS	Research and drafting opposition to Defendant's (sorta) 473 motion	10.7
6/16/18	KIS	Research regarding demand for electronic files created by attorney, in response to informal demand from K. Scolnick.	2.5
6/17/18	AAA	Research regarding Defendant's 473 motion and excusable neglect standard, discuss with K. Shenkman	2.9
6/17/18	MRH	Research and drafting opposition to Defendant's "motion to reject Plaintiffs' argument"	7.4
6/17/18	KIS	Research, draft, revise opposition to Defendant's (sorta) 473 motion	6.3
6/17/18	KIS	Deposition preparation with B. Onofre	4.9
6/17/18	KIS	Correspondence regarding deposition locations of B. Onofre and M. Leon-Vazquez	0.2
6/18/18	MRH	Revise and finalize opposition to Defendant's "motion to reject Plaintiffs' argument"; review Adler declaration regarding failure to timely file 473 motion and discuss with K. Shenkman.	3.5
6/18/18	KIS	Revise opposition to Defendant's (sorta) 473 motion and file/deliver personally at the request of the court; review amusing Adler declaration about how he couldn't walk 3 blocks to deliver 473 motion so it was not timely filed.	5.8

6/18/18	KIS	Deposition preparation with B. Onofre	1.8
6/18/18	KIS	Correspondence regarding deposition locations of B. Onofre and M. Leon-Vazquez	0.3
6/18/18	KIS	Deal with expert deposition scheduling.	0.7
6/19/18	MRH	Work on trial brief	2.5
6/19/18	AAA	Compile and summarize cases regarding 473 and SJ timing for hearing; attend hearing on Defendant's 473 motion.	6.8
6/19/18	KIS	Prepare for, travel to/from and attend hearing on Defendant's (sorta) 473 motion and deposition of B. Onofre.	8.9
6/19/18	KIS	Travel to/from and speak at Mid-City Neighborhood Assn meeting.	3.6
6/19/18	KIS	Investigate Defendant's experts and prepare for expert depositions	3.2
6/20/18	MRH	Work on trial brief	6.7
6/20/18	KIS	Evaluate Defendant's reply in support of motion for sanctions and prepare for hearing.	3.5
6/20/18	KIS	Investigate Defendant's experts and prepare for expert depositions.	4.1
6/20/18	KIS	Investigate and review materials on Vazquezes and prepare for deposition of T. Vazquez and M. Leon-Vazquez	3.3
6/21/18	MRH	Work on motions in limine	4.0
6/21/18	MRH	Review Defendant's reply in support of motion for sanctions; research prompted by reply; discuss with K. Shenkman	2.5
6/21/18	MRH	Research regarding timing and scope of supplemental expert designations and discuss with K. Shenkman	4.7
6/21/18	KIS	Evaluate reply in support of sanctions motion; discuss with M. Hughes for hearing preparation	3.8
6/21/18	KIS	Review materials on Vazquezes and prepare for deposition of T. Vazquez and M. Leon-Vazquez	2.3
6/21/18	KIS	Investigate Defendant's experts and prepare for expert depositions.	3.6
6/21/18	KIS	Work on trial brief	2.0
6/21/18	KIS	Evaluate "supplemental" expert designation; research regarding propriety of supplementation of expert designation; discuss with M. Hughes.	4.1
6/22/18	MRH	Review motion to compel further responses to thousands of discovery requests, and associated documents; discuss with K. Shenkman.	2.6
6/22/18	MRH	Investigate supplemental expert of Defendant	6.5
6/22/18	KIS	Evaluate motion to compel filed by Defendant on last set of discovery; discuss with E. Gordon and M. Hughes (separately); correspondence regarding briefing and hearing schedule.	3.0
6/22/18	KIS	Work on trial brief	2.8
6/22/18	KIS	Investigate Defendant's experts and prepare for expert depositions.	3.1
6/22/18	KIS	review materials on Vazquezes and prepare for deposition of T. Vazquez.	3.2

6/22/18	KIS	Deal with / correspondence regarding T. Vazquez refusal to appear for court-ordered deposition; draft and serve deposition notices for R. Miller and A. Sanchez to address T. Vazquez refusal to be deposed.	0.9
6/22/18	KIS	Evaluate KCK opposition to motion to compel documents and discuss with E. Gordon.	1.0
6/23/18	MRH	Research regarding exclusion of late-designated experts and scope of testimony if not excluded altogether.	7.2
6/23/18	KIS	Investigate Defendant's experts and prepare for expert depositions.	8.5
6/23/18	KIS	Work on trial brief	1.7
6/24/18	MRH	Research regarding exclusion of late-designated experts and scope of testimony if not excluded altogether; draft motion outline.	7.6
6/24/18	KIS	Investigate Defendant's experts and prepare for expert depositions.	8.8
6/24/18	KIS	Work on trial brief	1.1
6/24/18	KIS	Deal with deposition and discovery motion scheduling, correspondence regarding same.	1.5
6/25/18	MRH	Investigate Defendant's experts, review prior opinions, testimony and reports.	9.3
6/25/18	KIS	Travel to/from deposition (no-show) of T. Vazquez; meeting with Parris lawyers and staff regarding pretrial tasks.	8.9
6/25/18	KIS	Deposition preparation with J. Blake	1.2
6/25/18	KIS	Review and revise reply in support of motion to compel documents from KCK	4.1
6/25/18	KIS	Correspondence back and forth regarding scheduling of Defendant's motion to compel its thousands of discovery requests, and the untimeliness of its motion.	1.0
6/25/18	KIS	Evaluate Defendant's responses to discovery requests.	1.9
6/26/18	MRH	Review expert documents and prepare for production	4.3
6/26/18	MRH	Investigate Defendant's experts and supplemental expert	5.0
6/26/18	KIS	Work on trial brief	5.4
6/26/18	KIS	Deposition preparation with M. Kousser	5.9
6/26/18	KIS	Correspondence regarding J. Schloss deposition untimeliness; research regarding consequences of untimeliness and procedure for addressing same; and discuss need for motion for protective order with D. Williams	3.7
6/27/18	MRH	Work on trial brief	7.0
6/27/18	AAA	Preparing trial exhibits	3.8
6/27/18	MRH	Review expert documents and prepare for production.	3.6
6/27/18	KIS	Deposition preparation with G. de Baca	1.6
6/27/18	KIS	Investigate M. Leon-Vazquez and prepare for her deposition.	4.5
6/27/18	KIS	Work on trial brief	4.7
6/27/18	KIS	Correspondence with discovery referee regarding scheduling and availability of arguments on motion to compel.	0.9

6/28/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	8.9
6/28/18	MRH	Review expert documents and prepare for production.	2.6
6/28/18	KIS	Prepare for, travel to/from and attend discovery referee hearing on motion for sanctions and motion to compel documents from KCK	6.2
6/28/18	KIS	Correspondence concerning disputes regarding Schloss, Sanchez and Miller depositions, and research same.	2.0
6/28/18	KIS	Investigate M. Leon-Vazquez and prepare for her deposition; discuss with M. Grimes	3.9
6/29/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	8.5
6/29/18	AAA	Preparing trial exhibits	5.7
6/29/18	KIS	Prepare for, travel to/from and attend/take deposition of M. Leon-Vazquez	10.8
6/29/18	KIS	Evaluate opposition to motion to compel deposition of M. Quinones-Perez; discuss with E. Gordon.	1.4
6/29/18	KIS	Call with J. Levitt in preparation for deposition.	0.5
6/30/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	5.7
6/30/18	MRH	Review documents produced by Defendant on June 29	6.0
6/30/18	KIS	Evaluate correspondence from C. Villegas to discovery referee; research authority of discovery referee over third-parties in response thereto and discuss with E. Gordon how to proceed.	4.3
6/30/18	KIS	Deposition preparation with C. McLeod	4.9
6/30/18	KIS	Research and drafting part of motion to quash deposition subpoena of J. Schloss	3.5
7/1/18	MRH	Review documents produced by Defendant on June 29	5.0
7/1/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	5.8
7/1/18	KIS	Work with R. Holbrook friends and family to get declaration, revise declaration accordingly.	2.2
7/1/18	KIS	Research and drafting motion to strike Lichtman designation	8.4
7/1/18	KIS	Review, research and revise motion to quash J. Schloss subpoena.	1.9
7/2/18	MRH	Review documents produced by Defendant on June 29	5.7
7/2/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	4.2
7/2/18	KIS	Deposition preparation with J. Brown	3.0
7/2/18	KIS	Travel to/from SM and procure signature on R. Holbrook statement.	2.0
7/2/18	KIS	Work on trial brief.	3.8
7/2/18	KIS	Research and drafting motion to strike Lichtman designation	4.4
7/2/18	KIS	Work on reply in support of motion to compel deposition of M. Quinones-Perez and discuss same with E. Gordon	1.7
7/3/18	MRH	Review documents produced by Defendant on June 29	5.9

7/3/18	MRH	Research regarding effect of motion to quash on pending scheduled deposition and need (or lack thereof) to specifically seek a stay of the deposition.	2.8
7/3/18	MRH	Research and drafting motion for sanctions for T. Vazquez failure to appear for court-ordered deposition	3.6
7/3/18	AAA	Gather evidence for M. Kousser and prepare exhibits.	2.1
7/3/18	KIS	Travel to/from and meet with D. Ely, T. Crane and M. Grimes regarding remedial map etc.; review P. Morrison report with D. Ely and prepare outline of P. Morrison deposition.	6.6
7/3/18	KIS	Research and drafting motion to strike Lichtman designation	3.8
7/3/18	KIS	Review writ petition challenging denial of MSJ, formulate response	3.1
7/3/18	KIS	Deal with C. Villegas refusal to attend scheduled discovery referee hearing.	0.3
7/3/18	KIS	Review and revise reply in support of motion to compel deposition of M. Quinones-Perez	2.1
7/4/18	MRH	Review documents produced by Defendant on June 29	4.5
7/4/18	KIS	Research and drafting motion to strike Lichtman designation	2.9
7/4/18	KIS	Research and drafting delighted letter in response to writ petition challenging denial of MSJ	4.2
7/4/18	KIS	Review Morrison documents and prepare for his deposition.	5.7
7/5/18	MRH	Meeting with D. Ely and M. Grimes	6.4
7/5/18	MRH	Review, revise motion to strike supplemental expert designation	2.3
7/5/18	KIS	Prepare for, travel to/from and attend hearing with discovery referee regarding M. Quinones-Perez motion and other matters such as Kousser deposition and Lichtman deposition / improper designation; and attend/defend deposition of J. Brown.	7.5
7/5/18	KIS	Travel to/from and meet with D. Ely and M. Grimes to prepare Ely testimony	4.5
7/5/18	KIS	Research and drafting delighted letter in opposition to writ petition	3.3
7/5/18	KIS	Call with R. Rubin re: trial and witnesses	0.8
7/5/18	KIS	Investigate Defendant's experts and prepare for depositions.	2.9
7/6/18	MRH	Research and drafting ex parte to shorten time on T. Vazquez sanctions motion.	6.8
7/6/18	MRH	Research and drafting opposition to motion to compel responses to Defendant's last set of thousands of discovery requests.	4.5
7/6/18	AAA	Preparing trial exhibits	3.3
7/6/18	KIS	Investigate Defendant's experts and prepare for depositions; review Lewis documents	2.5
7/6/18	KIS	Research and revise ex parte applications regarding Lichtman and Vazquez, discuss with R. Parris	3.0

7/6/18	KIS	Research and drafting opposition to ex parte to exclude Kousser testimony; correspondence with K. Scolnick to figure out what basis for excluding Kousser might be.	9.6
7/7/18	MRH	Research and drafting section of ex parte opposition regarding Kousser discriminatory intent analysis.	5.9
7/7/18	MRH	Review documents produced by Defendant on June 29	4.8
7/7/18	AAA	Preparing trial exhibits	5.0
7/7/18	KIS	Investigate Defendant's experts and prepare for depositions.	4.6
7/7/18	KIS	Research and drafting opposition to ex parte to exclude Kousser testimony.	8.4
7/8/18	MRH	Research, draft and revise opposition to motion to compel responses to Defendant's last set of thousands of discovery requests.	2.8
7/8/18	MRH	Research and revise opposition to Kousser ex parte application	3.9
7/8/18	MRH	Review documents produced by Defendant on June 29	2.7
7/8/18	AAA	Preparing trial exhibits	6.2
7/8/18	KIS	Investigate Defendant's experts and prepare for depositions.	3.5
7/8/18	KIS	Revise and finalize delighted letter in opposition to writ petition regarding denial of MSJ	1.0
7/8/18	KIS	Research and drafting opposition to ex parte to exclude Kousser testimony.	7.2
7/9/18	MRH	Revise and finalize opposition to motion to compel responses to Defendant's last set of thousands of discovery requests.	3.3
7/9/18	MRH	Review documents produced by Defendant on June 29	4.0
7/9/18	MRH	Prepare M. Kousser for deposition	5.4
7/9/18	AAA	Preparing trial exhibits	6.9
7/9/18	KIS	Prepare for, travel to and attend hearing on various ex parte applications regarding Lichtman, Vazquez and Kousser.	4.7
7/9/18	KIS	Prepare for, travel to/from, attend/take deposition of P. Morrison.	10.2
7/10/18	MRH	Review and revise motions in limine, discuss with K. Shenkman advisability of multiple motions in limine	3.5
7/10/18	MRH	Review documents produced by Defendant on June 29	2.9
7/10/18	AAA	Final review of exhibits, work with M. Cussimonio to prepare for trial.	4.8
7/10/18	KIS	Revise and finalize motion in limine regarding exogenous and all-white elections, discuss other motions in limine with M. Hughes and potential for raising issues in other manners.	2.8
7/10/18	KIS	Prepare for Lewis deposition, discuss with J. Levitt.	7.1
7/10/18	KIS	Call with R. Rubin re: trial	0.6
7/10/18	KIS	Deposition preparation with D. Ely	3.5
7/11/18	MRH	Research and drafting opposition to motion to exclude Kousser testimony	8.5
7/11/18	MRH	Read Defendant's reply in support of its writ petition and discuss with K. Shenkman.	0.8

7/11/18	KIS	Evaluate Defendant's reply to delighted letter regarding writ petition, discuss with M. Hughes, and research regarding propriety of reply.	1.2
7/11/18	KIS	Prepare for, travel to/from and take deposition of Jeffrey Lewis, call with R. Rubin re: same thereafter	11.0
7/11/18	KIS	Research and drafting opposition to motion to exclude Kousser testimony	4.0
7/12/18	MRH	Research and drafting oppositions to motions in limine	7.2
7/12/18	KIS	Prepare for, travel to/from and attend hearing with discovery referee on Lichtman motion; attend/defend deposition of D. Ely	9.0
7/12/18	KIS	Research and drafting oppositions to motions in limine, including Kousser motion	4.1
7/12/18	KIS	Deposition preparation with M. Kousser	3.0
7/12/18	KIS	Short call with J. Levitt to ensure preparation for deposition.	0.3
7/12/18	KIS	Evaluate 2DCA order denying Defendant's writ petition; send to local press	0.2
7/13/18	MRH	Research and drafting oppositions to motions in limine	11.9
7/13/18	KIS	Research and drafting oppositions to motions in limine, including Kousser motion; personally file Kousser opposition	4.3
7/13/18	KIS	Travel to/from and attend Levitt deposition.	6.0
7/13/18	KIS	Deposition preparation with M. Kousser	2.9
7/13/18	KIS	Evaluate Defendant's replies in support of its sanctions motion and motion to compel further responses to its thousands of discovery requests and prepare outline of argument for hearing.	4.4
7/14/18	MRH	Research and drafting oppositions to motions in limine	8.9
7/14/18	KIS	Research and drafting oppositions to motions in limine	3.5
7/14/18	KIS	Travel to/from and attend/defend Kousser deposition.	9.7
7/14/18	KIS	Investigate and prepare for deposition of A. Lichtman; review documents produced by Lichtman	3.3
7/14/18	KIS	Evaluate discovery referee ruling and discuss strategy in response with M. Hughes.	0.3
7/15/18	MRH	Research and drafting oppositions to motions in limine	9.8
7/15/18	KIS	Research and drafting oppositions to motions in limine	8.5
7/15/18	KIS	Investigate and prepare for deposition of A. Lichtman; review documents produced by Lichtman	6.4
7/16/18	MRH	Revise and finalize oppositions to motions in limine	3.5
7/16/18	KIS	Revise and research oppositions to motions in limine, discuss with J. Levitt	4.3
7/16/18	KIS	Review discovery referee rulings regarding KCK documents and Lichtman designation, and coordinate with E. Gordon to get and review documents.	0.4
7/16/18	KIS	Prepare for, travel to/from and attend/take deposition of A. Lichtman	10.9
7/16/18	KIS	Trial prep and work on witness list and exhibit list	5.5
7/17/18	MRH	Work on trial brief and trial preparation	11.4

7/17/18	KIS	Prepare for, travel to/from and attend discovery referee hearing on Defendant's motion to compel final discovery request responses, Plaintiffs' motion for sanctions for T. Vazquez no-show, and scope of Lichtman testimony.	7.2
7/17/18	KIS	Evaluate reply in support of Defendant's motion to exclude Kousser Intent testimony; discuss with M. Kousser and deposition preparation with M. Kousser for second day of deposition	3.4
7/17/18	KIS	Trial prep and work on witness list and exhibit list	5.0
7/18/18	MRH	Work on trial brief and trial preparation	5.7
7/18/18	MRH	Research and drafting letter brief regarding scope of Lichtman testimony	6.1
7/18/18	KIS	Review motions in limine and other papers and prepare for final status conference.	4.5
7/18/18	KIS	Calls with M. Kousser regarding deposition	0.6
7/19/18	MRH	Work on trial brief and trial preparation	12.1
7/19/18	KIS	Prepare for, travel to/from and attend final status conference, meeting with team thereafter.	8.3
7/19/18	KIS	Trial prep	3.9
7/19/18	KIS	Research and drafting letter brief regarding scope of Lichtman testimony	5.8
7/20/18	MRH	Work on trial brief and trial preparation	10.6
7/20/18	KIS	Research, draft, revise letter brief regarding scope of Lichtman testimony	5.9
7/20/18	KIS	Trial prep	7.7
7/20/18	KIS	Review discovery referee ruling regarding M. Quiniones-Perez and coordinate with E. Gordon to secure deposition attendance.	0.2
7/21/18	MRH	Work on trial brief and trial preparation	10.6
7/21/18	KIS	Prepare and deliver letter brief regarding scope of Lichtman testimony	4.5
7/21/18	KIS	Trial prep	9.8
7/22/18	MRH	Work on trial brief and trial preparation	8.4
7/22/18	KIS	Trial prep (read depositions and prepare witness outlines) and revise trial brief, discuss with J. Levitt	11.2
7/23/18	MRH	Work on trial brief and trial preparation	9.8
7/23/18	AAA	Review 1992 council video; prepare transcript of key portions and timestamps of suggested clips for trial	7.9
7/23/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	12.6
7/23/18	KIS	Evaluate discovery referee rulings on various issues/motions and coordinate appropriate response.	0.9
7/24/18	MRH	Work on trial brief and trial preparation	7.6
7/24/18	AAA	Finish preparing 1992 video guidance and meet with M. Kousser and K. Shenkman	11.9



7/24/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening, revise witness list and exhibit list), discuss with J. Levitt.	5.0
7/24/18	KIS	Travel to/from and meet with M. Kousser and A. Alarcon for trial prep	9.4
7/24/18	KIS	Deal with compliance of third parties regarding discovery referee rulings.	0.7
7/25/18	MRH	Trial preparation including beginning investigation of Defendant's witnesses	12.3
7/25/18	AAA	Research for M. Kousser and K. Shenkman regarding T. Vazquez recent stance on minority contracting, historical pictures of Pico Neighborhood and city council members, charter advertisements and endorsements and minority leaders in 1940s SM.	7.7
7/25/18	KIS	Trial prep (prepare video presentation, read depositions, prepare witness outlines, prepare opening, revise witness list and exhibit list)	13.1
7/26/18	MRH	Trial preparation including investigation of Defendant's witnesses	13.0
7/26/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	14.1
7/27/18	MRH	Work on trial brief and trial preparation	10.5
7/27/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	13.8
7/28/18	MRH	Revise trial brief and discuss with K. Shenkman, and other trial preparation	11.6
7/28/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	12.2
7/28/18	KIS	Revise and finalize trial brief, discuss with J. Levitt	3.3
7/28/18	AAA	Review R. Cole deposition, summarize and prepare outline for trial	8.6
7/29/18	KIS	Prepare for, travel to/from and meeting with trial team at Grimes office for trial and opening rehearsal; and trial prep upon return (read depositions, prepare witness outlines, discuss with witnesses, prepare opening)	14.6
7/29/18	AAA	Trial opening prep meeting; research regarding hazards in Pico Neighborhood; draft outline of opening with stats.	13.3
7/29/18	MRH	Work on trial preparation; meeting with co-counsel to present and critique opening statement.	12.5
7/30/18	MRH	Trial preparation including reading depositions, investigating Defendant's witnesses and preparing witness outlines.	10.9
7/30/18	AAA	Work on hazardous use portion of opening with M. Grimes; land use and zoning research at SM library and discuss with K. Shenkman	13.6
7/30/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	13.3

7/31/18	MRH	Review Defendant's trial brief and "glossary of terms" and discuss with K. Shenkman	2.0
7/31/18	MRH	Trial preparation including reading depositions, investigating Defendant's witnesses and preparing witness outlines.	9.8
7/31/18	AAA	Draft Kousser 1940s testimony outline; miscellaneous trial prep	16.3
7/31/18	KIS	Trial prep (read depositions, prepare witness outlines, prepare opening)	11.5
7/31/18	KIS	Evaluate Defendant's trial brief and purported glossary; discuss response to glossary with M. Hughes and A. Alarcon.	2.4
8/1/18	KIS	Trial	15.8
8/1/18	MRH	Trial support from office, including review motion to exclude S. Farias, S. Hoffbauer and J. Carrillo and research and draft opposition, and deal with purportedly inadvertent production by Defendant	12.6
8/1/18	AAA	Trial	10.2
8/2/18	KIS	Trial	17.4
8/2/18	MRH	Trial support from office, including research and draft opposition to motion to exclude S. Farias, S. Hoffbauer and J. Carrillo, and review documents produced by LACDP, Schloss and SMMUSD in response to Defendant's trial subpoena	11.5
8/2/18	AAA	Trial	13.8
8/3/18	KIS	Trial	12.9
8/3/18	MRH	Trial support from office, including revise and finalize opposition to motion to exclude S. Farias, S. Hoffbauer and J. Carrillo, and research issue of purportedly inadvertent production and ethical obligations in response.	10.9
8/3/18	AAA	Trial	11.6
8/4/18	KIS	Trial prep, discuss with J. Levitt, and deal with admissibility of Holbrook statement and emails and preparing M. Loya for court questioning	13.1
8/4/18	MRH	Trial preparation including research and drafting opposition to motion to exclude Holbrook statement	12.0
8/4/18	AAA	Trial prep and draft responses to discovery requests consistent with discovery referee ruling	12.5
8/5/18	KIS	Trial prep and deal with M. Loya email issue and preparing M. Loya for court questioning	11.7
8/5/18	KIS	Review and revise responses to discovery requests specified by discovery referee.	1.9
8/5/18	MRH	Trial preparation including research and drafting opposition to motion to exclude Holbrook statement	12.2
8/5/18	AAA	Trial prep and draft responses to discovery requests consistent with discovery referee ruling	13.3
8/6/18	KIS	Trial	18.2
8/6/18	MRH	Trial support from office including research and drafting opposition to motion to exclude Holbrook statement	11.1
8/6/18	AAA	Trial	11.9

8/7/18	KIS	Trial and prepare for continuing deposition of T. Vazquez	17.9
8/7/18	MRH	Trial support from office, including research and revising opposition to motion to exclude Holbrook statement	10.8
8/7/18	AAA	Trial	14.8
8/8/18	KIS	Trial and prepare for continuing deposition of T. Vazquez	17.8
8/8/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	13.5
8/8/18	AAA	Trial	13.2
8/9/18	KIS	Trial and deposition of T. Vazquez	19.5
8/9/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	12.4
8/9/18	AAA	Trial	14.4
8/10/18	KIS	Trial and work on response to "glossary"	15.7
8/10/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	12.2
8/10/18	AAA	Trial	9.6
8/11/18	KIS	Trial prep and research and drafting motion regarding K. McDonald report, and deal with Defendant's attempt and correspondence to create discovery dispute.	12.9
8/11/18	MRH	Trial preparation and work on motion concerning Defendant's failure to disclose expert report	9.5
8/11/18	AAA	Trial prep	5.6
8/12/18	KIS	Trial prep and research and drafting motion regarding K. McDonald report and correspondence with K. Scolnick regarding Defendant's attempt to create discovery disputes to distract from trial	11.6
8/12/18	MRH	Trial preparation and work on motion concerning Defendant's failure to disclose expert report	10.6
8/12/18	AAA	Trial prep	6.3
8/13/18	KIS	Trial and review/revise opposition to motion to quash deposition subpoena.	18.0
8/13/18	MRH	Trial support from office, including dealing with additional email production	12.6
8/13/18	AAA	Trial	15.2
8/14/18	KIS	Trial prep and address and coordinate opposition to motion for sanctions including working with K. Scolnick and M. Loya to search for emails.	13.7
8/14/18	MRH	Trial preparation, including investigate Defendant's witnesses and preparing witness outlines and work on opposition to sanctions motion	9.1
8/14/18	AAA	Trial prep	7.9
8/15/18	KIS	Trial	16.2
8/15/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	12.0
8/15/18	AAA	Trial	12.3
8/16/18	KIS	Trial	18.9

8/16/18	MRH	Trial support from office, including work on opposition to sanctions motion.	11.5
8/16/18	AAA	Trial	14.0
8/17/18	KIS	Trial	12.3
8/17/18	MRH	Trial support from office, including work on reply in support of K. McDonald motion	9.3
8/17/18	AAA	Trial	11.5
8/18/18	KIS	Trial prep and work on deposition designations	13.8
8/18/18	MRH	Trial preparation, including reading depositions and summaries and preparing designations and working on reply regarding K. McDonald report not disclosed by Defendant.	11.7
8/18/18	AAA	Trial prep	4.6
8/19/18	KIS	Trial prep and work on deposition designations and reply in support of motion to strike answer for failure to disclose report finding racially polarized voting.	14.6
8/19/18	MRH	Trial preparation, including reading depositions and summaries and preparing designations.	10.5
8/19/18	AAA	Trial prep	2.8
8/20/18	KIS	Trial	17.9
8/20/18	KIS	Evaluate SMCCD's reply in support of motion to quash subpoena	0.4
8/20/18	MRH	Trial support from office, including reading depositions and summaries and preparing designations.	12.6
8/20/18	AAA	Trial	15.6
8/21/18	KIS	Trial	15.5
8/21/18	MRH	Trial support from office, including reading depositions and summaries and preparing designations.	10.9
8/21/18	AAA	Trial support	4.5
8/22/18	KIS	Trial	19.1
8/22/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	11.8
8/22/18	AAA	Trial	13.0
8/23/18	KIS	Trial	16.3
8/23/18	KIS	Work on opposition to motion for sanctions and coordinate with E. Gordon.	2.0
8/23/18	MRH	Trial support from office, including work on response to Defendant's purported glossary of terms	13.5
8/23/18	AAA	Trial	14.8
8/24/18	KIS	Trial	17.4
8/24/18	MRH	Trial support from office, including investigate Defendant's witnesses and preparing witness outlines	13.1
8/24/18	AAA	Trial	10.2
8/25/18	KIS	Trial prep and work on response to "glossary"	10.3
8/25/18	MRH	Trial preparation, including investigate Defendant's witnesses and preparing witness outlines	7.8
8/25/18	AAA	Trial prep	2.5

8/26/18	KIS	Trial preparation, including video review of deposition clips and review papers on motion to quash subpoena of M. Qulnonnes-Perez for hearing on same	12.2
8/26/18	MRH	Trial preparation	8.4
8/26/18	AAA	Trial prep	3.8
8/27/18	KIS	Trial prep, including reading and watching deposition portions, discussion with J. Levitt and preparing cross exam bulletpoints, and correspondence with K. Scolnick regarding rule of completeness and what deposition clips to play.	11.9
8/27/18	MRH	Trial preparation	6.8
8/27/18	AAA	Trial prep	4.6
8/28/18	KIS	Trial	15.5
8/28/18	MRH	Trial preparation, including investigating Defendant's potential witnesses and develop cross exams.	6.5
8/28/18	AAA	Trial	13.4
8/29/18	KIS	Trial	17.3
8/29/18	MRH	Trial preparation, including investigating Defendant's potential witnesses and develop cross exams.	9.9
8/29/18	AAA	Trial	13.1
8/30/18	KIS	Trial	19.0
8/30/18	MRH	Trial preparation, including investigating Defendant's potential witnesses and develop cross exams.	7.6
8/30/18	AAA	Trial	12.9
8/31/18	KIS	Coordinate co-counsel preparation for trial.	2.9
8/31/18	MRH	Trial preparation, focusing on 4 witnesses identified by Defendant's counsel in email.	10.2
8/31/18	AAA	Trial prep	1.0
9/1/18	KIS	Coordinate co-counsel preparation for trial and work on witness outline	3.3
9/1/18	MRH	Trial preparation, including investigating Defendant's potential witnesses and develop cross exams.	5.9
9/1/18	AAA	Trial prep and preparing cross exams	6.2
9/2/18	KIS	Coordinate co-counsel preparation for trial and prepare witness cross exam	4.6
9/2/18	MRH	Trial preparation, including investigating Defendant's potential witnesses and develop cross exams.	7.0
9/2/18	AAA	Trial prep and preparing cross exams	7.0
9/3/18	KIS	Trial prep and coordinate with co-counsel regarding cross exams	9.8
9/3/18	MRH	Trial preparation, including revising response to Defendant's "glossary"	7.6
9/3/18	AAA	Trial prep and preparing cross exams	10.9
9/4/18	KIS	Trial and revise and finalize response to Defendant's "glossary of terms," deal with Lichtman scope and exhibits outside of what was ready for deposition questioning	15.9

9/4/18	MRH	Trial support from office, including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	8.9
9/4/18	AAA	Trial	14.9
9/5/18	KIS	Trial	16.6
9/5/18	MRH	Trial support from office, including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	9.5
9/5/18	AAA	Trial	12.8
9/6/18	KIS	Trial	13.3
9/6/18	MRH	Trial support from office, including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	6.8
9/6/18	AAA	Trial prep and preparing cross exams	6.5
9/7/18	KIS	Trial prep, including dealing with Lichtman issue	10.9
9/7/18	MRH	Trial preparation including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	7.0
9/7/18	AAA	Trial prep and preparing cross exams	6.3
9/8/18	KIS	Trial prep, including dealing with Lichtman issue	11.5
9/8/18	MRH	Trial preparation, including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	5.5
9/8/18	AAA	Trial prep and preparing cross exams	6.0
9/9/18	KIS	Trial prep, including dealing with Lichtman issue	10.6
9/9/18	MRH	Trial preparation, including investigation of Defendant's potential witnesses and preparing witness cross examination outlines	5.2
9/9/18	AAA	Trial prep and preparing cross exams	7.3
9/10/18	KIS	Trial and review papers regarding sanctions motion in preparation for hearing	15.5
9/10/18	MRH	Trial support from office	4.7
9/10/18	AAA	Trial	11.7
9/11/18	KIS	Trial and research and draft response regarding Lichtman's testimony and documents outside the scope of deposition	11.1
9/11/18	MRH	Trial support from office, including research and drafting response regarding Lichtman testimony and documents	6.0
9/11/18	AAA	Trial and discuss preparation of closing brief	9.7
9/12/18	KIS	Research and drafting closing brief.	8.6
9/12/18	MRH	Research, draft and revise response regarding Lichtman testimony and documents beyond his designation and what he was prepared to discuss at deposition.	4.1
9/12/18	AAA	Research for closing brief and prepare for exhibit admission hearing.	3.0
9/13/18	KIS	Review exhibits, travel to/from and attend conference to address admission of trial exhibits, debrief with A. Alarcon and M. Cussimonio to address trial exhibit issues.	5.6

9/13/18	KIS	Travel to/from and meet with M. Kousser and A. Gonzalez for trial debrief and thoughts on closing.	4.9
9/13/18	MRH	Research and organize closing brief and proposed verdict form.	4.0
9/13/18	AAA	Court conference re: trial exhibits, conference with K. Shenkman thereafter and research for closing brief.	6.7
9/14/18	KIS	Research and drafting closing brief.	7.5
9/14/18	MRH	Work on closing brief	5.8
9/14/18	AAA	Research for closing brief	4.1
9/15/18	KIS	Research and drafting closing brief.	8.2
9/15/18	MRH	Work on closing brief	7.1
9/15/18	AAA	Research for closing brief	5.0
9/16/18	KIS	Research and drafting closing brief and verdict form, review trial transcripts and exhibits	10.7
9/16/18	MRH	Work on closing brief	6.4
9/16/18	AAA	Review trial transcript for use in closing brief	7.1
9/17/18	KIS	Research and drafting closing brief and verdict form, review trial transcripts and exhibits	11.2
9/17/18	MRH	Work on closing brief	6.9
9/17/18	AAA	Review trial transcript for use in closing brief	4.4
9/18/18	KIS	Research and drafting closing brief and verdict form, review trial transcripts and exhibits	9.5
9/18/18	MRH	Drafting closing brief and verdict form	4.9
9/18/18	AAA	Review trial transcripts for inserts in closing brief	3.7
9/19/18	KIS	Research and drafting closing brief.	10.8
9/19/18	MRH	Revise portions of closing brief	5.9
9/19/18	AAA	Review trial transcripts for inserts in closing brief	14.3
9/20/18	KIS	Research and drafting closing brief, adding evidentiary support	11.5
9/20/18	MRH	Work on closing brief	6.2
9/20/18	AAA	Insert trial transcript and trial exhibit citations in closing brief and revise intent section	11.6
9/21/18	KIS	Research and drafting closing brief, adding evidentiary support	7.4
9/21/18	MRH	Review and revise closing brief	3.2
9/21/18	AAA	Find trial transcript and exhibits for citation in closing brief and verdict form	5.5
9/22/18	KIS	Revise closing brief, add evidentiary support	6.2
9/22/18	MRH	Revise closing brief	1.5
9/22/18	AAA	Find trial transcript and exhibits for citation in closing brief and verdict form	3.5
9/23/18	KIS	Revise closing brief, add evidentiary support	5.5
9/23/18	MRH	Research and revise closing brief and verdict form	4.9
9/23/18	AAA	Find trial transcript and exhibits for citation in closing brief and verdict form	4.0
9/24/18	KIS	Revise closing brief, add evidentiary support	7.2
9/24/18	MRH	Revise closing brief and verdict form	2.4

9/24/18	AAA	Revise closing brief and verdict form with evidence support and deal with trial exhibit admission issue.	4.7
9/25/18	KIS	Revise and finalize closing brief and verdict form	3.8
9/25/18	MRH	Revise and finalize closing brief	1.0
10/10/18	KIS	Investigate problem with closing brief corresponding to admitted exhibits; research ability to introduce RFA response after conclusion of evidence at trial.	1.7
10/11/18	KIS	Deal with difference between closing brief, proposed verdict form and admitted exhibits, and draft notice of errata and corrected closing documents accordingly	2.1
10/15/18	KIS	Evaluate Defendant's closing brief and verdict form, discuss with M. Hughes and begin formulating response	3.6
10/15/18	KIS	Travel to/from and meet with PNA board	3.5
10/15/18	MRH	Review closing statement and proposed verdict form filed by Defendant and discuss same with K. Shenkman; research issues raised in Defendant's closing and verdict form.	4.5
10/16/18	KIS	Research and drafting reply closing brief	8.5
10/16/18	MRH	Research and drafting response to Defendant's closing statement.	6.7
10/17/18	KIS	Research and drafting reply closing brief	9.2
10/17/18	AAA	Review correspondence from T. Henry and review trial notes to determine admission of exhibits	1.8
10/17/18	KIS	Review correspondence from T. Henry regarding exhibits and coordinate with A. Alarcon and M. Cussimonio	0.7
10/17/18	MRH	Research and drafting response to Defendant's closing statement.	5.5
10/18/18	KIS	Research and drafting reply closing brief	7.3
10/18/18	MRH	Research and drafting response to Defendant's closing statement.	5.8
10/18/18	AAA	Review trial transcripts for response to T. Henry regarding admission of exhibits	7.4
10/19/18	KIS	Research and drafting reply closing brief, discuss with J. Levitt	8.3
10/19/18	KIS	Deal with inquiries from press and public regarding allegations of PAL sex abuse and discussion of same at depositions of Winterer, Cole, et al. in advance of revelations of rampant sex abuse of Latino children in the Pico Neighborhood; draft statement concerning same.	2.5
10/19/18	MRH	Research and drafting response to Defendant's closing statement.	4.0
10/20/18	KIS	Research and drafting reply closing brief	9.3
10/20/18	MRH	Research and drafting response to Defendant's closing statement.	2.6
10/21/18	KIS	Research and drafting reply closing brief	8.7
10/21/18	MRH	Research and drafting response to Defendant's closing statement.	4.4
10/22/18	KIS	Research and drafting reply closing brief	10.4



10/22/18	MRH	Research and drafting response to Defendant's closing statement.	4.8
10/23/18	KIS	Research and drafting reply closing brief	7.8
10/23/18	MRH	Research and drafting response to Defendant's closing statement.	5.9
10/23/18	AAA	Work on rebuttal closing brief and find trial citations	9.1
10/24/18	KIS	Research and revising reply closing brief	5.0
10/24/18	MRH	Revise response to Defendant's closing statement and discuss with K. Shenkman	2.3
10/24/18	AAA	Work on rebuttal closing brief and find trial citations	5.8
10/25/18	KIS	Revise and finalize reply closing brief	3.0
10/25/18	MRH	Revise response to Defendant's closing statement.	1.2
10/25/18	AAA	Review T. Henry objections to exhibit binders and coordinate with K. Shenkman and M. Cussimonio	1.3
10/26/18	KIS	Investigate, research and drafting response to objections to exhibit binders	2.0
10/26/18	AAA	Review trial transcripts for exhibit admissions to deal with Defendant's objections; draft sections for response to objections	10.5
10/27/18	KIS	Investigate, research and drafting response to objections to exhibit binders	3.1
10/27/18	AAA	Work on response to objection to exhibit binders and declaration	6.5
10/28/18	KIS	Investigate, research and drafting response to objections to exhibit binders	3.6
10/28/18	AAA	Revise and coordinate response to objection to trial exhibit binders and call with E. Gordon	1.7
10/29/18	KIS	Draft, revise and finalize response to objections to exhibit binders and associated papers.	2.5
10/29/18	AAA	Review transcripts for citations requested by K. Shenkman.	3.2
10/30/18	KIS	Travel to/from and speak at N.E. Neighbors meeting	3.9
11/9/18	AAA	Monitor LASC Electronic filing system for ruling throughout the day; Email Exchange w team.	1.0
11/10/18	KIS	Deal with press and clients and community activists regarding unavailability of court decision on case and story about monetary sanctions	1.8
11/13/18	KIS	Evaluate court tentative decision, deal with press regarding same, communicate with co-counsel and experts regarding ruling.	3.7
11/13/18	MRH	Review court decision; discuss timing of remedies briefing with K. Shenkman; research and drafting ex parte application to modify briefing schedule as an impossibility.	5.2
11/13/18	AAA	Speak with K. Shenkman re ruling and briefing schedule; review ruling; call Dept. 28 regarding briefing schedule and receipt of ruling; conduct press search; Email team re SM Press Statement.	2.0

11/14/18	KIS	Correspondence with K. Scolnick and coordinate with E. Gordon regarding briefing schedule and stipulation, avoiding need for ex parte application.	0.6
11/14/18	KIS	Research and drafting remedies brief	7.3
11/14/18	MRH	Research and drafting opening remedies brief	4.5
11/15/18	KIS	Correspondence with K. Scolnick regarding effect of court decision on 2018 election.	0.3
11/15/18	KIS	Evaluate request for statement of decision, discuss with M. Hughes, and research regarding level of harassment by Defendant's request for statement of decision	3.8
11/15/18	MRH	Research regarding Inquisition through request for statement of decision.	4.9
11/15/18	KIS	Travel to/from and meet with G. Morena and O. de la Torre	3.0
11/15/18	KIS	Travel to/from and participate in local cable news story regarding Plaintiffs' victory.	3.3
11/15/18	KIS	Begin formulating remedies brief and strategy, discuss with J. Levitt.	1.5
11/16/18	KIS	Research and drafting remedies brief	7.6
11/16/18	MRH	Research and drafting opening remedies brief	5.8
11/17/18	KIS	Research and drafting remedies brief and associated papers	6.9
11/17/18	MRH	Research for opening remedies brief	4.1
11/18/18	KIS	Research and drafting remedies brief and associated papers	9.2
11/18/18	MRH	Research and revise opening remedies brief	3.7
11/19/18	KIS	Revise and finalize remedies brief and associated papers, discuss with J. Levitt; discuss path to stop certification of 2018 election	3.8
11/19/18	KIS	Explain to local press Defendant's request for statement of decision, and how it is not newsworthy	0.6
11/19/18	MRH	Research regarding procedure for expedited injunction, discuss with K. Shenkman.	3.4
11/19/18	AAA	Read and suggest revisions to remedies brief and associated declarations	1.3
11/20/18	KIS	Research and drafting TRO / OSC application to prohibit certification of 2018 election, discuss with R. Rubin	7.1
11/20/18	MRH	Research for TRO and preliminary injunction motion regarding certification of 2018 election.	3.6
11/21/18	KIS	Research and drafting TRO / OSC application to prohibit certification of 2018 election.	4.9
11/21/18	MRH	Research for TRO and preliminary injunction motion regarding certification of 2018 election.	3.0
11/23/18	KIS	Research and drafting TRO / OSC application to prohibit certification of 2018 election.	8.5
11/23/18	MRH	Research for TRO and preliminary injunction motion regarding certification of 2018 election.	5.1
11/24/18	KIS	Research and drafting TRO / OSC application to prohibit certification of 2018 election.	6.2

11/24/18	MRH	Research and drafting section of TRO and preliminary injunction motion regarding certification of 2018 election.	2.9
11/25/18	KIS	Research, draft and revise objection to request for statement of decision; coordinate with E. Gordon regarding same.	6.5
11/25/18	MRH	Revise TRO and preliminary injunction motion.	2.5
11/26/18	KIS	Research and revise objection to request for statement of decision	3.9
11/26/18	MRH	Revise and finalize TRO and preliminary injunction motion	1.8
11/26/18	AAA	Review ex parte application and declarations and suggest edits.	1.4
11/27/18	KIS	Prepare for, travel to/from and attend hearing on TRO / OSC application to prohibit certification of 2018 election	5.8
11/27/18	KIS	Travel to/from and attend rally at city council meeting and city council meeting, then meet with clients and local activists.	5.1
11/27/18	AAA	Hearing on ex parte application of stop certification of election	4.9
11/30/18	KIS	Evaluate order directing Plaintiffs to prepare proposed statement of decision and proposed judgment, and Defendant's remedies brief, discuss with M. Hughes and R. Rubin, and begin formulating reply regarding remedies.	6.6
11/30/18	MRH	Review Defendant's remedies brief, discuss with K. Shenkman, research issues raised in Defendant's brief.	5.2
12/1/18	KIS	Research and drafting reply remedies brief	6.5
12/1/18	MRH	Work on response to Defendant's brief and failure to actually propose a remedy	4.4
12/2/18	KIS	Research and drafting reply remedies brief	8.1
12/2/18	MRH	Work on response to Defendant's brief and failure to actually propose a remedy	5.3
12/3/18	KIS	Research and drafting reply remedies brief	7.6
12/3/18	MRH	Work on response to Defendant's brief and failure to actually propose a remedy	4.9
12/4/18	KIS	Revise and finalize reply remedies brief, discuss with R. Rubin	6.6
12/4/18	MRH	Revise response to Defendant's brief and failure to actually propose a remedy	2.8
12/7/18	KIS	Prepare for, travel to/from and attend hearing on selection of appropriate remedies, conference with co-counsel thereafter.	5.5
12/7/18	AAA	Hearing on appropriate remedies and team meeting.	4.8
12/14/18	KIS	Evaluate remedies order and decision, respond to press inquiries re: same, discuss response with A. Alarcon.	2.9
12/14/18	AAA	Review court tentative decision and discuss response to court tentative decision on remedies with K. Shenkman.	0.4
12/15/18	KIS	Research and drafting ex parte for clarification.	2.6
12/15/18	MRH	Work on ex parte application in response to remedies ruling	3.5
12/16/18	KIS	Research and drafting ex parte for clarification.	1.9
12/17/18	KIS	Research and drafting ex parte for clarification, discuss with R. Parris.	4.0
12/17/18	MRH	Revise ex parte application for clarification of remedies ruling	2.2

12/18/18	KIS	Revise and finalize ex parte for clarification and draft associated papers, incorporate revisions from colleagues; correspondence with K. Scolnick regarding same.	4.9
12/18/18	MRH	Revise ex parte application for clarification.	1.6
12/18/18	AAA	Review and revise ex parte application	0.8
12/19/18	KIS	Prepare for, travel to/from ex parte application hearing and confer with G. Cardona regarding rescheduling and potential agreement on seeking clarification and draft correspondence re: same.	3.7
12/19/18	AAA	Travel to/from ex parte application hearing	2.8
12/20/18	KIS	Drafting proposed statement of decision and proposed judgment.	5.4
12/21/18	KIS	Drafting proposed statement of decision and proposed judgment.	6.3
12/22/18	KIS	Drafting proposed statement of decision and proposed judgment.	7.5
12/23/18	KIS	Drafting proposed statement of decision and proposed judgment.	5.2
12/24/18	KIS	Revise ex parte application and associated papers accounting for date change and additional relief necessitated by date change, and correspondence with opposing counsel regarding same.	2.2
12/24/18	KIS	Drafting proposed statement of decision and proposed judgment.	4.9
12/26/18	KIS	Drafting proposed statement of decision and proposed judgment.	6.5
12/26/18	MRH	Review and revise proposed statement of decision and proposed judgment	3.7
12/27/18	MRH	Review and revise proposed statement of decision and proposed judgment	3.0
12/27/18	AAA	Review and revise draft proposed judgment	0.6
12/29/18	AAA	Review and suggest revisions to draft proposed statement of decision	1.4
12/29/18	KIS	Compiling revisions and further research and drafting proposed statement of decision and proposed judgment	5.0
12/30/18	KIS	Compiling revisions and further research and drafting proposed statement of decision and proposed judgment	4.5
12/31/18	KIS	Revise and finalize ex parte for clarification papers.	1.8
12/31/18	KIS	Compiling revisions and further research and drafting proposed statement of decision and proposed judgment	5.3
1/1/19	KIS	Review remedies briefing and case law and applicable sections of Elections Code to prepare for hearing on ex parte application for clarification; review mandatory e-filing rules to determine applicability to 1-2-19 ex parte and coordinate filing.	4.7
1/1/19	MRH	Revise proposed statement of decision.	3.6

1/2/19	KIS	Prepare for, travel to/from and attend hearing on ex parte for clarification, debrief clients and then debrief M. Hughes and R. Rubin, respond to press inquiries re: same	8.2
1/2/19	KIS	Draft and revise proposed statement of decision and proposed judgment based on court's direction and suggestions of colleagues.	4.9
1/2/19	MRH	Debrief with K. Shenkman regarding hearing on ex parte application for clarification and further work on proposed statement of decision and proposed judgment in accordance with court's instruction.	2.5
1/2/19	AAA	Review previous remedies briefing and ex parte application; travel to/from and attend hearing on ex parte application for clarification.	5.2
1/3/19	KIS	Research, revise and finalize proposed statement of decision and proposed judgment consistent with court's direction, and draft notice of lodging	4.8
1/3/19	MRH	Review and revise proposed statement of decision and proposed judgment.	1.9
1/7/19	KIS	Prepare materials for neighborhood / civic organization meetings; travel to/from and speak at N.E. Neighbors meeting and Apartment Owners' group meeting.	5.9
1/8/19	KIS	Travel to/from and meet with PNA board	4.0
1/12/19	KIS	Travel to/from and speak at Neighborhood Council meeting.	4.5
1/18/19	KIS	Evaluate objections to proposed statement of decision and proposed judgment, coordinate with D. Ely regarding district boundary descriptions in Judgment	4.9
1/18/19	MRH	Review Defendant's objections to proposed statement of decision and proposed judgment.	3.5
1/21/19	KIS	Evaluate objections to proposed statement of decision and proposed judgment; discuss appropriate response with M. Hughes.	2.0
1/24/19	KIS	Draft responses to Defendant's objections to proposed statement of decision and proposed judgment, and corrected proposed judgment.	4.4
1/31/19	AAA	Address case reassignment with Dept. 28/9; draft declaration as directed by clerk; discuss with K. Shenkman	2.9

# Exhibit 29

Fwd: Department 15 Tentative Ruling - OSCAR DE LA TORRE and ELIAS SERNA v. CITY OF SANTA MONICA, Case No. 21STCV08597; 12/17/21 at 10:00 a.m.

From: W. Trivino-Perez, Esq. (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Thursday, December 16, 2021, 03:08 PM PST

----- Forwarded message -----

From: **SMCDEPT15** <[SMCDEPT15@lacourt.org](mailto:SMCDEPT15@lacourt.org)>

Date: Thu, Dec 16, 2021 at 3:04 PM

Subject: Department 15 Tentative Ruling - OSCAR DE LA TORRE and ELIAS SERNA v. CITY OF SANTA MONICA, Case No. 21STCV08597; 12/17/21 at 10:00 a.m.

To: Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>, W. Trivino-Perez, Esq. <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>, Kirsten Galler <[kirsten.galler@santamonica.gov](mailto:kirsten.galler@santamonica.gov)>

Good afternoon,

# 4 TENTATIVE RULING 10:00 a.m., Friday, December 17, 2021

OSCAR DE LA TORRE and ELIAS SERNA v. CITY OF SANTA MONICA, Case No. 21STCV08597

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# 4 TENTATIVE RULING 10:00 a.m., Friday, December 17, 2021

OSCAR DE LA TORRE and ELIAS SERNA v. CITY OF SANTA MONICA, Case No. 21STCV08597

Plaintiff Oscar De La Torre was elected at large to the 7-member Santa Monica City Council in November 2020 and took office in December 2020. His spouse is Maria Loya. She is a member of the Pico Neighborhood Association (PNA). Loya and PNA are plaintiffs/respondents in an appeal pending before the California Supreme Court, titled Pico Neighborhood Association, et al v. City of Santa Monica, LASC Case No. BC616804, and known as the CVRA action. In the CVRA action the trial court held that the City's at large election for Council Members violates California Voting Rights Act, Elections Code §§ 14025 et seq.

The operative complaint is the verified Second "Amended Complaint filed on August 10, 2021. Plaintiffs therein allege that a majority of the Santa Monica City Council voted to exclude De La Torre from all "discussions, meetings and votes relating to the Voting Rights Case." 2AC, para. 35. The only reason alleged for De La Torre's exclusion is that he had a "conflict of interest." 2AC, para. 40. The Second Amended Complaint alleges causes of action for declaratory relief and violation Ralph M. Brown Act, Government Code § 4950 and seeks declaratory and injunctive relief and attorney's fees under the Brown Act and CCP § 1021.5. The City filed an answer that responded specifically to each paragraph alleged in the verified 2AC and pled various affirmative defenses. The City alleged in its 14<sup>th</sup> affirmative defense that:

"[A]ny alleged harm to Plaintiffs has been brought about wholly and solely by reason of the acts and conduct of Plaintiffs and without any unlawful or wrongful conduct whatsoever on the part of Defendant.... [S]uch conduct, includes, but is not limited to, a disqualifying conflict of interest under the Political Reform Act, Government Code Section 1090, or the common-law conflict of interest. Plaintiff de la Torre was the designated representative and former co-chair of the PNA, a party to the CVRA Action, and his wife is also a party to that action and a board member of the PNA. Defendant has been awarded costs on appeal in the CVRA Action, and may be able to seek additional costs as a prevailing party from the CVRA Plaintiffs, which includes de la Torre's wife. Plaintiff de la Torre's wife purports to receive free legal services from counsel who represents plaintiffs in the CVRA Action, and, on information and belief, since taking his oath as a councilmember, Plaintiff de la Torre has received legal advice from counsel who represents plaintiffs in the CVRA Action. Ans., para. 14.

**A. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF DE LA TORRE TO PROVIDE FURTHER RESPONSE TO SPECIAL INTERROGATORIES**

The Court has grouped the special interrogatories by subject matter for convenient discussion.

**GROUP 1:**

1. IDENTIFY all PERSONS with whom YOU conferred or consulted in deciding to file THIS ACTION.
2. IDENTIFY all PERSONS with whom YOU conferred or consulted in preparing YOUR COMPLAINT filed THIS ACTION.
3. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.
4. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION for the time period following YOUR (sic) being sworn in as a CITY Councilmember on about December 8, 2020 to the present.

Answering **Special Interrogatory No. 1**, De La Torre after interposing objections said as follows:

“Responding Party recalls Councilmembers Gleam Davis and Sue Himmerlrich encouraging him to file the instant action in order to test whether he has a ‘common law conflict of interest’ that precludes him from fulfilling his duties as an elected member of the Santa Monica City Council in connection with votes, decisions and deliberations regarding *Pico Neighborhood Association, et al v. City of Santa Monica*.”

De La Torre is ordered to provide the information required in the instructions as to his communications with Councilmember Gleam Davis and now Mayor Sue Himmerlrich within 10 days. As to the balance of Special Interrogatory No. 1, the motion to compel is denied because the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence, invades the privacy rights of De La Torre, and unnecessarily burdens him in performing his responsibilities as an elected councilmember. The special interrogatory, besides that, is vague, uncertain, overbroad and, because of its breadth and uncertainty, imposes unnecessary and unreasonable burden on De La Torre's rights of petition to the public courts. In addition, MP's separate statement provides no argument that this particular interrogatory seeks information that is relevant or reasonably calculated to lead to the discovery of admissible evidence.

Answering **Special Interrogatory No. 2**, De La Torre after interposing objections said as follows:

“The Complaint in this action was not prepared by Responding Party.”

This interrogatory was not written to ask what the City probably wanted to know. De La Torre's answer is sufficient to respond to the interrogatory as written. The term YOU is defined to include agents and attorneys of De La Torre. Requiring Mr. Trivino-Perez to answer would invade his attorney work-product privilege. The Court denies the motion to compel as to Special Interrogatory No. 2.

Answering **Special Interrogatory No. 3**, De La Torre after interposing objections said as follows:

"Responding Party has had no public communications with Shenkman & Hughes PC regarding the above captioned case."

This is an incomplete response. Did De La Torre have any communications with the Shenkman Law Firm about this case during the relevant period? The Court orders a further response from De La Torre to Special Interrogatory No. 3 including for any actual communication the detail required by the instructions. The further verified answer is due within 10 days from this date.

Answering **Special Interrogatory No. 4**, De La Torre after interposing objections said in part as follows:

"As more fully discussed in Plaintiffs' Verified Second Amended Complaint and Plaintiffs' Opposition to Defendants' Demurrer to the Second Amended Complaint: Responding Party has no 'personal interest' in Pico Neighborhood Association, et al v. City of Santa Monica different than (sic) a large number of constituents..."

This answer evades Special Interrogatory No. 7 by answering some other imagined question. However, De La Torre answered this interrogatory in his declaration dated December 6, 2021 wherein he testified (page 6, lines 9-11):

"Since becoming an elected member of the Santa Monica City Council, I have, on a couple of occasions, asked Kevin Shenkman to provide me with an update on the progress of the Voting Rights Case, which he has done."

The motion to compel is granted to Special Interrogatory No. 4. De La Torre must provide a complete and verified response to Special Interrogatory No. 4 within 10 days from this date.

GROUP 2:

6. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that the CITY violated the Ralph M. Brown Act.

Plaintiff's De. La Torre's response, after objections are interposed, to **Special Interrogatory #6** is:

"Responding Party has no 'personal interest' in *Pico Neighborhood Association, et. al. v. City of Santa Monica* different than a large number of constituents; and Defendant threatens to unlawfully hold closed session meetings of a majority, but not all, of its city council, to discuss, deliberate, and provide direction concerning *Pico Neighborhood Association, et. al. v. City of Santa Monica* by excluding Responding Party, an elected member of the Santa Monica City Council, from such meeting."

The Court is unable from the City's motion to determine in what way the City thinks the response is inadequate. If exclusion of an elected Council member from a closed meeting is a violation of the Brown Act, what additional facts must be described? The Court does not construe the special interrogatory to require De La Torre to identify facts to show the City's reasons (whatever they are) for excluding him from Council meetings do not violate the Brown Act.

7. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that the CITY lacks authority to exclude YOU from closed session CITY council meetings RELATING TO THE CVRA ACTION.

De La Torre's response to Special Interrogatory # 7 is a longer version of his response to # 6 and ends with this statement: "and the authority to determine issues of conflict of interest lies with the California courts and Fair Political Practices Commission, not political subdivisions of their governing boards."

California law allows political bodies to establish procedures to exclude participation by its members for good reason, although such exclusion is challengeable in court and possibly by the FPPC. But the legal correctness of De La Torre's contention is not the issue; the issue is whether De La Torre has provided all the facts for his allegation. The City argues in its motion that the interrogatory "Seeks Important, Relevant Information" but the motion fails to identify what further facts would provide relevant information.

GROUP 3:

8. For the period beginning on November 20, 2020, identify all legal-related matters including, without limitation, legal proceedings, non-litigation proceedings, lawsuits, and arbitrations, in which YOU have received legal advice from the SHENKMAN LAW FIRM.

De La Torre's response, after objections, is: "Responding Party has had no public communications with Shenkman & Hughes PC regarding legal proceedings since November 20, 2020." This is non-responsive. De La Torre seems to be making a distinction between "public communications" and some other type of communications. If he has received legal advice on any level from the Shenkman Law Firm since November 20, 2020 he must describe when, how,

with whom the contact was made. The Court orders De La Torre to provide a complete and verified response within 10 days.

Moreover, in his answer to this interrogatory and others, De La Torre asserts that he is not required to answer because he is “protected from disclosure by the deliberative process privilege.” No such privilege exists to block relevant discovery inquiry in this case. Evid. Code § 911 provides in relevant part: “[e]xcept as otherwise provided by statute [,] ...[n]o person has a privilege to refuse to disclose any matter or to refuse to produce any writing, object, or other thing.” It has long been held, “[t]he courts of this state ... are not free to create new privileges as a matter of judicial policy and must apply only those which have been created by statute.” *OXY Resources California, LLC v. Superior Court* (2004) 115 Cal.App.4<sup>th</sup> 874, 888–889. The deliberative process privilege to which plaintiffs refer is found in cases that involve requests made under the Public Records Act. That Act contains exceptions from which a deliberative process privilege has been developed, see, *Labor and Workforce Development Agency v. Superior Court* (2018) 19 Cal.App.5<sup>th</sup> 12, but that does not mean that in a case not involving the Public Records Act a privilege called the deliberative process privilege exists to object to discovery demands served on a city councilmember who is suing the municipality he is serving. The Court notes, moreover, that De La Torre has not made the slightest effort to establish any facts that would support an argument that his conversations outside council meetings fulfills any purpose that might support the existence in this context of a deliberative process privilege.

The Court disagrees and overrules De. La Torre’s assertion that “[t]o the extent Shenkman & Hughes PC attorneys communicate with Ms. Loya, those communications may be privileged even if such communications are in the presence of Responding Party.” The Court understands that Ms. Loya and PNA are plaintiffs in the CVRA action brought against the City of Santa Monica. De La Torre, Loya’s husband, is a member of the City Council. Were he present during attorney–client communications involving plaintiffs’ representation by the Shenkman Law Firm that would waive the attorney client privilege between the CVRA and the Shenkman Law Firm. De La Torre might have to answer discovery about any such “meetings” in which he was present. However, even so, that hypothetical situation would not suggest that De La Torre was “receiving legal advice” from the Shenkman Law Firm.

9. For the period beginning on November 20, 2020, identify all legal-related matters including, without limitation, legal proceedings, non-litigation proceedings, lawsuits, and arbitrations, in which MARIA LOYA has received legal advice from the SHENKMAN LAW FIRM.

De La Torre answered Special Interrogatory No. 9 as follows: “Responding Party believes that Shenkman & Hughes PC has provided legal advice to Maria Loya

concerning Pico Neighborhood Association v. City of Santa Monica at various times over the past 5+ years." To the extent that Loya received legal advice from an attorney acting for the Shenkman Law Firm in the presence of De La Torre since November 20, 2020 De La Torre must provide a further full, complete and verified response to the special interrogatory within 10 days. There is no attorney-client privilege under Evid. Code 952 if another person was present during the communication unless that person was present to further the interest of the client. If such communications occurred between plaintiffs in the CVRA action and the Shenkman Law Firm De La Torre cannot object on attorney-client privilege grounds unless he is conceding he was present to further the interests of the client(s) of the Shenkman Law Firm. If he is asserting that position De La Torre must say so, and, if such is the case, the Court orders De La Torre to provide a privilege log for any such communications when he was present when the Shenkman Law Firm provided advice to Loya or PNA.

GROUP 4:

12. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position that communications between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION, for the period following YOUR being sworn in as a CITY Councilmember on or about December 1, 2020 to the present, are subject to the deliberative process privilege.

This is what De La Torre said in response to Special Interrogatory No. 12 (after skipping all the nonwaived objections):

"His communications with others concerning matters that are, have been, or may be the subject of action by him as an elected members of the Santa Monica City Council are thus protected from disclosure by the deliberative process privilege."

The Court disagrees with this assertion on many grounds. The deliberative process privilege has been raised in cases involving the Public Records Act and that Act contains exceptions that, in those cases, exempted the sought-after records from the disclosure provisions of the Act. This case does not seek documents under the Public Records Act. Second, trial courts are not permitted to create privileges that override discovery requests outside the Evidence Code. *OXY Resources California, LLC v. Superior Court* (2004) 115 Cal.App.4<sup>th</sup> 874, 888-889. Plaintiffs have no ability to refuse to produce otherwise relevant discovery on a claim of deliberative process privilege. Third, any claim of a deliberative process privilege would apply to predetermination in the process of rule-making; it has never applied to the thoughts or conduct of individual legislators and certainly not to shield a legislator who himself is suing the rule-making body. See generally, *Labor and Workforce Development Agency v. Superior Court* (2018) 19 Cal.App.5<sup>th</sup> 12.

Even though the Court finds the deliberative process privilege does not apply in the context of this case, plaintiffs are entitled to argue the contrary. Therefore, De La Torre should answer this interrogatory to identify every fact upon which he relies to his argument that a deliberative process privilege applies to block the discovery demanded by the City. The motion to compel is granted, with complete and verified answers to be served within 10 days.

Group 5:

8. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that YOU do not have a conflict of interest concerning the CVRA ACTION as CITY councilmember.

**Special Interrogatory No. 8** fits in Group 5 with respect to the answers De La Torre gives to Special Interrogatory No. 16. The conflict of interest that the CITY is referring to is a common law or financial conflict of interest. The City states:

“The [SAC] alleges that De la Torre has no conflict of interest—whether common law or financial—with the City and is seeking to participate in closed sessions that include the City’s counsel in the CVRA Action. This Request explicitly seeks documents related to these allegations.”

De La Torre’s answer, after the nonwaived objections, is:

“Responding Party has no ‘personal interest’ in *Pico Neighborhood Association, et al. v. City of Santa Monica* different than a large number of constituents.”

De La Torre in other answers and in his declaration states he has no financial interest in the outcome of the CVRA action, nor does his wife or PNA (the organization founded by De La Torre and which his wife now leads). Mr. Shenkman as counsel for PNA in the CVRA action has stated the same thing. There is nothing more De La Torre can say to respond to Special Interrogatory No. 5. The Court denies the motion to compel a further response.

13. With the exception of the CITY’S Attorneys’ Office, IDENTIFY all attorneys who have represented YOU in any capacity since YOU were sworn in as a CITY councilmember on or about December 8, 2020, such representation includes but is not limited to receiving legal advice, representations in legal proceedings, non-litigation proceedings, lawsuits, and arbitrations.

**Special Interrogatory No. 13** is unclear. What is legal “representation”? Attorney representation in California requires a retainer agreement. Bus. & Prof. Code \_\_. De La Torre, apparently adopts that definition in answering: “Responding Party has been, and is currently, represented by Wilfredo Trivino-Perez.” De La Torre in his declaration also states that he filed an amicus brief to

the California Supreme Court in the CVRA action, and he adds: "Attorney Todd Bonder assisted me with the preparation of that amicus brief." De La Torre decl, p.4: 25-p. 5:3.

De La Torre's answer to Special Interrogatory 13 also refers to "representation of, or legal advice to, ... in the public and thus not subject to the deliberative process privilege." His assumption seems to be that advice he received from lawyers about the law does not have to be disclosed under the deliberative process privilege. He did testify in his declaration to having consulted other attorneys, saying (p. 6:6-9):

"At various times, I have consulted several trusted attorneys regarding a wide variety of topics impacting the City of Santa Monica—housing, crime, homelessness and district-based elections, to name a few. Those attorneys include, but are not necessarily limited to, Dan Ambrose, R. Rex Parris, Wilfredo Trivino-Perez, Kevin Shenkman and Todd Bonder."

De La Torre's answer appears to respond to the definition implied in the special interrogatory for "representation." The Court declines to order any further answer. The City can itself obtain addresses/telephone numbers of those attorneys. Perhaps the identification of the attorneys De La Torre has spoken with (even though the date of the contacts is not provided) is sufficient for the City. If not please advise the Court at the hearing that the City needs a further response to this particular interrogatory.

14. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and MARIA LOYA RELATING TO THE CVRA ACTION for the time period following YOUR (sic) sworn in as a CITY Councilmember on or about December 8, 2020 to present.

De La Torre objects on the grounds the interrogatory seeks a disclosure protected by the deliberative process privilege and "seeks to invade the marital communication privilege." There is no basis for a deliberative process privilege. Evid. Code §911. However, the objection based on the marital communication is sufficient. See, Evid. Code §980. MP seems to argue that De La Torre has not said that his communications to his wife were "made in confidence." The City should assume that De La Torre, if asked, will say that he had an expectation that his communications with his wife about the CVRA litigation were private; and that his wife, who separately holds the privilege, will testify that she had an expectation that the communications were private. The Court will not order a further response.

16. DESCRIBE IN DETAIL all facts supporting YOUR assertion in YOUR November 30, 2020 letter to the FPPC that "my wife and PNA both agreed that they have no right to any attorney's fees or costs recovered in that case.



De La Torre's response to **Special Interrogatory No. 16**, besides adopting the statement in his November 30, 2020 letter to the FPPC, is:

"... neither Responding Party, nor Responding Party's wife, nor the Pico Neighborhood Association has any financial interest in Pico Neighborhood Association, et. al v. City of Santa Monica."

City does not explain why that answer is insufficient. The City makes this argument:

"Plaintiff has alleged a lack of financial conflict. This interrogatory seeks information utilized to test that allegation, but De La Torre essentially repeated prior statements without providing supporting information."

De La Torre repeats his prior statements but this time under oath. De La Torre denies that he, his wife or PNA has now or has had in the past a financial interest in legal fees or costs that have been awarded in the CVRA litigation. Mr. Shenkman likewise said in his decl. (p. 5: 25-27) that:

"Our CVRA clients do not pay us or anyone else any money in connection with those cases. They have no prospect for any financial gain or financial loss from those cases."

Special Interrogatory No. 16 has been answered. The Court denies the motion to compel any further response.

**B. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF ELIAS SERNA TO PROVIDE FURTHER RESPONSE TO SPECIAL INTERROGATORIES:**

Moving Party's separate statement seeks further response to three special interrogatories, to wit: Nos 1, 3 and 7, as quoted below:

3. IDENTIFY all PERSONS with whom YOU conferred or consulted in deciding to file THIS ACTION.
9. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.
10. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION from December 8, 2020 to the present.

Serna's response to **Special Interrogatory No. 1**, apart from objections, is "Nobody." The Court denies MP's motion to compel further response because the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence, invades the privacy rights of Serna, and, besides that, is vague, uncertain, overbroad and due to its breadth and vagueness imposes unnecessary and unreasonable burden on plaintiff.

MP's separate statement provides no argument that this particular interrogatory seeks information that is relevant or reasonably calculated to lead to the discovery of admissible evidence. MP's intention seems to be to cast a broad net and decide once Serna answers by naming everyone he talked to about participating in this suit to describe what if anything is relevant. The interrogatory is intended to be overbroad and burdensome.

MP argues the interrogatory is relevant because:

"This interrogatory seeks to understand how Serna came to file this action, which ties into his alleged harm. Moreover, people who influenced Serna to file this action and their motivations also may reveal a conflict of interest."

MP's explanation demonstrates that Special Interrogatory No. 1 invades Serna's privacy interests, and, given that defendant is a public entity, arguably burdens and, therefore, threatens Serna constitutional right to petition his government. [citations]

The interrogatory is framed to obtain an identification of everyone Serna talked to before signing on as a co-plaintiff including family and friends (depending how the words "conferred" and "consulted" are defined) and predictably include his attorneys. While a contact with one's own attorney may be discoverable, assuming it passes the relevancy test, that would not include communications within the attorney-client privilege. How are communications between a co-plaintiff and his counsel, whether or not within the attorney-client privilege, relevant? If MP had a legitimate purpose in propounding this interrogatory, it should have been framed with that purpose in mind.

The Court need not rule on Serna's claim of the deliberative process privilege because other objections to the interrogatory are sufficient to deny the motion. The motion to compel is denied as to this interrogatory.

**Special Interrogatory No. 3** indicates what MP was aiming at in Interrogatory No. 1—Sernas "communications" with the Shenkman Law Firm. MP apparently regards the Shenkman Law Firm as adverse to the best interests of the Santa Monica City Council because it represents plaintiffs in the CVRA action. The CVRA action raises a political issue—whether the City's at large councilmanic elections violate the California Voting Rights Act. MP views the litigation as antagonistic to the City's interest because, apparently, plaintiffs' counsel in the CVRA action, if successful, will make an attorneys' fee claim as permitted by the statute.

The term "communications" would require an answering party to specify with particularity time, place, manner and identity of the persons involved.

Serna's response to **Special Interrogatory No. 3** is:

“Responding Party has had no non-privileged communications with Shenkman & Hughes PC regarding the above-captioned case.”

This response is inadequate. However, Serna has waived any objection to the form of the special interrogatory by providing a substantive answer. The issue is whether a further response should be required. Serna's answer suggests that he has had communications with the Shenkman Law Firm that he claims to be privileged before the complaint was filed. The Court concludes to ORDER Serna to provide a further response within ten days from this hearing date to list the date(s), place(s), manner(s) and identifies of persons at the Shenkman Law Firm that he had contact. The Court does not find that any further information that Serna provides is relevant to any issue in this action.

Serna gave this response to **Special Interrogatory No. 7:**

“Responding Party expressed general encouragement to one of he attorneys of Shenkman & Hughes concerning the [CVRA] action.”

Serna otherwise said he had no recollection of any communication with attorneys of the Shenkman Law Firm and the CVRA action.

Since plaintiff answered without objection the interrogatory about his “general encouragement” communication with an attorney from Shenkman & Hughes he should answer the remaining part of the interrogatory: when, whether, how and with whom this communication occurred. No documents are mentioned as being part of the communication but if there were documents they should be identified. The Court will order the further response be made within 10 days from this hearing date.

**C. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF ELIAS SERNA TO PROVIDE FURTHER RESPONSE TO REQUESTS FOR DOCUMENTS (RFD):**

The City's Motion to Compel in its Separate Statement identifies these 5 RFDs as requiring further response from plaintiff Serna. For those 5 RFDs the Court quotes the response Serna makes after he asserts objections and states that his further response is without waive of the objections.

2. Produce all DOCUMENTS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.

“Responding Party has conducted a diligent search and has no non-privileged responsive documents in his possession, custody or control.”

Serna does not say he has no such documents: he says he has no privileged documents. The term YOU is defined to include agents and attorneys of Serna, so as to include all actions taken on behalf of Serna. The Court rules that the term YOU to the extent it includes agents or attorneys of Serna is appropriately

defined for discovery purposes, and overrules Serna's objections to the term YOU being incomprehensible.

Serna is ordered to provide a further response that complies with all parts of CCP 2031.230 including the sentence that mandates: "This statement shall also specify whether the inability to comply is because the particular item ... has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer in the possession, custody or control of the responding party." If Serna and/or his agents or attorneys have documents responsive to RFD # 2 that are privileged a privilege log is to be provided that identifies the privilege claim, identifies the document(s) that are privileged by title, date, author and recipient. The further response is to be given within 10 days from the hearing on the motion.

3. Produce all DOCUMENTS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION from December 8, 2020 to the present.

"Responding Party has conducted a diligent search and has no non-privileged responsive documents in his possession, custody or control."

Serna's response is identical to his response to RFD # 2. The Court's order to RFD #2 is incorporated by reference and is the order with respect to the RFD #3. The further response is to be given within 10 days from the hearing on the motion.

4. Produce all DOCUMENTS that YOU contend support YOUR position in this ACTION that the City has violated the Ralph M. Brown Act.

"Responding Party will attempt to provide a reasonable interpretation of this request, and will produce any non-privileged responsive documents in his possession, custody or control."

Discovery requests such as may be construed to invade the attorney work product privilege because it requires an attorney to disclose the documents he/she believes will prove the case. This RFD is different from a contention interrogatory, as Request 4 requires the attorney to examine an undefined universe of documents to select those support a particular legal position. The Court requests the City to provide authority such as from the California Practice Guide, Civil Trials and Evidence that support the propriety of this RFD.

5. Produce all DOCUMENTS that YOU referred to or relied upon in preparing any COMPLAINT in THIS ACTION.

"Responding Party did not 'prepare[e] any COMPLAINT in THIS ACTION,' and therefore this request is incomprehensible."

Even assuming that YOU includes Serna's attorney this RFD does not meet the standard of CCP 2031.310(b)(1) to "set forth specific facts showing good cause

justifying the discovery sought by the demand." The motion to compel is denied.

8. Produce all DOCUMENTS supporting or undermining your assertion that you have suffered harm as a result of the allegations set forth in the COMPLAINT.

"Responding Party will attempt to provide a reasonable interpretation of this request, and will produce any non-privileged responsive documents in his possession, custody or control."

Like RFD # 4 this is subject to a privilege objection. This is not a contention interrogatory, asking "Do you contend that you were harmed by ..." and "What harm do you contend that you suffered by ..." The request asks Serna's counsel to disclose his thought processes to identify documents pertinent to plaintiff's harm. Given that plaintiffs are bringing the action in the public interest there are an infinite number of documents that could be identified even though plaintiff's counsel may have no intention of identifying them as trial exhibits. The Court will not require further response to the RFD.

**D. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF OSCAR DE LA TORRE TO PROVIDE FURTHER RESPONSE TO SPECIAL INTERROGATORIES:**

The City's Motion to Compel in its Separate Statement identifies these 11RFDs as requiring further response from plaintiff De La Torre. For those RFDs the Court quotes De La Torre's response after his preamble in which De La Torre interposes objections and asserts that his further response is not a waiver of the objections.

2. Produce all DOCUMENTS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.

"Responding Party has conducted a diligent search and has no non-privileged responsive documents in his possession, custody or control."

Plaintiff De La Torre does not say he has no such documents: he says he has no privileged documents. The term YOU is defined to include agents and attorneys of Serna, so as to include all actions taken on behalf of this plaintiff. The Court rules that the term YOU to the extent it includes agents or attorneys of De La Torre is appropriately defined for discovery purposes, and overrules De La Torre's objections to the term YOU being incomprehensible.

De La Torre is ordered to provide a further response that complies with all parts of CCP 2031.230 including the sentence that mandates: "This statement shall also specify whether the inability to comply is because the particular item ... has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer in the possession, custody or control of the

responding party." If De La Torre and/or his agents or attorneys have documents responsive to RFD # 2 that are privileged a privilege log is to be provided that identifies the privilege claim, identifies the document(s) that are privileged by title, date, author and recipient. The further response is to be given within 10 days from the hearing on the motion. Plaintiff in its response cites Labor and Workforce Development Agency v. Superior Court (2018) 19 Cal.App.5<sup>th</sup> 12 as a basis to object to preparing a privilege log. The Court of Appeal in the LWDA case issued its writ to protect from disclosure under the deliberative process and attorney work product privileges communications that were confidential between the LWDA and a farm workers union and that related to the LWDA's drafting of proposed legislation. The appellate court held the Public Records Act did not require production because Gov. Code section 6254 exempts records that are made confidential under the Evidence Code. The Evidence Code exemptions that applied were the official information privilege and the attorney mental process privilege. Id. at 28. De La Torre does not cite to any privilege that applies to communications between himself and the Shenkman Law Firm.

3. Produce all DOCUMENTS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION from December 8, 2020 to the present.

"Responding Party has conducted a diligent search and has no non-privileged responsive documents in his possession, custody or control."

De La Torre's response is identical to his response to RFD # 2. The Court's order to RFD #2 is incorporated by reference and it shall be the order as to this RFD #3. The further response is to be made within 10 days from December 17.

5. Produce all DOCUMENTS that you contend support YOUR position alleged in this action that YOU do not have a conflict of interest concerning the CVRA ACTION as a CITY councilmember.

Parties are required to produce documents that support their allegations. The Court is unaware of any part of CCP 2031 that requires a party to produce documents that support a "position." Moreover, the "position" that the De La Torre has a conflict is the City's position. It is the City that knows what documents support that position, not De La Torre. Document requests, furthermore, require a specific description of the documents demanded, see CCP 2031.030(c)(1), and, if the documents are not provided, a motion to compel must "set forth specific facts showing good cause for the documents sought by the demand." How is the City going to do that if it does not know what documents are requested? The Court denies the motion to compel as to this RFD.

ADDITIONAL REQUESTS FOR PRODUCTION OF DOCUMENTS

6. Produce all DOCUMENTS that YOU contend support YOUR position alleged in this ACTION that the CITY has violated the Ralph M. Brown Act.
7. Produce all DOCUMENTS that YOU contend support YOUR position alleged in this ACTION that the CITY lacks authority to exclude YOU from closed session CITY council meetings RELATING TO the CVRA ACTION.
8. Produce all DOCUMENTS that YOU contend support YOUR position alleged in this ACTION that YOU referred to or relied upon in preparing the COMPLAINT in THIS ACTION.
9. Produce all DOCUMENTS sufficient to show the amount of money YOU or MARIA LOYA have received since the filing of the CVRA ACTION (whether as compensation or otherwise) from Holistic Strategies Consulting Services, LLC.

The Court orders De La Torre to serve a full and verified response within 10 days. Referencing "Responding Party's 'Form 700s'" is not a response, even if the Court assumes that the Form 700 discloses monies received from the Holistic Strategies Consulting Services, LLC.

10. Produce all DOCUMENTS RELATING TO YOUR November 30, 2020 correspondence to the FPPC.

De La Torre is ordered to provide any document mentioned in the November 30, 2020 letter within 10 days.

11. Produce all DOCUMENTS that YOU referred to or relied upon in preparing YOUR November 30, 2020 correspondence to the FPPC.
12. Produce all DOCUMENTS between YOU and MARIA LOYA RELATING TO THE CVRA ACTION for the time period following YOUR being sworn in as a CITY councilmember on or about December 8, 2020 to the present.
13. Produce all DOCUMENTS relating to the FPPC's letter, attached as Exhibit A, to your Second Amended Complaint in THIS ACTION, including but not limited to DOCUMENTS that YOU sent to or received from the FPPC regarding the CVRA ACTION or YOUR potential conflict of interest, drafts of the same, and/or communications about such DOCUMENTS.






# Exhibit 30

Tentative

From: Wilfredo Trivino-Perez (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Monday, December 13, 2021, 09:28 AM PST

TRIVINO PEREZ & ASSOCIATES   
10940 Wilshire Blvd, 16th Floor

Wilfredo Trivino-Perez | Attorney at Law  
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De La Torre 12-9-21.pdf  
1.9MB

**Exhibit  
0058**

P0431

# 4 TENTATIVE RULING 8:45 a.m., Monday, December 13, 2021

OSCAR DE LA TORRE and ELIAS SERNA v. CITY OF SANTA MONICA, Case No. 21STCV08597

Plaintiff De La Torre is an elected member of the Santa Monica City Council, and the spouse of Maria Loya. Loya is currently the president of the Pico Neighborhood Association (PNA). Loya and PNA are plaintiffs/respondents in an appeal pending before the California Supreme Court, Pico Neighborhood Association, et al v. City of Santa Monica, LASC Case No. BC616804 (CVRA action). In the CVRA action the trial court held that Santa Monica's at large election for City Council Members violates the California Voting Rights Act.

A. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF DE LA TORRE TO PROVIDE FURTHER RESPONSE TO SPECIAL INTERROGATORIES

The Court has grouped the special interrogatories by subject matter for convenient discussion.

GROUP 1:

1. IDENTIFY all PERSONS with whom YOU conferred or consulted in deciding to file THIS ACTION.
2. IDENTIFY all PERSONS with whom YOU conferred or consulted in preparing YOUR COMPLAINT filed THIS ACTION.
3. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.
4. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION for the time period following YOUR (sic) being sworn in as a CITY Councilmember on about December 8, 2020 to the present.

Answering **Special Interrogatory No. 1**, De La Torre after interposing objections said as follows:

"Responding Party recalls Councilmembers Gleam Davis and Sue Himmerlrich encouraging him to file the instant action in order to test whether he has a 'common law conflict of interest' that precludes him from fulfilling his duties as an elected member of the Santa Monica City Council in connection with votes, decisions and deliberations regarding *Pico Neighborhood Association, et al v. City of Santa Monica*."

De La Torre is ordered to provide the information required in the instructions as to his communications with Councilmember Gleam Davis and now Mayor Sue

Himmerlich within 10 days. As to the balance of Special Interrogatory No. 1, the motion to compel is denied because the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence, invades the privacy rights of De La Torre, burdens him in performing his responsibilities as an elected councilmember, and, besides that, is vague, uncertain, overbroad and, because of its breadth and uncertainty, imposes unnecessary and unreasonable burden on De La Torre's rights of petition to the public courts.

MP's separate statement provides no argument that this particular interrogatory seeks information that is relevant or reasonably calculated to lead to the discovery of admissible evidence.

Answering **Special Interrogatory No. 2**, De La Torre after interposing objections said as follows:

"The Complaint in this action was not prepared by Responding Party."

The interrogatory is not written to ask what the City probably wanted to know. The answer given is sufficient to respond to the interrogatory as written. The Court denies the motion to compel as to Special Interrogatory No. 2.

Answering **Special Interrogatory No. 3**, De La Torre after interposing objections said as follows:

"Responding Party has had no public communications with Shenkman & Hughes PC regarding the above captioned case."

This is an incomplete response. Did De La Torre have any communications with the Shenkman Law Firm about this case during the relevant period? The Court orders a further response from De La Torre to Special Interrogatory No. 3 including for any actual communication the detail required by the instructions. The further verified answer is due within 10 days from this date.

Answering **Special Interrogatory No. 4**, De La Torre after interposing objections said in part as follows:

"As more fully discussed in Plaintiffs' Verified Second Amended Complaint and Plaintiffs' Opposition to Defendants' Demurrer to the Second Amended Complaint: Responding Party has no 'personal interest' in Pico Neighborhood Association, et al v. City of Santa Monica different than (sic) a large number of constituents..."

This answer evades Special Interrogatory No. 7 by answering some other imagined question. However, De La Torre answered this interrogatory in his declaration dated December 6, 2021 wherein he testified (page 6, lines 9-11):

"Since becoming an elected member of the Santa Monica City Council, I have, on a couple of occasions, asked Kevin Shenkman to provide me

with an update on the progress of the Voting Rights Case, which he has done.”

The motion to compel is granted as to Special Interrogatory No. 4. De La Torre must provide a complete and verified response to Special Interrogatory No. 4 within 10 days from this date.

GROUP 2:

6. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that the CITY violated the Ralph M. Brown Act.

7. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that the CITY lacks authority to exclude YOU from closed session CITY council meetings RELATING TO THE CVRA ACTION.

GROUP 3:

8. For the period beginning on November 20, 2020, identify all legal-related matters including, without limitation, legal proceedings, non-litigation proceedings, lawsuits, and arbitrations, in which YOU have received legal advice from the SHENKMAN LAW FIRM.

De La Torre's response, after objections, is: "Responding Party has had no public communications with Shenkman & Hughes PC regarding legal proceedings since November 20, 2020." This is non-responsive. De La Torre is making a distinction between "public communications" and some other type of communications. If he has received legal advice on any level from the Shenkman Law Firm since November 20, 2020 he must describe when, how, with whom the contact was made. The Court orders De La Torre to provide a complete and verified response within 10 days.

The Court disagrees and overrules De. La Torre's assertion that "[t]o the extent Shenkman & Hughes PC attorneys communicate with Ms. Loya, those communications may be privileged even if such communications are in the presence of Responding Party." The Court understands that Ms. Loya and PNA are plaintiffs in the CVRA action brought against the City of Santa Monica. De La Torre, Loya's husband, is an member of the City Council. His presence during attorney-client communications involving plaintiffs represented by the Shenkman Law Firm would waive the attorney client relationship. However, even so, that hypothetical situation would not suggest that De La Torre was receiving advice from the Shenkman Law Firm.

9. For the period beginning on November 20, 2020, identify all legal-related matters including, without limitation, legal proceedings, non-

litigation proceedings, lawsuits, and arbitrations, in which MARIA LOYA has received legal advice from the SHENKMAN LAW FIRM.

De La Torre answered Special Interrogatory No. 9 as follows: "Responding Party believes that Shenkman & Hughes PC has provided legal advice to Maria Loya concerning Pico Neighborhood Association v. City of Santa Monica at various times over the past 5+ years." To the extent that Loya received legal advice from an attorney acting for the Shenkman Law Firm in the presence of De La Torre since November 20, 2020 De La Torre must provide a further full, complete and verified response to the special interrogatory within 10 days. There is no attorney-client privilege under Evid. Code 952 if another person was present during the communication unless that person was present to further the interest of the client. If such communications occurred between plaintiffs in the CVRA action and the Shenkman Law Firm De La Torre cannot object on attorney-client privilege grounds unless he is conceding he was present to further the interests of the client(s) of the Shenkman Law Firm. If he is asserting that position De La Torre must say so, and, if such is the case, the Court orders De La Torre to provide a privilege log for any such communications when he was present when the Shenkman Law Firm provided advice to Loya or PNA.

GROUP 4:

10. Describe in detail the specific relief you are requesting in prayer.

12. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position that communications between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION, for the period following YOUR being sworn in as a CITY Councilmember on or about December 1, 2020 to the present, are subject to the deliberative process privilege

Group 5:

5. DESCRIBE IN DETAIL all facts that YOU contend support YOUR position alleged in THIS ACTION that YOU do not have a conflict of interest concerning the CVRA ACTION as CITY councilmember.

**Special Interrogatory No. 5** fits in this grouping particularly with respect to the answers De La Torre gives to Special Interrogatory No. 16. The conflict of interest that the CITY is referring to is a common law or financial conflict of interest. The City states:

"The [SAC] alleges that De la Torre has no conflict of interest—whether common law or financial—with the City and is seeking to participate in closed sessions that include the City's counsel in the CVRA Action. This Request explicitly seek documents related to these allegations.

De La Torre's answer, after the objections, is:

“Responding Party has no ‘personal interest’ in Pico Neighborhood Association, et al. v. City of Santa Monica different than a large number of constituents.”

De La Torre in other answers and his declaration states he has no financial interest in the outcome of the CVRA action, nor does his wife, nor does PNA. Mr. Shenkman counsel for PNA in the CVRA action has stated the same thing. There is nothing more De La Torre can say to respond to Special Interrogatory No. 5. The Court denies the motion to compel a further response.

13. With the exception of the CITY'S Attorneys' Office, IDENTIFY all attorneys who have represented YOU in any capacity since YOU were sworn in as a CITY councilmember on or about December 8, 2020, such representation includes but is not limited to receiving legal advice, representations in legal proceedings, non-litigation proceedings, lawsuits, and arbitrations.

**Special Interrogatory No. 13** is unclear. What is legal “representation”? Attorney representation in California requires a retainer agreement. Bus. & Prof. Code \_\_. De La Torre, apparently adopts that definition in answering: “Responding Party has been, and is currently, represented by Wilfredo Trivino-Perez.”

De La Torre in his declaration also states that he filed an amicus brief to the California Supreme Court in the CVRA action. He adds: “Attorney Todd Bonder assisted me with the preparation of that amicus brief.” De La Torre decl, p.4: 25-p. 5:3.

De La Torre's answer to Special Interrogatory 13 also refers to “representation of, or legal advice to, ... in the public and thus not subject to the deliberative process privilege.” His assumption seems to be that advice he received from lawyers about the law does not have to be disclosed under the deliberative process privilege. He did testify in his declaration to having consulted other attorneys, saying (p. 6:6-9):

“At various times, I have consulted several trusted attorneys regarding a wide variety of topics impacting the City of Santa Monica—housing, crime, homelessness and district-based elections, to name a few. Those attorneys include, but are not necessarily limited to, Dan Ambrose, R. Rex Parris, Wilfredo Trivino-Perez, Kevin Shenkman and Todd Bonder.”

De La Torre's answer appears to respond to the definition implied in the special interrogatory for “representation.” The Court declines to order any further answer.

14. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and MARIA LOYA RELATING TO THE CVRA ACTION for the time period following YOUR (sic) sworn in as a CITY Councilmember on or about December 8, 2020 to present.

De La Torre objects on the grounds the interrogatory seeks a disclosure protected by the deliberative process privilege and "seeks to invade the marital communication privilege." The Court makes no decision as to the applicability of the deliberative process privilege. However, the objection based on the marital communication is sufficient. See, Evid. Code 980. MP seems to argue that De La Torre has not said that his communications to his wife were "made in confidence." The City should assume that De La Torre, if asked, will say that he had an expectation that his communications with his wife about the CVRA litigation were private; and that his wife, who separately holds the privilege will testify that she had an expectation that the communications were private. The Court will not order a further response.

16. DESCRIBE IN DETAIL all facts supporting YOUR assertion in YOUR November 30, 2020 letter to the FPPC that "my wife and PNA both agreed that they have no right to any attorney's fees or costs recovered in that case.

De La Torre's response to **Special Interrogatory No. 16**, besides adopting the statement in his November 30, 2020 letter to the FPPC, is:

"... neither Responding Party, nor Responding Party's wife, nor the Pico Neighborhood Association has any financial interest in Pico Neighborhood Association, et. al v. City of Santa Monica."

City does not explain why that answer is insufficient. Plaintiff makes this argument:

"Plaintiff has alleged a lack of financial conflict. This interrogatory seeks information utilized to test that allegation, but De La Torre essentially repeated prior statements without providing supporting information."

De La Torre repeats his prior statements but this time under oath. De La Torre denies that he, his wife or PNA has now or has had in the past a financial interest in legal fees or costs that have been awarded in the CVRA litigation. Mr. Shenkman likewise said in his decl. (p. 5: 25-27) that:

"Our CVRA clients do not pay us or anyone else any money in connection with those cases. They have no prospect for any financial gain or financial loss from those cases.

Special Interrogatory No. 16 has been answered. The Court denies the motion to compel any further response.



**A. RULING ON CITY'S MOTION TO COMPEL PLAINTIFF ELIAS SERNA TO PROVIDE FURTHER RESPONSE TO SPECIAL INTERROGATORIES:**

Moving Party's separate statement seeks further response to three special interrogatories, to wit: Nos 1, 3 and 7, as quoted below:

3. IDENTIFY all PERSONS with whom YOU conferred or consulted in deciding to file THIS ACTION.
6. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THIS ACTION.
7. DESCRIBE IN DETAIL all COMMUNICATIONS between YOU and the SHENKMAN LAW FIRM RELATING TO THE CVRA ACTION from December 8, 2020 to the present.

Serna's response to **Special Interrogatory No. 1**, apart from objections, is "Nobody." The Court denies MP's motion to compel further response because the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence, invades the privacy rights of Serna, and, besides that, is vague, uncertain, overbroad and due to its breadth and vagueness imposes unnecessary and unreasonable burden on plaintiff.

MP's separate statement provides no argument that this particular interrogatory seeks information that is relevant or reasonably calculated to lead to the discovery of admissible evidence. MP's intention seems to be to cast a broad net and decide once Serna answers by naming everyone he talked to about participating in this suit what if anything is relevant. The interrogatory is intended to be overbroad and burdensome.

MP argues the interrogatory is relevant because:

"This interrogatory seeks to understand how Serna came to file this action, which ties into his alleged harm. Moreover, people who influenced Serna to file this action and their motivations also may reveal a conflict of interest."

MP's explanation demonstrates that Special Interrogatory No. 1 invades Serna's privacy interests, and, given that defendant is a public entity, arguably burdens and, therefore, threatens Serna constitutional right to petition his government. [citations]

The interrogatory is framed to obtain an identification of everyone Serna talked to before signing on as a co-plaintiff including family and friends (depending how the words "conferred" and "consulted" are defined) and predictably include his attorneys. While a contact with one's own attorney may be discoverable, assuming it passes the relevancy test, that would not include communications within the attorney-client privilege. How are communications between a co-plaintiff and his counsel, whether or not within the attorney-client privilege,

relevant? If MP had a legitimate purpose in propounding this interrogatory, it should have been framed with that purpose in mind.

The Court need not rule on Serna's claim of the deliberative process privilege because other objections to the interrogatory are sufficient to deny the motion. The motion to compel is denied as to this interrogatory.

**Special Interrogatory No. 3** indicates what MP was aiming at in Interrogatory No. 1—Sernas "communications" with the Shenkman Law Firm. MP apparently regards the Shenkman Law Firm as adverse to the best interests of the Santa Monica City Council because it represents plaintiffs in the CVRA action. The CVRA action raises a political issue—whether the City's at large councilmanic elections violate the California Voting Rights Act. MP views the litigation as antagonistic to the City's interest because, apparently, plaintiffs' counsel in the CVRA action, if successful, will make an attorneys' fee claim as permitted by the statute.

The term "communications" would require an answering party to specify with particularity time, place, manner and identity of the persons involved.

Serna's response to **Special Interrogatory No. 3** is:

"Responding Party has had no non-privileged communications with Shenkman & Hughes PC regarding the above-captioned case."

This response is inadequate. However, Serna has waived any objection to the form of the special interrogatory by providing a substantive answer. The issue is whether a further response should be required. Serna's answer suggests that he has had communications with the Shenkman Law Firm that he claims to be privileged before the complaint was filed. The Court concludes to ORDER Serna to provide a further response within four days from this hearing date to list the date(s), place(s), manner(s) and identifies of persons at the Shenkman Law Firm that he had contact. The Court does not find that any further information that Serna provides is relevant to any issue in this action.

Serna gave this response to **Special Interrogatory No. 7**:

"Responding Party expressed general encouragement to one of the attorneys of Shenkman & Hughes concerning the [CVRA] action."

Serna otherwise said he had no recollection of any communication with attorneys of the Shenkman Law Firm and the CVRA action.

Since plaintiff answered without objection the interrogatory about his "general encouragement" communication with an attorney from Shenkman & Hughes he should answer the remaining part of the interrogatory: when, whether, how and with whom this communication occurred. No documents are mentioned as being part of the communication but if there were documents they should be

identified. The Court will order the further response be made within 10 days from this hearing date.

# Exhibit 31

(No Subject)

From: Kevin Shenkman (shenkman@sbcglobal.net)

To: odelatorre16@yahoo.com

Date: Saturday, January 23, 2021, 06:34 PM PST

Below is a link to the SM council rules. Cardona references Rule 18, and claims that means you should not be allowed to vote regarding whether you have a conflict. It says no such thing.

[R-11106 Council Rules.pdf \(smgov.net\)](#)

It also does not provide that the council can declare that one of its members has a conflict of interest.

**Exhibit**  
0060

P1058

# Exhibit 32

Fwd: Department 15 Tentative Ruling - OSCAR DeLa TORRE v. CITY OF SANTA MONICA, et al. [21STCV08597] ; 07/23/21 at 9:15 a.m.

From: W. Trivino-Perez, Esq. (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Friday, July 23, 2021, 09:47 AM PDT

**NO US MAIL AT THIS TIME - ELECTRONIC ONLY:**

To promote public health, and in hopes of doing our part to slow the spread of Coronavirus (Covid-19), our office is immediately transitioning to remote work for all of our staff until further notice. This will no doubt complicate our usual workflow in several ways, some foreseeable and some not.

---

TRIVINO PEREZ & ASSOCIATES | Attorneys at Law

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----- Forwarded message -----

From: **SMCDEPT15** <[SMCDEPT15@lacourt.org](mailto:SMCDEPT15@lacourt.org)>

Date: Fri, Jul 23, 2021 at 8:38 AM

Subject: Department 15 Tentative Ruling - OSCAR DeLa TORRE v. CITY OF SANTA MONICA, et al. [21STCV08597] ; 07/23/21 at 9:15 a.m.

To: [wtpesq@gmail.com](mailto:wtpesq@gmail.com) <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>, [sue.himmelmich@smgov.net](mailto:sue.himmelmich@smgov.net) <[sue.himmelmich@smgov.net](mailto:sue.himmelmich@smgov.net)>, [brandon.ward@smgov.net](mailto:brandon.ward@smgov.net) <[brandon.ward@smgov.net](mailto:brandon.ward@smgov.net)>

Good morning,

**# 9 TENTATIVE** 9:15 a.m. Friday, July 23, 2021

**OSCAR DeLa TORRE v. CITY OF SANTA MONICA, et al. [21STCV08597]**

P0611

520

**Exhibit  
0064**

**RULING ON DEMURRER OF DEFENDANT CITY OF SANTA MONICA TO PLAINTIFF'S FAC**

\*\*\*Do not replay to this email\*\*\*

Thank you



De La Torre 7-23-21.pdf  
1.6MB

P0612



# 9 TENTATIVE

9:15 a.m. Friday, July 23, 2021

OSCAR DeLa TORRE v. CITY OF SANTA MONICA. et al. [21STCV08597]

**RULING ON DEMURRER OF DEFENDANT CITY OF SANTA MONICA TO PLAINTIFF'S FAC**

**MEET & CONFER: DEFECTIVE - CITY's counsel declares that Plaintiff's Counsel didn't respond to MP's efforts to meet & confer**

**BACKGROUND: Action for declaratory relief; violation of the Brown Act - TIMELINE:**

"For several decades" Plaintiff De La Torre has allegedly "advocated for the implementation of district-based elections, both in Santa Monica and throughout California." He has taken the position that Defendant CITY's "at-large system" of electing its city council "dilutes Latino votes, and has caused Defendant's city council to be unresponsive, even hostile, to Latino voters and the Pico Neighborhood where they are most concentrated."

Beginning around 2015: De La Torre and others, including Plaintiff Elias Serna, allegedly "focused their efforts on changing the at-large election system employed by Defendant City of Santa Monica"; however, the CITY was allegedly non-responsive

April 2016: the Pico Neighborhood Association and Maria Loya allegedly filed suit to compel Defendant CITY "to comply with the California Voting Rights Act"; that case [Pico Neighborhood Association, et al. v. City of Santa Monica, LASC Case No. BC616804] went to trial in August 2018, and a judgment was entered in favor of the plaintiffs; Defendant appealed, and the intermediate appellate court reversed; the California Supreme Court granted review and, on its own motion, depublished the intermediate appellate court's decision. The "Voting Rights Case" is currently pending in the California Supreme Court.

November 2020: Plaintiff De La Torre sought election to Defendant's city council; Plaintiff alleges that "the system of election employed by Defendant, and relatedly the Voting Rights Case, was a significant issue in the campaign," and that all of the incumbents "opposed any change to the at-large election system, while De La Torre and his "Change Slate" all professed their support for district elections and an end to Defendant's wasteful fight against the Voting Rights Case"; Plaintiff and two of his

1

P0613

colleagues were elected, and were sworn into office in December 2020. Plaintiff alleges that before he took his seat on the Santa Monica City Council, he resigned from the Pico Neighborhood Association board.

November 25, 2020: the interim city attorney, who had allegedly actively participated in the defense of the Voting Rights Case, allegedly sought advice from the FPPC "on whether Councilmember de la Torre had a conflict of interest that prevented him from lawfully participating in council deliberations and decisions regarding the Voting Rights Case."

January 26, 2021: the interim city attorney allegedly placed an item on the City Council's next meeting agenda, for a council vote to declare that De La Torre has a conflict of interest and exclude him from all council meetings concerning the Voting Rights Case. Plaintiff claims that, "presented with only the interim city attorney's one-sided report, and though some members of Defendant's city council expressed a desire to obtain legal advice from the FPPC, they ultimately did not wait for guidance from the FPPC or any court. Instead, a bare majority (4 of 7) voted to declare that De La Torre has a conflict of interest and to exclude Plaintiff from all discussions, meetings and decisions concerning the Voting Rights Case....," and that "later that same evening, Defendant excluded De La Torre from a closed session meeting,"" out of which no actions were reported

February 4, 2021: the FPPC allegedly "responded to Defendant's inquiry whether De La Torre has a conflict of interest," and "definitively concluded that Plaintiff does not have a conflict of interest that would prohibit him from participating in meetings and decisions concerning the Voting Rights Case." De La Torre then allegedly "requested that, in light of the FPPC's determination, Defendant reverse its previous action excluding him from meetings and decisions concerning the Voting Rights Case," but Defendant refused.

3/4/21: Plaintiff filed the verified Complaint herein

3/12/21: the case was re-assigned to D15

5/25/21: Plaintiff filed the verified FAC, asserting 2 C/As v. all defs:

1. declaratory relief
2. violation of the Ralph M. Brown Act [GC 54950]

6/24/21: Moving defendant filed these general demurrers to C/As 1-2

**TENTATIVE RULING: RE THE GENERAL DEMURRERS OF DEFENDANT CITY OF SANTA MONICA TO CAUSES OF ACTION 1-2 OF PLAINTIFF'S FAC, THE COURT RULES AS FOLLOWS:**

**A) RE C/A 1 [DECLARATORY RELIEF]: SUSTAINED WITH 20 DAYS' LEAVE TO AMEND. While it is true that an action for declaratory relief requires that**

there be an “actual controversy” between the parties [see CCP 1060], and the parties here clearly have opposing positions in regard to whether Plaintiff can and/or should be disqualified from taking part in City Council discussions involving the “Voting Rights Case” [“CVRA”], that doesn't end the inquiry here. In order for there to be an “actual controversy” here, the Court would have to find that the CITY acted outside of its authority in disqualifying Plaintiff from participating in Council meetings where the CVRA was the subject of discussion.

It is undisputed that the Council acted to disqualify Plaintiff based on a finding that he had a conflict of interest under the common law. The demurrer, and the opposition thereto, ask the Court to resolve two issues: first, whether the Council had the authority to disqualify Plaintiff; and second, whether the Council properly found that Plaintiff has a disqualifying conflict of interest. The Court agrees with the CITY on both of these issues.

Preliminarily, the Court finds that the common-law conflict of interest doctrine remains viable. See, e.g., *Clark v. City of Hermosa Beach* (1996) 48 CA4th 1152 [cited by CITY for the proposition that common-law conflicts “are separate and distinct from financial conflicts under the Political Reform Act and extend to nonfinancial interests”]. Also, the Court finds merit in Defendant's argument to the effect that the common-law conflict of interest doctrine has been the subject of opinion letters issued by the Office of the Attorney General. One of those opinion letters included a statement that the “temptation to act for personal or private reasons” presents a potential conflict of interest. See 92 Ops, Cal. Atty. Gen. 19, 2009 WL 129874, \*5. While not directly on point, these authorities support the position that the common-law doctrine is still in force, and Plaintiff cites no authority to the contrary.

In fact, citing the *Clark* case [supra], Plaintiff concedes that “some courts have acknowledged a common-law doctrine” which “prohibits public officials from placing themselves in a position where their private, personal interests may conflict with their official duties.” Plaintiff then attempts to limit application of the common-law doctrine in two ways. First, Plaintiff submits that “courts are reluctant to find a conflict of interest under the common law where no conflict exists under the PRA or Section 1090,” citing *Breakzone Billiards v. City of Torrance* (2000) 81 CA4th 1205 and *All Towing Services LLC v. City of Orange* (2013) 220 CA4th 946. That there may be judicial “reluctance,” however, is far from saying that the Court lacks the power to make findings as to whether a disqualifying common-law conflict exists.

Second, Plaintiff argues that while common-law conflicts may arise in the absence of a financial interest, “there must still be some personal advantage or disadvantage at stake for the public officer” [citing 88 Ops. Cal. Atty. Gen. 32 (2005), at p.8]. Plaintiff goes on to argue that he has no personal stake, financial or otherwise, in the Voting Rights Case. He posits that if the plaintiffs in that case prevail, he will simply gain the benefit of an “undiluted vote,” like “thousands of other Latino residents of Santa Monica.” His argument, however, glosses over some important facts, which are undisputed here, e.g.: Plaintiff’s parents founded the Pico Neighborhood Association [PNA], which is one of the plaintiffs in the CVRA case, and he served as its chair until shortly after his election as a Councilmember; Plaintiff’s wife is the other named plaintiff in the CVRA Action; Plaintiff was involved with developing the claims and litigation strategy for the plaintiffs in the CVRA case; Plaintiff testified on the plaintiffs’ behalf in deposition and in the CVRA trial; and Plaintiff continued to be involved in the case until at least 6/11/21, when he filed an amicus brief in support of the plaintiffs. As the Reply points out, these facts raise questions as to whether Plaintiff can “exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.” See *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 50.

As to whether the City Council had the authority to disqualify Plaintiff, the CITY cites *Simons v. City of Los Angeles* (1976) 63 CA3d 455, 468, for the propositions that a charter city’s power over municipal affairs is “all embracing... and limited only by the city’s charter,” and that a charter city “has plenary powers with respect to municipal affairs not expressly forbidden to it by the state Constitution or the terms of the charter.” In opposition, Plaintiff first cites *Lockyer v. City and County of San Francisco* (2004) 33 C4th 1055 for the rule that “a local administrative agency has no authority under the California Constitution to exercise judicial power.” Even if the Court were to agree that the City Council qualifies as a “local administrative agency,” there is nothing before the Court to demonstrate that, by disqualifying Plaintiff, the Council is exercising “judicial power.” More importantly, however, the argument ignores that CITY’s charter gives the Council plenary powers re “municipal affairs not expressly forbidden to it...”

Plaintiff next argues that the authority to disqualify “has been expressly conferred on the courts and the FPPC....” In support, Plaintiff cites Gov’t Code 91003, which allows any person residing in the jurisdiction to “sue for injunctive relief to enjoin violations or to compel compliance with the

provisions of the Political Reform Act...,” and which states that the court has discretion to require any plaintiff other than the FPPC “to file a complaint with the FPPC prior to seeking injunctive relief,” etc. Plaintiff complains that CITY didn’t sue for injunctive relief, and didn’t wait for the FPPC to respond to its inquiry before it excluded Plaintiff from a Council meeting; therefore, Plaintiff argues, Defendant has usurped the role of the Court. Further, Plaintiff submits that the Simons case doesn’t help CITY, because “any charter city authority must yield to the California Constitution, which... vests the interpretation of the law in the judicial branch,” and that city charters must yield on issues such as “the right to vote and the integrity of the judicial process” [citing *Jauregui v. City of Palmdale* (2014) 226 CA4th 781].

The Reply addresses Plaintiff’s arguments persuasively, pointing out that a fundamental principle underlying the separation of powers doctrine is that all “questions of policy and wisdom concerning matters of municipal affairs are for the determination of the legislative governing body of the municipality and not for the courts.” See *People ex rel. Harris v. Rizzo* (2013) 214 Cal.App.4th 921, 940. The Reply points out that Plaintiff’s reliance on PRA provisions is misplaced, as such provisions “have no application to the common-law doctrine.” Further, the Reply rightly notes that Plaintiff’s argument that he has no personal interest in the CVRA Action “is further undermined by his Brown Act claim arguments, in which he contends that he has a ‘personal stake in the outcome of the relief sought’—participation in discussions on the CVRA Action.” [While the Reply doesn’t address *Jauregui*, that case is inapposite, as the gravamen of the instant case isn’t “the right to vote and the integrity of the judicial process.” Rather, this case is about the CITY’s authority to control its own internal processes.]

To summarize, the Court agrees with Defendant’s arguments that: 1) the decision whether to disqualify Plaintiff “was a determination properly made by the City Council in the first instance, subject to potential court review”; and 2) the decision made by the Council— that Plaintiff had a disqualifying conflict of interest— was correct, and Plaintiff was properly excluded from participating in meetings in which the CVRA litigation was discussed. Therefore, there is no “actual controversy” remaining for judicial determination, and the demurrer to cause of action 1 must be sustained.

**C/A 2 [VIOLATION OF THE RALPH M. BROWN ACT - GOV’T CODE 54950]:  
OVERRULED.** Plaintiff’s 2AC asserts that the Brown Act [Government Code § 54953] requires, with only specified exceptions, that “all persons shall

be permitted to attend” meetings of all or a majority of any city council, and that by excluding him from future Council meetings, defendant CITY threatens to violate the Act. Plaintiff cites Gov. Code, § 54960, subdivision (a), for the proposition that “any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of [the Brown Act] by members of the legislative body...”; and §54960.1, subdivision (a), for the proposition that “any interested person” may “commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of [specified sections of the Brown Act] is null and void under this section.”

Defendant raises two arguments in support of its general demurrer: a) Plaintiff lacks standing to assert this cause of action; and b) Plaintiff “failed to exhaust all remedies” before bringing his claim.

Re lack of standing to sue: Defendant cites *Holbrook v. City of Santa Monica* (2006) 144 CA4th 1242 for the proposition that public officials, including councilpersons, don’t qualify as “interested persons” under Gov’t Code 54960(a). Plaintiff, however, is persuasive in arguing that the *Holbrook* case is both limited in its holding and distinguishable on its facts. The court in *Holbrook* recognized that councilmembers would have standing to sue under the Brown Act if they were “barred from participating in council business... [or] deprived of the ability to participate in the proceedings of the city council...” Also, in *Galbiso v. Orosi Pub. Util. Dist.* (2010) 182 CA4th 652, the court allowed a Brown Act claim to proceed where the plaintiff sued not only as a Board member, but also on her own behalf because she had a personal stake in the outcome of the relief sought. Here, Plaintiff DeLaTORRE alleges that he has a personal stake in the relief sought because the Council’s action in threatening closed meetings is directed at Plaintiff DeLaTORRE. While not argued here, it cannot be said that the Council’s action doesn’t impact Mr. DeLaTORRE’s ability to perform his function on the Council.

Re the “failure to exhaust all remedies” argument: Defendant contends that Plaintiff’s “request for a determination that the past action of the Counsel at the Jan. 26 meeting violated the Brown Act would be subject to either Gov’t Code sec. 54960.2 or 54960.1, both of which set out either demand or cease and desist prerequisites that Plaintiff never satisfied...” Plaintiff does not dispute that he didn’t submit any cease & desist letter to the CITY, and he didn’t allege compliance with any such “requirement.” Instead, he argues that there is no such pre-lawsuit presentation

requirement where, as here, Plaintiff contends that the prospect of future closed session meetings of a majority, but not all, of the CITY council is a threatened violation of the Brown Act by members of the legislative body. Plaintiff submits that Gov't Code secs. 54960.1 and 54960.2 authorize retrospective relief - a determination that an action already taken by a legislative body of a local agency is null and void; and that while the 1/26/21 closed session meeting of the Council was a violation of the Act, there was no action reported out of that session, and therefore there is nothing to declare "null and void." He argues that Plaintiffs aren't seeking a judgment that the 1/26/21 meeting violated the Act, but instead that the 2<sup>nd</sup> cause of action is only directed to future meetings and that no notice and opportunity to cure is required where Plaintiff seeks only "prospective relief," consistent with Gov't Code sec. 54960. See the FAC, p.16:para.5.

MP is to serve notice of ruling. This TR shall be the order of the Court, unless changed at the hearing, and shall by this reference be incorporated into the Minute Order. TR E-MAILED TO COUNSEL ON 7/23/21 AT 8:30 a.m.

# Exhibit 33



Fwd: De la Torre v. City - Initial Draft Statement of Undisputed Facts

From: W. Trivino-Perez, Esq. (wtpesq@gmail.com)  
To: shenkman@sbcglobal.net  
Date: Tuesday, October 12, 2021, 04:06 PM PDT

----- Forwarded message -----

From: **Kirsten Galler** <Kirsten.Galler@santamonica.gov>  
Date: Tue, Oct 12, 2021 at 4:00 PM  
Subject: De la Torre v. City - Initial Draft Statement of Undisputed Facts  
To: W. Trivino-Perez, Esq. <wtpesq@gmail.com>  
CC: Brandon Ward <Brandon.Ward@santamonica.gov>, Carol Silberberg <csilberberg@berrysilberberg.com>

Will,

Attached please find the City's Initial Draft Statement of Undisputed Facts for Purposes of the October 19, 2021 Status Conference. To the extent there are any facts to which Plaintiffs will agree to stipulate to admit for all purposes of this case or oppose stipulating, please enter "Y" or "N" in the "Plaintiffs Stipulate Y/N" column. Please provide any response by no later than 3 pm on Thursday, October 14 so that the City may note Plaintiffs' position and file this Initial Draft Statement before close of business. If Plaintiffs do not have a position on a particular fact prior to the October 14th filing deadline, the entry can be left blank. If you would like to set up a call to discuss, please let us know.

I have also attached a courtesy copy of the Notice of Appearance for our co-counsel in this matter, Carol Silberberg, who I have also copied on this email. The Notice of Appearance was filed today and you should have already been served electronically or will be shortly.

Best regards,

Kirsten



P0465



# Kirsten Galler

Deputy City Attorney

(310) 458-8340

Trivino Perez & Associates is operating virtually with full access to phone and email communication during our regular business hours. Our physical office is currently closed in adherence to Governor Newsom's March 19, 2020 Order N-33-20. Please refrain from communication by mail in order to reduce the spread of viruses and other illnesses being transmitted on physical documents.

## TRIVINO PEREZ & ASSOCIATES

Trial Attorneys

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<http://m.facebook.com/tpalaw>

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Oscar de la Torre, et al. v. City of Santa Monica - Notice of Appearance 10.12.21.pdf  
6.3kB



2021.10.12\_Initial Draft Statement of Undisputed Facts .docx  
90.4kB

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13 Attorneys for Defendant  
CITY OF SANTA MONICA

*Exempt from filing fee pursuant to  
Government Code § 6103*

14  
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 OSCAR DE LA TORRE and ELIAS SERNA,  
18 Plaintiffs,  
19 v.  
20 CITY OF SANTA MONICA, and  
DOES 1 through 10, inclusive  
21  
22 Defendant.

Case No.: 21STCV08597  
Assigned to Hon. Richard L. Fruin  
**NOTICE OF APPEARANCE**  
Trial Date: N/A  
Action Filed: March 4, 2021

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**PLEASE TAKE NOTICE** that Carol M. Silberberg hereby enters her appearance as additional counsel for Defendant City of Santa Monica. This Notice constitutes the first appearance in this case of Ms. Silberberg. Ms. Silberberg is a member of the State Bar of California. Her contact information is as follows:

BERRY SILBERBERG STOKES PC  
CAROL M. SILBERBERG, (SBN 217658)  
155 North Lake Avenue  
Suite 800  
Pasadena, CA 91101  
Telephone: (213) 986-2688  
csilberberg@berrysilberberg.com

By way of this Notice, Ms. Silberberg requests that the Clerk update the docket as indicated herein.

October 12, 2021

CAROL M. SILBERBERG  
BERRY SILBERBERG STOKES PC

By: /s/ Carol M. Silberberg  
Carol M. Silberberg

*Attorneys for Defendant*  
CITY OF SANTA MONICA

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12 Attorneys for Defendant  
13 CITY OF SANTA MONICA

*Exempt from filing fee pursuant to  
Government Code § 6103*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES**

16 OSCAR DE LA TORRE and ELIAS SERNA.

CASE NO.: 21STCV08597

17  
18 Plaintiffs.

Assigned to Hon. Richard L. Fruin

19 v.

**DEFENDANT CITY OF SANTA  
MONICA'S INITIAL DRAFT  
STATEMENT OF UNDISPUTED  
FACTS FOR OCTOBER 19, 2021  
STATUS CONFERENCE**

20 CITY OF SANTA MONICA,  
21 and DOES 1 through 10, inclusive,

22 Defendants.

Hearing Date: October 19, 2021  
Hearing Time: 9:15 a.m.  
Department: 15

Action Filed: March 4, 2021

1 On September 30, 2021, the Court overruled the City of Santa Monica's Demurrers to  
 2 Plaintiffs' Second Amended Complaint. The Court, thereafter, directed the City of Santa Monica  
 3 (the "City") to file a draft "Statement of Undisputed Facts" or memorandum relating to facts for  
 4 summary judgment by October 14, 2021, so that the Court may evaluate which facts Plaintiff  
 5 might dispute, as well as address case scheduling, including a trial date.

6 Pursuant to the Court's direction, the City has preliminarily sought to identify facts that  
 7 might be part of the City's summary judgment motion (or otherwise used in this action, including  
 8 trial). The City has not taken any depositions (or other discovery). As such, there may be  
 9 additional issues and facts about which the City has no current knowledge or has yet to identify.  
 10 This filing is made without prejudice to its right to conduct discovery and/or to utilize additional  
 11 facts in the future in any summary judgment motion or otherwise in this action.

12 On October 12, 2021, the City provided this Initial Draft Statement of Undisputed Facts  
 13 for October 19, 2011 Status Conference to counsel for Plaintiffs so that Plaintiffs have an  
 14 opportunity to identify their position on any facts to which they will or will not agree to stipulate  
 15 to admit for all purposes in this action. Plaintiffs' response, to the extent it was provided for each  
 16 proposed fact by the time of this filing, is indicated in the "Plaintiffs Stipulate Y/N" column.

	<b>Fact</b>	<b>Plaintiffs Stipulate Y/N</b>
17		
18		
19	1. Defendant City of Santa Monica (the "City") is a charter city existing under the Constitution and the laws of the State of California and the provisions of its Charter.	
20	2. Plaintiff Elias Serna is a resident of Santa Monica, California.	
21	3. Plaintiff Oscar de la Torre is a resident of Santa Monica, California.	
22	4. On April 12, 2016, the Pico Neighborhood Association ("PNA"), Maria Loya (Plaintiff Oscar de la Torre's wife), and Advocates for Malibu Public Schools filed a complaint against the City in the Los Angeles Superior Court, styled <i>Pico Neighborhood Association, et al. v. City of Santa Monica</i> , Case No. BC616804 (the "CVRA Action").	
23		
24	5. That original complaint alleged that the City's at-large elections for Council and the Santa Monica Malibu Unified School District ("SMMUSD") Board violated both the CVRA and the California Constitution's Equal Protection Clause.	
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	Fact	Plaintiffs Stipulate Y/N
6.	A first amended complaint was filed on February 23, 2017 by Ms. Loya and the PNA only and dropped any claims relating to the SMMUSD Board.	
7.	The First Amended Complaint also alleged a violation of the California Equal Protection Clause	
8.	Kevin Shenkman and Mary Hughes of Shenkman & Hughes LLP represented PNA and Ms. Loya in the CVRA Action.	
9.	Mr. de la Torre has spent more than a hundred hours participating in the CVRA Action as a party representative of PNA.	
10.	Mr. de la Torre met Mr. Shenkman while Mr. de la Torre was a member of SMMUSD Board and in connection with Mr. Shenkman's advocacy for the establishment of an independent Malibu school district.	
11.	The CVRA Action proceeded to trial, judgment, and appeal on the first amended complaint.	
12.	At the time the original and first amended complaint were filed in the CVRA Action, Mr. de la Torre was the co-chair of CVRA Action plaintiff PNA.	
13.	Mr. de la Torre has been a member of the PNA Board since at least 2005.	
14.	As of 2018, there were four officer positions for the PNA Board: chair, co-chair, secretary, and treasurer.	
15.	Under PNA's bylaws, the chair or co-chair is the chief executive officer of PNA.	
16.	Mr. de la Torre's mother and father were involved in founding the PNA in 1979.	
17.	Mr. de la Torre has a long history of family involvement in the PNA.	
18.	Mr. de la Torre started volunteering for the PNA in or around 1988 and 1989.	
19.	Mr. de la Torre is married to Ms. Loya.	
20.	Ms. Loya is also a member of the PNA board.	
21.	Ms. Loya became a PNA board member in either 2002 or 2003.	
22.	In 2010, Ms. Loya left the PNA for family and work reasons.	
23.	In 2013, Ms. Loya returned to the PNA and was elected to be a board member.	
24.	From at least 2016 to 2018, Ms. Loya served as the PNA's treasurer.	
25.	As of January 22, 2021, the PNA's website listed Ms. Loya as a board member who serves as the PNA's communications officer	

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	Fact	Plaintiffs Stipulate Y/N
26.	Ms. Loya is the founder and CEO of a consulting business entitled Holistic Strategies Consulting Services, LLC.	
27.	Holistic Strategies Consulting Services, LLC provides services that includes strategic planning, media relations, government affairs, capacity building, and leadership development skills to take a campaign or business/organization to the next level.	
28.	As of October 11, 2021, The Holistic Strategies website lists both Ms. Loya and Mr. de la Torre as the "team."	
29.	Mr. de la Torre's niece served as the agent for service of process for the PNA	
30.	As recently as his November 2020 campaign for City Council, Mr. de la Torre continued to serve as chair of the PNA board.	
31.	Mr. de la Torre only resigned from the PNA board after his election to the City Council.	
32.	Mr. de la Torre encouraged PNA and his wife, Ms. Loya, to file the CVRA Action.	
33.	One of the reasons Mr. de la Torre supports district-based elections is because of his belief that a citywide election is more expensive than a districtwide election.	
34.	Mr. de la Torre had an active role in preparing the original complaint and first amended complaint in the CVRA Action.	
35.	Other than attorneys, Mr. de la Torre is not aware of anyone else who contributed to the complaint in the CVRA Action.	
36.	Mr. de la Torre read the first amended complaint before it was filed and confirmed the accuracy of each allegation in the first amended complaint before it was filed.	
37.	On June 26, 2015, Mr. de la Torre had a telephone call with Mr. Shenkman regarding the potential CVRA Action.	
38.	On June 30, 2015, Mr. Shenkman met with Mr. de la Torre and Ms. Loya regarding a potential case against the City under the California Voting Rights Act ("CVRA").	
39.	On July 30, 2015, Mr. Shenkman, Mr. de la Torre, and Ms. Loya participated in a call regarding "progress and potential case."	
40.	On September 9, 2015, Mr. Shenkman met with Mr. de la Torre and Ms. Loya again to discuss the potential CVRA Action.	
41.	A few weeks later, on September 29, 2015, Mr. Shenkman met with Mr. de la Torre regarding the "Santa Monica campaign and potential case and outreach to Latino leaders."	
42.	Those discussions continued and, the next month, on October 16, 2015, Mr. Shenkman again met with Plaintiff de la Torre and Ms. Loya about, "Santa Monica case and public campaign" and "to discuss initial findings and potential case".	
43.	On October 30, 2015 Mr. Shenkman again met with Mr. de la Torre and Ms. Loya "to prepare materials for community activist workshop" relating to potential CVRA Action.	



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	<b>Fact</b>	<b>Plaintiffs Stipulate Y/N</b>
44.	On November 17, 2015, Mr. Shenkman again met with Mr. de la Torre (along with T. Vazquez) and with the Pico Center Staff relating to the potential CVRA Action.	
45.	On November 25, 2015, Mr. Shenkman again met with Mr. de la Torre to discuss "report of police misconduct of SMPD" against Mr. de la Torre.	
46.	On December 14, 2015, Mr. Shenkman had discussions with Mr. de la Torre and Ms. Loya regarding a revised press release relating to the potential CVRA Action.	
47.	On or around December 15, 2015, Shenkman & Hughes LLP sent a letter to the Santa Monica City Council and the Santa Monica City Manager asserting that Santa Monica's at-large election violates the CVRA and intentionally discriminates against Latinos.	
48.	The December 15, 2015 letter from Shenkman & Hughes was written at the request of Mr. de la Torre and Ms. Loya.	
49.	On December 28, 2015, Mr. Shenkman discussed "next steps" with Mr. de la Torre regarding correspondence from the Santa Monica City Attorney concerning January 12 meeting.	
50.	On January 4, 2016, Mr. Shenkman again met with Mr. de la Torre and Ms. Loya "regarding Santa Monica, efforts to obtain districts, and potential case."	
51.	On January 12, 2016, Mr. Shenkman again met with Mr. de la Torre relating to the potential CVRA Action and attended a Santa Monica City Council meeting.	
52.	On March 15, 2016, Mary Hughes of Shenkman & Hughes LLP had a discussion with Mr. de la Torre "concerning Pico Neighborhood Association membership and interests."	
53.	On April 14, 2016, Mr. Shenkman had discussions with Mr. de la Torre and others regarding "retaliation by Santa Monica for case filing."	
54.	On August 8, 2016, Mr. Shenkman met with Mr. de la Torre and R. Rubin	
55.	On August 9, 2016, Mr. de la Torre attended a meeting with Mr. Shenkman and Ms. Hughes on deposition investigation, preparation, and general story/theme for CVRA Action.	
56.	On August 11, 2016 Mr. de la Torre met with Mr. Shenkman "regarding case and upcoming depositions" in the CVRA Action.	
57.	On September 23, 2016, in his capacity as a party representative, Mr. de la Torre attended the deposition of (now former) councilmember Terry O'Day in the CVRA Action.	
58.	On October 14, 2016, de la Torre had a discussion with Ms. Hughes on preparation for a councilmember's deposition (Kevin McKeown).	
59.	On November 2, 2016, Mr. de la Torre had another meeting with Mr. Shenkman regarding potential discrimination expert.	
60.	On November 30, 2016, Mr. de la Torre again met with Mr. Shenkman "regarding T. Vazquez and M. Leon-Vazquez transgressions."	

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	Fact	Plaintiffs Stipulate Y/N
61.	On December 5, 2016, Mr. Shenkman discussed "document request responses and production and implications" with Mr. de la Torre and Ms. Loya.	
62.	On December 13, 2016, Mr. de la Torre again met with Mr. Shenkman "regarding case generally, document production, etc."	
63.	On December 16, 2016, Mr. de la Torre, in his capacity as a party representative, attended the deposition of (now former) councilmember Kevin McKeown in the CVRA Action	
64.	On December 19, 2016, Mr. de la Torre and Ms. Loya met with Mr. Shenkman "regarding case generally, discovery and logistics and gathering of documents for production."	
65.	On January 25, 2017, Mr. de la Torre again met with Mr. Shenkman relating to the CVRA Action.	
66.	On May 30, 2017, in his capacity as a party representative, Mr. de la Torre attended the deposition of councilmember Sue Himmelrich.	
67.	On August 11, 2017, Mr. de la Torre met with Mr. Shenkman regarding the deposition of (now former) councilmember Pam O'Connor.	
68.	On August 18, 2017, Mr. de la Torre again met with Mr. Shenkman in Oceanside regarding public outreach on voting rights, among other issues.	
69.	On August 28, 2017, Mr. de la Torre had discussions with Ms. Hughes regarding discovery requests to PNA.	
70.	On January 2, 2018, Plaintiff de la Torre and his wife met with Mr. Shenkman "regarding the case generally, settlement idea, and how to pursue resolution."	
71.	On February 3, 2018, Mr. de la Torre met with Mr. Shenkman "regarding council member misconduct and campaign finance."	
72.	Less than a week later, on February 9, 2018, Mr. Shenkman met with Mr. de la Torre, among others, "regarding campaign finance and council member dealings."	
73.	On February 26, 2018, in his capacity as a party representative, Mr. de la Torre attended the deposition of (now former) councilmember Ted Winterer.	
74.	To prepare for his deposition in the CVRA Action, Mr. de la Torre met with Mr. Shenkman three separate times (May 2, 4, and 8, 2018).	
75.	On May 9, 2018, Mr. de la Torre was deposed in the CVRA Action in his individual capacity.	
76.	Mr. de la Torre provided hours of deposition testimony in his individual capacity in the CVRA Action, as the deposition began at approximately 9:43 a.m. and ended at approximately 6:48 p.m.	
77.	During his individual deposition, Mr. de la Torre, in his individual capacity, was represented by Mr. Shenkman.	
78.	Mr. de la Torre invoked spousal privilege in the CVRA Action to prevent discovery into conversations with his wife, Ms. Loya.	

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	Fact	Plaintiffs Stipulate Y/N
79.	Mr. de la Torre met with Mr. Shenkman following the deposition.	
80.	When Mr. de la Torre was deposed in the CVRA Action as the PNA Person Most Qualified, he was defended by Mr. Shenkman, who represented both PNA and Ms. Loya.	
81.	Mr. de la Torre was deposed on May 10, 2018 as the Person Most Qualified to testify on behalf of the PNA on specified topics.	
82.	Mr. de la Torre provided hours of deposition testimony as the person most qualified to testify on behalf of PNA in the CVRA Action, as the deposition began at approximately 10:07 a.m. and ended at approximately 3:56 p.m.	
83.	At the time he testified in his deposition on behalf of the PNA, he was the chair of the PNA.	
84.	Mr. de la Torre had served as the PNA chair at various times.	
85.	On May 15, 2018, Ms. Loya was deposed in the CVRA Action.	
86.	During Ms. Loya's deposition, she invoked spousal privilege to prevent any testimony into discussions with Mr. de la Torre.	
87.	Mr. de la Torre met with Mr. Shenkman following Ms. Loya's deposition.	
88.	On June 5, 2018, Mr. de la Torre met with Mr. Shenkman for deposition preparation.	
89.	On June 7, 2018, Mr. Shenkman had a Santa Monica "tour with photographer, M. Grimes," and Mr. de la Torre for preparation of opening statements in the CVRA Action.	
90.	Mr. de la Torre also testified on the CVRA plaintiffs' behalf at the trial on August 22 and 23, 2018.	
91.	Ms. Loya testified at trial in the CVRA Action on August 2, 2018.	
92.	Ms. Loya testified at trial that Mr. de la Torre is the representative for PNA.	
93.	On November 8, 2018, the trial court in the CVRA Action ordered PNA, Ms. Loya, and their counsel of record, jointly and severally, to pay monetary sanctions in the amount of \$21,612.60 for misuse of the discovery process.	
94.	On November 15, 2018, Mr. de la Torre again met with Mr. Shenkman.	
95.	After extensive post-trial briefing, on February 13, 2019, the trial court issued judgment in favor of the CVRA plaintiffs on both of their causes of action.	
96.	The CVRA plaintiffs' attorneys filed motions seeking approximately \$23 million in attorneys' fees and costs.	
97.	Of the approximately \$23 million in attorneys' fees and costs, sought by multiple plaintiff attorneys in the CVRA Action, Shenkman & Hughes LLP seeks to recover \$13,419,398.25 in attorneys' fees and \$633,221.04 in expenses, exclusive of costs.	

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	Fact	Plaintiffs Stipulate Y/N
98.	Neither Ms. Loya, Mr. de la Torre, nor the PNA paid legal fees to Mr. Shenkman or his firm for their legal representation in the CVRA Action.	
99.	Pursuant to an agreement between the parties, the City's response to the fee motion and the hearings regarding costs and fees in the CVRA Action have been continued to follow the resolution of proceedings in the Court of Appeal and the California Supreme Court.	
100.	The City appealed the judgment in the CVRA Action and, on July 9, 2020, the Court of Appeal issued an opinion holding that the City did not violate either the CVRA or the Equal Protection Clause of the California Constitution and reversed the trial court's judgment.	
101.	In its July 9, 2020 opinion, the Court of Appeal awarded the costs of appeal to the City of Santa Monica.	
102.	On October 21, 2020, in response to the CVRA plaintiffs' petition, the California Supreme Court granted review of the limited question on what a plaintiff must prove in order to establish voter dilution under the CVRA.	
103.	The Supreme Court depublished but did not vacate the Court of Appeal's opinion, leaving intact its ruling in the City's favor on the Equal Protection claim.	
104.	On or around June 11, 2021, Councilmember de la Torre filed an amicus brief in support of the plaintiffs in the CVRA Action.	
105.	Oral argument before the Supreme Court in the CVRA Action has not yet been set.	
106.	Mr. Shenkman has described the City Council as a "bitter enemy," stated he tried to inflict pain on the City ("the other side") wherever he could, and has "no love" for City councilmembers.	
107.	Mr. de la Torre has appeared at protests regarding the CVRA Action to "support" his wife, Ms. Loya.	
108.	On November 3, 2020, Mr. de la Torre was elected to serve as a member of the Santa Monica City Council.	
109.	On December 8, 2020, Mr. de la Torre took his oath and assumed his duties as a councilmember.	
110.	Since taking his oath as a councilmember, Mr. de la Torre has attended city council meetings with Mr. Shenkman.	
111.	Since taking his oath as a councilmember, Mr. de la Torre has been represented by Mr. Shenkman.	
112.	Since taking his oath as a councilmember, Mr. de la Torre has discussed the CVRA Action with Mr. Shenkman.	
113.	Since taking his oath as a councilmember, Mr. de la Torre has had numerous conversations with Mr. Shenkman about this action.	
114.	In December 2020, after taking his oath as a councilmember, Mr. de la Torre refused to resign from the SMMUSD Board and claimed that the SMMUSD Board did not have the authority to remove him from the SMMUSD Board.	

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	Fact	Plaintiffs Stipulate Y/N
115.	In December 2020, after Mr. de la Torre took his oath as a councilmember, SMMUSD Board found that Mr. de la Torre forfeited his position as an SMMUSD Board member due to the conflict presented by his assumption of a public office (City councilmember) that is incompatible with the position Mr. de la Torre held as SMMUSD Board member.	
116.	At the December 17, 2020 SMMUSD Board meeting, Mr. Shenkman spoke in support of Mr. de la Torre during public comment.	
117.	Mr. Shenkman is a friend of Mr. de la Torre.	
118.	At the December 17, 2020 SMMUSD Board meeting, Mr. Shenkman offered his legal opinion that SMMUSD Board lacked authority to remove Mr. de la Torre and that only the Attorney General or the courts have such authority.	
119.	As of January 2021, the PNA website identifies Mr. de la Torre as "Santa Monica Councilor since December 2020; previously a board member."	
120.	Section 600 of the Santa Monica City Charter provides that "[t]he City Council shall consist of seven members elected from the City at large, at the times and in the manner in this Charter provided, and who shall serve for a term of four years."	
121.	Section 605 of the Santa Monica City Charter provides that "[a]ll powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California."	
122.	Rule 18 of the Santa Monica City Council's Rules of Order and Procedure for the Conduct of City Council Meetings provides that "[e]very councilmember is entitled to vote unless disqualified by reason of a conflict of interest."	
123.	It is common that when a councilmember has an actual financial conflict or there is an appearance of a perceived conflict (financial or common law), he or she will recuse themselves.	
124.	On January 22, 2021, the Office of the City Clerk for the City of Santa Monica posted the agenda for the special and regular meetings of the Santa Monica City Council on January 26, 2021.	
125.	On January 26, 2021, the City Council held a special meeting prior to its regular meeting where the sole item for consideration was Councilmember de la Torre's common-law conflict of interest and disqualification.	
126.	Although other new councilmembers have similar views to Mr. de la Torre regarding the CVRA Action, they were not parties to the CVRA Action (nor had spouses who were parties to the CVRA Action) and thus were not asked to recuse themselves.	
127.	Mr. de la Torre's conflict is not based upon his general political position with respect to the CVRA Action.	
128.	As detailed in the staff report, the City Attorney recommended that the Council determine that Councilmember de la Torre had a common-law conflict of interest and should therefore be disqualified from participating in or attempting to influence discussions or decisions relating to the CVRA Action.	

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	Fact	Plaintiffs Stipulate Y/N
129.	The City Council received written public comment on the January 26, 2021 special meeting.	
130.	Written public comment included various comments raising concerns with Mr. de la Torre's perceived conflict relating to the CVRA Action.	
131.	As part of the written public comment on the January 26, 2021 special meeting, the League of Women Voters or Santa Monica and Santa Monicans for Integrity in Government urged the City Council to determine that Mr. de la Torre has a disqualifying conflict of interest relating to the CVRA Action	
132.	As part of the written public comment on the January 26, 2021 special meeting, Santa Monicans for Integrity in Government threatened legal action against the City should it not disqualify Mr. de la Torre for having a common-law conflict of interest.	
133.	At the special meeting, the City Council reviewed the staff report, received the City Attorney's oral report, heard public comment, and heard from de la Torre regarding the conflict of interest.	
134.	At the special meeting, councilmembers expressed concern about Mr. de la Torre being present when privileged litigation discussions occurred on the CVRA Action.	
135.	At the special meeting, Councilmember de la Torre declined to answer a question posed by Councilmember Kristin McCowan on whether he had a conversation on recusal with Mr. Shenkman, stating instead that it is "privileged information."	
136.	When presented by his City Council colleagues with the opportunity to recuse himself prior to a disqualification vote, Mr. de la Torre chose not to do so.	
137.	Mr. de la Torre was one of only two councilmembers who voted against finding that a common-law conflict of interest exists. One councilmember abstained, and the remaining four voted to determine that Councilmember De la Torre had a common-law conflict of interest and, therefore, would be disqualified from participating in, voting, or attempting to influence discussion or decisions relating to the CVRA Action.	
138.	A majority of the councilmembers voted that Councilmember de la Torre had a common-law conflict of interest and, therefore, was disqualified from participating in, voting, or attempting to influence the closed session discussion or decisions relating to the CVRA Action.	
139.	City Council's disqualification of Councilmember de la Torre does not prevent him from advocating for district-based elections or participating in City Council policy discussions of whether the City should pursue district-based elections.	
140.	The City Council's need to vote to disqualify a councilmember due to a conflict of interest and a failure to recuse is very unusual as council members generally seek to avoid even the appearance of a conflict.	
141.	The Regular and Special Joint Meeting Agenda for the January 26, 2021 meeting described the closed sessions that would occur at the meeting, publicly stating the title of and specifically identifying the litigation to be discussed. Among other closed session items concerning pending litigation, the Agenda provided:	

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	Fact	Plaintiffs Stipulate Y/N
	<p><b>“Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Pico Neighborhood Association and Maria Loya v. City of Santa Monica, Los Angeles Superior Court, Case No. BC 616804, Second District Court of Appeal, Case No. B295935, California Supreme Court, Case No. S263972.”</b> (emphasis in original)</p>	
142.	<p>The City Council proceeded to its regular meeting where it met in closed session, without Mr. de la Torre, to confer with and receive advice from its counsel regarding the CVRA Action.</p>	
143.	<p>To date, the City Council has not held a closed session discussion of the CVRA Action since January 26, 2021.</p>	
144.	<p>Plaintiff Elias Serna has no injury as a result of the City Council’s disqualification of Plaintiff de la Torre from participating in closed session discussions of the CVRA Action.</p>	

DATED: October 14, 2021

Respectfully submitted,

JOSEPH LAWRENCE  
Interim City Attorney

By: \_\_\_\_\_  
KIRSTEN R. GALLER  
Deputy City Attorney

Attorneys for Defendant  
CITY OF SANTA MONICA

# Exhibit 34



Fwd: Court Reporter Transcript

From: W. Trivino-Perez, Esq. (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Tuesday, November 9, 2021, 05:48 PM PST

----- Forwarded message -----

From: **Carol Silberberg** <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>

Date: Tue, Nov 9, 2021 at 5:42 PM

Subject: RE: Court Reporter Transcript

To: W. Trivino-Perez, Esq. <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>

CC: Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>, Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>

Will,

As it appears you are not available to meet and confer before Thursday afternoon, we thought it might be helpful to set forth a few issues in advance. To that end, please see attached, and we look forward to discussing the discovery issues with you on Thursday.

Best regards,

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

Los Angeles Office

155 North Lake Ave.

Suite 800

Pasadena, CA 91101

213-986-2688 – telephone

213-986-2677 – facsimile

St. Louis Office

16150 Main Circle Drive

Suite 120

St. Louis, Missouri 63017

**Exhibit  
0068**

P0447

314-480-5822 – telephone

314-480-5884 – facsimile

**LOS ANGELES - ST. LOUIS**

**From:** Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>

**Sent:** Tuesday, November 9, 2021 1:01 PM

**To:** W. Trivino-Perez, Esq. <[wtpeesq@gmail.com](mailto:wtpeesq@gmail.com)>

**Cc:** Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>

**Subject:** RE: Court Reporter Transcript

Will,

As mentioned below – we are not available to meet at your office Thursday afternoon. We can either meet via telephone or video-conference. Please let us know if you would like us to circulate a conference line number or a zoom/teams meeting invitation.

Best regards,

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

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155 North Lake Ave.

Suite 800

Pasadena, CA 91101

213-986-2688 – telephone

213-986-2677 – facsimile

St. Louis Office

16150 Main Circle Drive

Suite 120

St. Louis, Missouri 63017

314-480-5822 – telephone

314-480-5884 – facsimile

P0448

**LOS ANGELES - ST. LOUIS**

**From:** W. Trivino-Perez, Esq. <[wlpesq@gmail.com](mailto:wlpesq@gmail.com)>  
**Sent:** Monday, November 8, 2021 2:18 PM  
**To:** Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>  
**Cc:** Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>  
**Subject:** Re: Court Reporter Transcript

That is also our goal. Are you coming into our office or is this a telephonic meet and confer?

On Mon, Nov 8, 2021 at 12:58 PM Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)> wrote:

Will,

We are disappointed there is no time before Thursday to start this meet and confer. But with that said, let's plan for 1:30 PM. Do you have a conference number you want to use or do you want to use zoom?

As I mentioned below but got no response, our intent in meeting with you (now on Thursday afternoon) is to discuss Plaintiffs' concerns and see if we can figure out a way to agree to the scope and nature of each request. If that is not also your understanding, please let us know.

Best regards,

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

Los Angeles Office

155 North Lake Ave.

Suite 800

Pasadena, CA 91101

213-986-2688 – telephone

213-986-2677 – facsimile

St. Louis Office

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Suite 120

St. Louis, Missouri 63017

314-480-5822 – telephone

314-480-5884 – facsimile

P0449

**LOS ANGELES - ST. LOUIS**

**From:** W. Trivino-Perez, Esq. <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>

**Sent:** Monday, November 8, 2021 12:24 PM

**To:** Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>

**Cc:** Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>

**Subject:** Re: Court Reporter Transcript

Carol,

Looks like it will have to be Thursday afternoon. My office is available for our meeting on Thursday; If some members of your legal team can't be here then we can patch them in via telephone.

Please confirm time.

Will

On Mon, Nov 8, 2021 at 11:50 AM Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)> wrote:

Will,

We really think it is important to begin any meet and confer before Thursday afternoon. We are still available to meet tomorrow at 12:30 in person. Otherwise, we are available on Tuesday after 12:30 until about 5:00 and on Wednesday before 10 or after-noon until about 4:00 to discuss telephonically. If none of those time frames work, please let us know if other times might work and we can see if we can shift things around. Otherwise, we can be available after 1:00 PM on Thursday, but would not be able to meet in person – only telephonically.

Please let us know when you might be available.

Best regards,

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

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155 North Lake Ave.

Suite 800

P0450

Pasadena, CA 91101

213-986-2688 – telephone

213-986-2677 – facsimile

St. Louis Office

16150 Main Circle Drive

Suite 120

St. Louis, Missouri 63017

314-480-5822 – telephone

314-480-5884 – facsimile

**LOS ANGELES - ST. LOUIS**

From: W. Trivino-Perez, Esq. <[wtpesa@gmail.com](mailto:wtpesa@gmail.com)>

Sent: Monday, November 8, 2021 9:21 AM

To: Carol Silberberg <[csilberberg@herrysilberberg.com](mailto:csilberberg@herrysilberberg.com)>

Cc: Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>

Subject: Re: Court Reporter Transcript

Wednesday no longer works as I will be in Victorville. How does Thursday sound at 12:30pm

On Fri, Nov 5, 2021 at 8:47 PM Carol Silberberg <[csilberberg@herrysilberberg.com](mailto:csilberberg@herrysilberberg.com)> wrote:

Will,

We are willing to meet you at your offices at 12:30 pm on Wednesday. Please provide the address, as well as any relevant information regarding parking, etc.

I'm a bit confused about your comment regarding your client. We understood the Court to be saying that the meet and confer would be used to clarify, at times narrow and make sure everyone understood the requests and burdens (hence his suggestion to have your client present). With that said, our intent in meeting with you on Wednesday (whether or not Mr. De la Torre attends) is to discuss Plaintiffs' concerns and see if we can figure out a way to agree to the scope and nature of each request. If that is not also your understanding, please let us know as we want our time to be as productive as possible.

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

P0451

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**LOS ANGELES - ST. LOUIS**

**From:** W. Trivino-Perez, Esq. <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>

**Sent:** Friday, November 5, 2021 8:12 PM

**To:** Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>

**Cc:** Brandon Ward <[Brandon.Ward@santamonica.gov](mailto:Brandon.Ward@santamonica.gov)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>

**Subject:** Re: Court Reporter Transcript

Thank you.

We can meet on Wednesday in my office in Westwood. Otherwise we can meet and confer via telephone. Before we meet with my client, it is important that the discovery request defects are cured and the new requests are not so broad and overreaching. We can assist in formulating better responses.

Thank you,

Will

On Fri, Nov 5, 2021 at 7:41 PM Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)> wrote:

Will,

We are happy to get you the court reporter information on Monday. We do not currently have a transcript.

P0452

Also, we wanted to follow up to arrange a meet and confer regarding the discovery. We are available to meet in person at the City on Tuesday at 12:30 pm or Wednesday at 12:30 pm. Mr. De la Torre is welcome to join as per the Court's suggestion, but that is obviously you and your client's choice. Please let us know if you would like to meet in person and if either of those days/times will work for you.

Have a nice weekend.

Carol

Carol M. Silberberg  
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314-480-5884 – facsimile

**LOS ANGELES - ST. LOUIS**

**From:** W. Trivino-Perez, Esq. <[wtpesq@gmail.com](mailto:wtpesq@gmail.com)>  
**Sent:** Friday, November 5, 2021 4:22 PM  
**To:** Carol Silberberg <[csilberberg@berrysilberberg.com](mailto:csilberberg@berrysilberberg.com)>; Kirsten Galler <[Kirsten.Galler@santamonica.gov](mailto:Kirsten.Galler@santamonica.gov)>  
**Subject:** Court Reporter Transcript

Hello,

Please sell us a copy of today's Court Transcript please. Thank you.

P0453

Will

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P0454



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Correspondence 11.9.21.pdf

98.4kB



Carol M. Silberberg  
Direct: (213) 986-2688  
Facsimile: (213) 986-2677  
csilberberg@berrysilberberg.com

November 9, 2021

*Sent via email*

Wilfredo Alberto Trivino-Perez, Esq.  
Trivino-Perez & Associates  
10940 Wilshire Blvd., 16th Floor  
Los Angeles, CA 90024

Re: *Meet and Confer* – De La Torre et al. v. City of Santa Monica et al., *Los Angeles Superior Court case number 21STCV08597*

Dear Will:

This letter is a follow-up to our informal discovery conference held last Friday, November 5, 2021. After that conference, on Friday evening, we indicated that we were hoping to meet and confer with you early this week (either Tuesday or Wednesday) in person to address the discovery disputes. You initially told us that you could meet Wednesday, November 10, 2021, but only in your office. Otherwise, it would have to be telephonic. We agreed to meet with you at your office on Wednesday afternoon. Then on Monday, November 9, 2021, you informed us that you now had to be elsewhere on Wednesday and would need to delay our meet and confer to the afternoon of Thursday, November 11, 2021. Although we asked for earlier times to begin the meet and confer, you did not offer any. Therefore, we are sending you this letter to highlight some of the broader based issues that we believe will need to be discussed at our meet and confer on Thursday.<sup>1</sup>

First, we wanted to address first some issues raised by all four discovery responses: Plaintiff Oscar De la Torre's Objections and Responses to Defendant's First Set of Special Interrogatories ("De La Torre Rog Responses"), Plaintiff Oscar De La Torre's Objections and Responses to Defendant's First Set of Document Requests ("De La Torre Doc Responses"), Plaintiff Elias Serna's Objections and Responses to Defendant's First Set of Special Interrogatories ("Serna Rog Responses"), and Plaintiff Elias Serna's Objections and Responses to Defendant's First Set of Document Requests ("Serna Doc Responses"). The De la Torre Rog

---

<sup>1</sup> This letter is not an exhaustive nor fully detailed discussion of these issues, and the City of Santa Monica waives nothing by this letter.

Responses and Serna Rog Responses both object to the definitions of "YOU," "YOUR," or other terms used to identify people as "overbroad" and making the discovery requests "unduly burdensome" and "hopelessly incomprehensible." However, these definitions are, in reality, narrow and limited. Further, they are modeled after language used in California discovery forms, which are promulgated by the Judicial Council of California. For example, the general form interrogatories (form DISC-001) define "YOU OR ANYONE ACTING ON YOUR BEHALF" as including "you your agents, your employees, your insurance companies, their agents, their employers, your attorneys, your accountants, your investigators, and anyone else acting on your behalf." This definition is actually broader than the one used in Defendant's discovery requests. Please identify how this definition creates any particular burden or vagueness in the context of these specific requests, as general assertions are insufficient.

Additionally, many of the responses make statements such as "no non-privileged responsive documents" or "no non-privileged communications" were found. However, there is no statement as to whether any documents or information are being withheld based upon objections or assertions of privilege. This is particularly true of responses by Plaintiff Serna. With respect these two sets directed at Plaintiff Serna in particular, please confirm if you are withholding any documents or response on the basis of privilege or any other objection. To the extent Plaintiff Serna is withholding documents on the grounds of privilege, please provide a privilege log to substantiate any such privilege. (We can discuss Mr. De la Torre's responses specifically at our meet and confer.)

As for actual privilege objections, the Serna Rog Responses assert the work product privilege and attorney-client privilege without asserting any facts to support this objection. *E.g.*, Serna Rog Responses Nos. 1, 3. Please provide those facts (at a minimum who Serna has engaged to represent him and for what purposes) so that we can properly evaluate this claim of privilege. With respect to Mr. De la Torre, the De la Torre Document Responses also assert attorney-client privilege, work product privilege, and spousal privilege but do not provide a privilege log. *E.g.*, De La Torre Doc Responses Nos. 10, 13. It is impossible for Defendant or the Court to evaluate this assertion of privilege without a proper log identifying the documents, their subjects, who prepared them, and whether they were sent to anyone. Please let us know when Plaintiffs intend to provide this information.

Finally, another broad-based objection relates to deliberative process privilege. However, there are virtually no facts stated to support these asserted privileges other than the fact that De La Torre is a member of the City Council. If you have additional information or authorities that you believe show that specific documents, conversations, or information are protected by this privilege under the circumstances here, please let us know.<sup>2</sup>

---

<sup>2</sup> The City also requests a privilege log for any documents being withheld on the basis of deliberative process privilege. *Labor and Workforce Development Agency v. Superior Court* (2018) 19 Cal.App.5th 12, does not provide any basis to refuse to provide one here, especially where no facts are provided to establish the application of the deliberative process privilege.

Wilfredo Alberto Trivino-Perez, Esq.  
November 9, 2021  
Page 3

Obviously, these issues are broad-based concerns that are separate from any additional concerns with specific responses or requests. We intend to discuss such issues with you on Thursday. However, in the interest of time and moving things forward, we wanted to raise these broader issues earlier to see if it will help make our conversation later in the week more efficient.

Best regards,

  
Carol M. Silberberg

# Exhibit 35

Fwd: De la Torre, et al v. City of Santa Monica – 21STCV08597 - Deposition Dates

From: W. Trivino-Perez, Esq. (wtipesq@gmail.com)  
To: shenkman@sbcglobal.net  
Date: Thursday, December 23, 2021, 04:07 PM PST

----- Forwarded message -----

From: **Carol Silberberg** <[csilberberg@carolsilberberg.com](mailto:csilberberg@carolsilberberg.com)>  
Date: Thu, Dec 23, 2021 at 3:42 PM  
Subject: De la Torre, et al v. City of Santa Monica – 21STCV08597 - Deposition Dates  
To: W. Trivino-Perez, Esq. <[wtipesq@gmail.com](mailto:wtipesq@gmail.com)>  
CC: Kirsten Galler <[kirsten.galler@santamonica.gov](mailto:kirsten.galler@santamonica.gov)>

Dear Will,

We wanted to reach out to discuss deposition dates.

Assuming Plaintiffs are intending to serve amended responses, a privilege log, and documents on December 27, 2021 and do so in full compliance with the Court's order – we wanted to see about witness availability for the following depositions and dates.

Mr. De la Torre: Please let us know if he is available on the following dates: January 10, 12, 13, 14, 2022

Mr. Serna: Please let us know if he is available on the following dates: January 18, 19 or 20, 2022.

Ms. Loya: Please let us know a) if you will be representing her for purposes of this deposition and if not, can you please let us know who will be representing her and if we should reach directly out to that person; b) if you will agree to accept service of a deposition subpoena on her behalf; and c) if she is available on the following dates: January 17, 18, or 19, 2022

Mr. Shenkman: Please let us know a) if you will agree to accept service of a deposition subpoena on his behalf; b) if he is available on the following dates: January 13, 14 or 18, 2022; or c) if we need to contact him directly for his availability and service issues.

If for some reason, the assumption above re. production and completeness does not hold, then other dates will have to be secured for these depositions.

We look forward to hearing from you.

**Exhibit**  
**0072**

P0410

Wishing you and your family Happy Holidays.

Carol

Carol M. Silberberg

Berry Silberberg Stokes PC

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### **LOS ANGELES – ST. LOUIS**

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# Exhibit 36

## Minute order

From: Wilfredo Trivino-Perez (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Wednesday, October 6, 2021, 03:13 PM PDT

TRIVINO PEREZ & ASSOCIATES   
10940 Wilshire Blvd, 16th Floor

Wilfredo Trivino-Perez | Attorney at Law  
Los Angeles, CA 90024

Tel: (310) 443-4251 | Fax: (310) 443-4252  
[wtp@tpalawyers.com](mailto:wtp@tpalawyers.com) | [www.tpalawyers.com](http://www.tpalawyers.com)  
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2021.09.30\_Minute Order.pdf  
55.8kB

**Exhibit**  
0074

P0480

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 15

**21STCV08597**

September 30, 2021

**OSCAR DE LA TORRE vs CITY OF SANTA MONICA**

9:15 AM

Judge: Honorable Richard L. Fruin  
Judicial Assistant: R. Inostroza  
Courtroom Assistant: L. Naphen

CSR: Kylie Shepherd, CSR # 13756  
ERM: None  
Deputy Sheriff: None

---

**APPEARANCES:**

For Plaintiff(s): Wilfredo Trivino-Perez (Telephonic)

For Defendant(s): Kirsten R. Galler; Brandon D. Ward (Telephonic)

---

**NATURE OF PROCEEDINGS:** Hearing on Demurrer - without Motion to Strike by Deft City of Santa Monica to Plaintiff's 2nd Amended Complaint [905283036604]\*; Hearing on Ex Parte Application by Deft City of Santa Monica to Continue Trial and All Related Dates or in the Alt., For Order Shortening Time For Noticed Motion to Continue Trial

Copy of the Court's tentative ruling (TR) was emailed to counsel in advance of the hearing.

237 Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Kylie Shepherd, CSR # 13756, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

Court and counsel confer re matter at issue.

The demurrer is argued as reflected in the notes of the court reporter.

The TR is adopted as the order of the Court filed this date and incorporated herein by reference.

The Demurrer - without Motion to Strike - Defendant City of Santa Monica's Notice of Demurrer to Plaintiff's Second Amended Complaint; Memorandum of Points and Authorities in Support Thereof filed by City of Santa Monica on 09/03/2021 is Overruled.

Counsel to confer re draft of statement of undisputed facts as discussed at the hearing. Counsel to file a memo no later than 10/14/21.

Status Conference re draft statement of undisputed facts is scheduled for 10/19/21 at 09:15 AM in Department 15 at Stanley Mosk Courthouse.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**  
**Civil Division**

Central District, Stanley Mosk Courthouse, Department 15

**21STCV08597**

**OSCAR DE LA TORRE vs CITY OF SANTA MONICA**

September 30, 2021

9:15 AM

Judge: Honorable Richard L. Fruin

Judicial Assistant: R. Inostroza

Courtroom Assistant: L. Naphen

CSR: Kylie Shepherd, CSR # 13756

ERM: None

Deputy Sheriff: None

---

On the Court's own motion, the Hearing on Ex Parte Application by Deft City of Santa Monica to Continue Trial and All Related Dates or in the Alt., For Order Shortening Time For Noticed Motion to Continue Trial scheduled for 09/30/2021 is continued to 10/19/21 at 09:15 AM in Department 15 at Stanley Mosk Courthouse.

Notice is waived.


# Exhibit 37

Tentative

From: Wilfredo Trivino-Perez (wtpesq@gmail.com)

To: shenkman@sbcglobal.net

Date: Thursday, September 30, 2021, 01:39 PM PDT

TRIVINO PEREZ & ASSOCIATES   
10940 Wilshire Blvd, 16th Floor

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**Exhibit**  
**0076**

P0486

# 15 TENTATIVE RULING 1:30 p.m., Thursday, September 30, 2021

OSCAR DE LA TORRE v. CITY OF SANTA MONICA, et al. [21STCV08597]

**DEMURRER OF DEFENDANT CITY OF SANTA MONICA TO PLAINTIFF'S  
VERIFIED 2AC**

**MEET & CONFER: Complies with CCP 430.41**

**BACKGROUND: Action for declaratory relief; violation of Brown Act  
CONT'D TIMELINE:**

7/23/21: the Court ruled on moving Defendant's demurrer to the FAC,  
sustaining w/leave re C/A 1 [decl. relief] and overruling as to C/A 2  
[violation of the Brown Act]

8/10/21: Plaintiffs filed their verified 2AC, again asserting 2 C/As:

- 1) declaratory relief; and
- 2) violation of the Ralph M. Brown Act - GC 54950

9/3/21: Moving defendant filed these general demurrers to C/As 1-2

**RE THE GENERAL DEMURRERS OF DEFENDANT CITY OF SANTA MONICA TO  
CAUSES OF ACTION 1-2 OF PLAINTIFFS' VERIFIED 2AC, THE COURT RULES  
AS FOLLOWS:**

**C/A 1 [DECLARATORY RELIEF]: OVERRULED.**

The parties raise the same arguments, somewhat amplified, presented by the demurrer that the Court sustained on July 23, 2021. The Court, however, is of the view that it sustained the earlier demurrer improvidently. In an action seeking declaratory relief, the first issue is whether there is an actual controversy for the court to rule upon. The City, in this case, argues that a city council as a matter of law has the authority to determine if an elected councilmember has a common law conflict of interest with respect to a public issue; and, if it so decides, to disqualify that council member from participating in closed sessions of the city council to consider matters involving that interest. The issue at stake here is CVRA litigation now on appeal in which the City is a defendant. Plaintiff De La Torre does not have a personal stake in that litigation but voices a point of view that is contrary to the majority of the councilmembers. These differing viewpoints are to be resolved in a fair political process. The City's actions to exclude the participation of a councilmember who campaigned in support of the plaintiffs in the CVRA litigation thwarts the political process and raises an actual controversy for judicial determination. The Court will **OVERRULE** the City's demurrer to the first



cause of action.

**NOTE: To the extent Defendant argues that Plaintiff SERNA “lacks standing to challenge the disqualification”: The Court declines to rule on this issue. First, the Court finds that the demurrer itself is procedurally improper, as the Notice of Demurrer says nothing about a special demurrer grounded on CCP 430.10(b) [which goes to “lack of legal capacity to sue” but which has been interpreted by our appellate court to mean lack of standing]. Second, Plaintiffs’ argument to the effect that this is essentially a piecemeal demurrer, because the issue could have been raised by the prior demurrer, has merit. The Court does not entertain piecemeal demurrers [see, e.g., CCP 430.41]. The arguments in the Reply, that the issue is never waived and that it could be raised by way of a motion for JOP, are unpersuasive. The Common Cause case, cited in fn.2 of the Reply, states only that the issue may be raised at any time; it doesn’t specify the *manner* in which the issue may be raised. As for Defendant’s argument that having to raise the issue by way of a motion for JOP would cause Defendant to expend unnecessary time and resources, the Court agrees; however, to accept that argument would mean that every late demurrer should simply be accepted without concern as to timeliness. If that were true, there would be no need for the JOP procedure.**

**C/A 2 [VIOLATION OF THE RALPH M. BROWN ACT - GOV’T CODE 54950]: OVERRULED. As the Court stated in re the prior demurrer, Plaintiff’s 2AC asserts that the Brown Act [Government Code § 54953] requires, with only specified exceptions, that “all persons shall be permitted to attend” meetings of all or a majority of any city council, and that by excluding him from future Council meetings, defendant CITY threatens to violate the Act. Plaintiff cites Gov. Code, § 54960, subdivision (a), for the proposition that “any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of [the Brown Act] by members of the legislative body....”; and §54960.1, subdivision (a), for the proposition that “any interested person” may “commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of [specified sections of the Brown Act] is null and void under this section.”**

**Re the prior demurrer, Defendant raised only two arguments: a) Plaintiff lacks standing to assert this cause of action; and b) Plaintiff “failed to exhaust all remedies” before bringing his claim. The Court’s ruling addressed those arguments, and Defendant didn’t seek reconsideration or appeal that ruling. Here, Defendant concedes that Plaintiffs’ 2AC isn’t materially different from the FAC; however, Defendant asks the Court to**

revisit its prior ruling. The Court declines that invitation.

**Re lack of standing to sue:** The Court stands by the comments it made re the prior ruling. [Also see above re the issue of Plaintiff Serna's standing - this issue should have been, but wasn't, raised by way of a special demurrer.] In essence, the Court found that Plaintiff qualifies as an "interested person" because he alleges that he has a personal stake in the relief sought; and that there was no exhaustion requirement as to future meetings of the Council. Defendant's argument that Plaintiff isn't an "interested person" is essentially unchanged from the prior demurrer. Defendant doesn't point to anything in the 2AC that would cause the Court to change its position in this regard. Defendant's argument that C/A 2 fails to the extent Plaintiff is challenging the Council's "past action" is unpersuasive, as one cannot demur to part of a cause of action, and Plaintiffs have taken the position that they aren't challenging any past action of the Council. Defendant's argument based on an Attorney General opinion stating that where there is a common law conflict of interest, an official "may not take part either in the discussion nor in a vote on the relevant matter" isn't helpful, as it doesn't say anything about whether the official can attend without participating in the discussion or voting. As for the considerations raised in *Hamilton v Town of Los Gatos* (1989) 213 CA3d 1050 (re not permitting a "financially interested" council member to attend a closed session meeting because it might give rise to an appearance of impropriety, or might have an influence on other council members): Defendant is free to raise that point in a dispositive motion or before the trier of fact; however, it doesn't support a ruling sustaining the demurrer.

MP is to serve notice of ruling. This TR shall be the order of the Court, unless changed at the hearing, and shall by this reference be incorporated into the Minute Order. TR e-mailed to counsel at 1:30 p.m., 9-30-21

# Exhibit 38

1 Wilfredo Alberto Trivino-Perez (SBN 219345)  
wtp@tpalawyers.com  
2 **TRIVINO-PÉREZ & ASSOCIATES**  
10940 Wilshire Blvd., 16th Floor  
3 Los Angeles, CA 90024  
Phone: (310) 443-4251  
4 Fax: (310) 443-4252

5 Attorneys for Plaintiffs Oscar De La Torre and Elias Serna  
6  
7  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES**

11 OSCAR DE LA TORRE and ELIAS  
SERNA

12 Plaintiffs,

13 v.

14 CITY OF SANTA MONICA and  
15 DOES 1 through 10, inclusive

16 Defendants.  
17  
18  
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**Case No.: 21STCV08597**

**DECLARATION OF KEVIN  
SHENKMAN IN SUPPORT OF  
OPPOSITIONS TO MOTIONS TO  
COMPEL**

Date: December 9, 2021  
Time: 1:30 p.m.  
Dept. 15

[Hon. Richard Fruin]

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26 **Exhibit**  
27 **0079**  
28

1 I, Kevin Shenkman, declare as follows:

2 1. I am one of several attorneys representing the plaintiffs in the case styled  
3 *Pico Neighborhood Association, et al. v. City of Santa Monica* (“Voting Rights Case”).

4 I am over the age of 18 and have personal knowledge of the facts contained in this  
5 declaration. If called as a witness, I could and would competently testify as follows:

6 2. Since 2012, a significant portion of my practice has focused on voting  
7 rights, and more specifically cases involving the California Voting Rights Act  
8 (“CVRA”). In 2013, I was lead counsel in the first CVRA case to go to trial – *Jauregui*  
9 *v. City of Palmdale*, tried before Hon. Mark Mooney in the Los Angeles Superior  
10 Court. Since that time, my law firm, Shenkman & Hughes PC, and the other law firms  
11 we work with, have been responsible for the majority of CVRA litigation in California.  
12 Since 2013, I have spoken over a hundred times at various events, such as legal  
13 conferences and community meetings, regarding voting rights, district-based elections  
14 and the CVRA.

15 3. I met Maria Loya, her husband Oscar de la Torre, and the rest of the board  
16 members of the Pico Neighborhood Association in 2015. Though I knew of Mr. de la  
17 Torre before that time, particularly because he was a board member for the school  
18 district where my children attended school, and I knew that he was a leader in the  
19 Latino civil rights community, I had not met him personally until 2015. In late-2015  
20 and early-2016, Shenkman & Hughes PC worked with Ms. Loya and the Pico  
21 Neighborhood Association, as well as other Santa Monica residents and groups, to  
22 convince the Santa Monica City Council to bring their elections into compliance with  
23 the CVRA. When those efforts proved unsuccessful, we initiated the Voting Rights  
24 Case.

25 4. In developing a case under the CVRA, we often must investigate the  
26 political realities of a governing body, as well as the factors the CVRA identifies as  
27 “probative but not necessary” to establishing a violation of the CVRA, for example,  
28 “the history of discrimination ... denial of access to those processes determining which  
groups of candidates will receive financial or other support in a given election, the

1 extent to which members of a protected class bear the effects of past discrimination in  
2 areas such as education, employment, and health, which hinder their ability to  
3 participate effectively in the political process, [ ] the use of overt or subtle racial appeals  
4 in political campaigns,” and the unresponsiveness of the governing board to the needs  
5 and desires of the protected class. To carry out that investigation, we communicate  
6 with community members with knowledge of local politics in the political subdivision  
7 at issue, among other things. Our investigation of Santa Monica was no exception. As  
8 detailed in the billing records of my firm and those of our co-counsel, all of which have  
9 been provided to the City of Santa Monica, we inquired of several people  
10 knowledgeable in Santa Monica city politics, including Oscar de la Torre. Mr. de la  
11 Torre was helpful; he provided us with significant information concerning the political,  
12 social and economic realities of Santa Monica, and political figures. Of course, all of  
13 that work is complete now, since the trial of the Voting Rights Case concluded in 2018.  
14 Now, with the trial concluded, the record is closed and the factual disputes are resolved,  
15 so we have no need to further investigate. Since the trial concluded, and the Los  
16 Angeles Superior Court entered judgment, in the Voting Rights Case, many of the  
17 people with whom we communicated for the purpose of our factual investigation have  
18 asked that we update them on the progress of the case and pending appeal, and we have  
19 done so upon their requests.

20       5. My firm’s voting rights practice often requires me and my colleagues to  
21 engage in the political process as well as the court process. Because the system of  
22 election employed by a political subdivision is both a legal issue and a political issue  
23 important to thousands of voters, whenever we pursue litigation we also engage with  
24 community leaders, community groups and elected officeholders. Over the six years in  
25 which we have worked to bring Santa Monica’s city council elections into compliance  
26 with the CVRA, I have personally spoken at dozens of Santa Monica community group  
27 meetings and fielded questions from Santa Monica residents on each occasion. In the  
28 process, I have communicated with all, or nearly all, of the current members of the  
Santa Monica City Council, as well as several former councilmembers. For example, I

1 spoke at a Northeast Neighbors meeting regarding district elections, the CVRA and the  
2 Voting Rights Case, at which Councilmember Gleam Davis also spoke briefly  
3 regarding the same topics, after which I fielded questions. More recently, I spoke at a  
4 Santa Monica Democratic Club meeting, attended by Mayor Sue Himmelrich,  
5 Councilmember Oscar de la Torre and Councilmember Kristin McCowan, as well as  
6 former councilmembers Kevin McKeown and Tony Vazquez, regarding those same  
7 topics. Some of my communications with Santa Monica city councilmembers have  
8 been in public, while others have been in private.

9         6. My communications with members of the Santa Monica City Council, and  
10 other municipal elected officials, are expressly permitted by the Professional Rules of  
11 Conduct. Specifically, while Rule 4.2 generally prohibits communications between an  
12 attorney and a represented opposing party, it excludes public elected officials from that  
13 prohibition: “This rule shall not prohibit [] communications with a public official,  
14 board, committee, or body.” (Rule of Prof. Cond. 4.2(c)(1)). Comment 7 to that Rule  
15 explains that First Amendment considerations require that attorneys opposing a  
16 political subdivision in litigation be allowed to petition the elected officials who make  
17 decisions for the public entity:

18                 “When a lawyer communicates on behalf of a client with a governmental  
19 organization, or certain employees, members, agents, or other constituents  
20 of a governmental organization, however, special considerations exist as a  
21 result of the right to petition conferred by the First Amendment of the  
22 United States Constitution and article I, section 3 of the California  
23 Constitution. Paragraph (c)(1) recognizes these special considerations by  
24 generally exempting from application of this rule communications with  
25 public boards, committees, and bodies, and with public officials as defined  
26 in paragraph (d)(2) of this rule.”

27 (Rule of Prof. Cond. 4.2, cmt. 7)

28         7. I frequently have discussions concerning the CVRA, voting rights and  
elections with elected officials throughout California. Almost always, those elected  
officials communicate with me with the (often express) understanding that our

1 discussions are confidential and will not be disclosed to anyone. When my discussions  
2 with elected officials are not in public, I never reveal those discussions, both because it  
3 would be a breach of trust to do so and because elected officials would be unlikely to  
4 speak to me if they believed I would reveal those discussions. Voting rights matters  
5 implicate sensitive issues such as race, and can have the effect of eliminating a person  
6 or group's long-held political power. Perhaps for that reason, my family and I, as well  
7 as some of our clients, have endured violent threats and retaliation (including by the  
8 City of Santa Monica) for our voting rights work. When elected officials contact me,  
9 they often express hesitation and concern that they will face significant consequences if  
10 our discussions are disclosed. If they believed our discussions would be disclosed, they  
11 almost certainly would never talk to me.

12 8. Litigating CVRA cases requires significant time, effort, knowledge and  
13 resources. Some CVRA cases require thousands of hours of work by attorneys, and  
14 hundreds of thousands of dollars in expenses, mostly for expert witnesses who testify  
15 about topics such as group voting behavior, statistical methods, demographics and  
16 alternative election systems. In *Jauregui v. City of Palmdale*, for example, the Los  
17 Angeles Superior Court awarded over \$4 million in attorneys' fees and expenses  
18 through two disputed fees motions. The CVRA affords standing to "[a]ny voter who is  
19 a member of a protected class and who resides in a political subdivision where a  
20 violation ... is alleged." Yet, very few voters have millions of dollars available to  
21 spend on attorneys and expert witnesses. Moreover, voters who wish to challenge an  
22 at-large election system under the CVRA have no prospect of financial gain through  
23 such a lawsuit, because the only financial relief available is attorneys' fees and costs,  
24 and non-attorneys cannot share in that recovery. Therefore, Shenkman & Hughes and  
25 the other law firms with which we associate, handles all CVRA cases on a *pro bono*  
26 basis. Our CVRA clients do not pay us or anyone else any money in connection with  
27 those cases.  
28





# EXHIBIT A

November 22, 2017

VIA ELECTRONIC MAIL

Kevin Shenkman  
Shenkman & Hughes  
28905 Wight Road  
Malibu, CA 90265

Re: Pico Neighborhood Association v. City of Santa Monica

Dear Kevin:

I write as counsel for the City of Santa Monica (the "City"), in regards to Plaintiffs' Second Supplemental Responses to the City's First Set of Special Interrogatories dated October 4, 2017. In light of the Rulings of the Discovery Referee dated September 4, 2017 (the "Order"), we would like to follow-up and seek clarification on the following issues.

Plaintiffs' Responses

- For PNA Special Interrogatory No. 9 / Loya Special Interrogatory No. 5, the Discovery Referee ruled that if costs of City elections are known, such information is discoverable evidence and a supplemental response is needed. (Order at p. 7.) Plaintiffs' response purports to identify the Latino candidates for City Council who have run and lost, and then simply states in relevant part: "[h]undreds of thousands of dollars are typically spent on elections for the Santa Monica City Council." However, more is needed for Plaintiffs to comply with the Order. If costs are known for City elections, at least for the elections referenced by Plaintiffs in which the identified-Latino candidate lost, please so state in the response. If those costs are not known after reasonable investigation by Plaintiffs, please specifically state so in the response.
- For PNA Special Interrogatory No. 14 / Loya Special Interrogatory No. 10, the Discovery Referee ruled that Plaintiffs shall file a supplemental response "with all known facts arising out of this issue." (Order at 10.) Plaintiffs' response reads in relevant part: "A few examples of such retaliation include" the defunding of the PYFC and the withdrawal of the employment offer to Elizabeth Riel. Again, this sort of incomplete response, containing only "a few examples," fails to comply with the Order. Plaintiffs must provide "all known facts," so if Plaintiffs are

# GIBSON DUNN

Kevin Shenkman  
November 22, 2017  
Page 2

aware of other examples, they must include all known facts in the response rather than two selected examples. Conversely, if those two examples comprise of all Plaintiffs' known evidence pertaining to this interrogatory, please so state or amend the response to remove the "A few examples" language.

- For PNA Special Interrogatory Nos. 6, 10, 17, 18, 20, and 22 / Loya Special Interrogatory Nos. 2, 6, 13, 14, 16, and 18, the Discovery Referee included among the applicable rulings that "[t]he City is entitled to 'facts' known by plaintiffs falling outside of expert opinion," that "[i]f plaintiffs have any facts that are 'non-expert' in nature, a supplemental response is required," and that "[p]laintiffs shall provide all non-expert facts." Plaintiffs' responses in each of these identified interrogatories contain the following language: "Racial appeals have been employed in Santa Monica political campaigns, including, but not limited to the racist attacks directed against Tony Vazquez, Maria Loya and Oscar de la Torre."<sup>1</sup> This is insufficient in light of the Order. If Plaintiffs are aware of other alleged racial appeals employed in City political campaigns, Plaintiffs must so state in the response, as the City is entitled to all known facts. Conversely, if those alleged identified campaigns consist of all the examples of which Plaintiffs have knowledge, please so state or remove the "including but not limited to" language.
- For PNA Form Interrogatory No. 17.1 / Loya Form Interrogatory No. 17.1, Plaintiffs include the term "serious Latino candidates" in reference to the City's Request for Admission No. 9. The City is entitled to know Plaintiffs' definition of the term "serious Latino candidates," in order for Plaintiffs' response to be deemed complete. Please provide such a definition.

## Privilege Log

The Order states that if Plaintiffs are relying on attorney-client privilege or the work product doctrine as a basis for refusal to provide a complete response, Plaintiffs must provide a privilege log within 30 days of the Order. (Order at pp. 14-15.) We understand there are some remaining disagreements regarding the privilege log based on the correspondence exchanged between counsel on November 8 and 11, 2016, and the issue was also discussed at the October 9, 2017 discovery hearing regarding the City's Requests for Production. While we agreed that privileged attorney-client communications that occurred after litigation commenced need not be included on a privilege log, we disagreed with Plaintiffs' contention that work product need not be included on a privilege log at all. Accordingly, we reiterate our request via letter from Tiaunia Henry on November 16, 2017 to meet and confer.

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<sup>1</sup> This language appears throughout Plaintiffs' response to PNA Form Interrogatory No. 17.1 / Loya Form Interrogatory No. 17.1 as well.

# GIBSON DUNN

Kevin Sherkman  
November 22, 2017  
Page 3

## Oscar de la Torre Declaration

The Order, reflecting the parties' agreement from the August 25, 2017 hearing, requires Plaintiffs to send the City a verified declaration responding to PNA Special Interrogatory Nos. 1-4, and 13, and Loya Special Interrogatory No. 9. (Order at p. 4, 9.) Plaintiffs sent the City a declaration on September 1, 2017. However, as indicated in our email from September 5, 2017, the declaration provided was insufficient for three reasons, reiterated below.

While we received Mr. de la Torre's verification dated October 5, 2017 for his declaration, we have not yet received a revised declaration from Mr. de la Torre that addresses the issues we identified on September 5, 2017. Accordingly, please send a revised declaration addressing the following three issues:

First, Mr. de la Torre's declaration does not indicate that he is authorized to answer on behalf of PNA and the declaration should be made on behalf of PNA.

Second, the information needs to be accurate as of the date of the declaration, but the prior declaration references that the information is current only as of January 2017.

Third, the declaration does not appear to comply with California Code of Civil Procedure section 2015.5, which requires that any declaration "recite[] that it is certified or declared . . . to be true under penalty of perjury, [be] subscribed by him or her, and (1), if executed within this state, state[] the date and place of execution, or (2), if executed at any place, within or without this state, state[] the date of execution and that it is so certified or declared under the laws of the State of California." The prior declaration did not include that language.

\* \* \*

As always, please let us know if you would like to arrange a call to discuss any of these topics. We look forward to your prompt response.

Sincerely,



Kahn A. Scolnick

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 10940 Wilshire Blvd., 16th Floor, Los Angeles, CA 90024.

On December 6, 2021, I served true copies of the following document(s) described as

DECLARATION

on the interested parties in this action as follows:

Joseph Lawrence  
Interim Santa Monica City Attorney  
1685 Main Street, Room 310  
Santa Monica, CA 90401

Carol M. Silberberg  
155 N. Lake Ave., Suite 800  
Pasadena. CA 91101

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with our practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on December 6, 2021 at Los Angeles, California.

/s/ Wilifred Trivino-Perez  
Wilifred Trivino-Perez

# Exhibit 39

1 Wilfredo Alberto Trivino-Perez (SBN 219345)  
wtpesq@gmail.com  
2 **TRIVINO-PEREZ & ASSOCIATES**  
10940 Wilshire Blvd., 16th Floor  
3 Los Angeles, CA 90024  
Phone: (310) 443-4251  
4 Fax: (310) 443-4252

5 Attorneys for Plaintiffs Oscar De La Torre and Elias Serna

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

OSCAR DE LA TORRE and ELIAS  
SERNA

Plaintiffs,

v.

CITY OF SANTA MONICA and  
DOES 1 through 10, inclusive

Defendants.

Case No.: 21STCV08597

**DECLARATION OF KEVIN  
SHENKMAN IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT**

Dept. 15

[Hon. Richard Fruin]

**Exhibit  
0080**



1 I, Kevin Shenkman, declare as follows:

2 1. I am one of several attorneys representing the plaintiffs in the case styled  
3 *Pico Neighborhood Association, et al. v. City of Santa Monica* (“Voting Rights Case”).

4 I am over the age of 18 and have personal knowledge of the facts contained in this  
5 declaration. If called as a witness, I could and would competently testify as follows:

6 2. Since 2012, a significant portion of my practice has focused on voting  
7 rights, and more specifically cases involving the California Voting Rights Act  
8 (“CVRA”). In 2013, I was lead counsel in the first CVRA case to go to trial – *Jauregui*  
9 *v. City of Palmdale*, tried before Hon. Mark Mooney in the Los Angeles Superior  
10 Court. Since that time, my law firm, Shenkman & Hughes PC, and the other law firms  
11 we work with, have been responsible for the majority of CVRA litigation in California.  
12 Since 2013, I have spoken over a hundred times at various events, such as legal  
13 conferences and community meetings, regarding voting rights, district-based elections  
14 and the CVRA.

15 3. I have represented Maria Loya and the Pico Neighborhood Association  
16 (“PNA”) over the past 5+ years in the case styled *Pico Neighborhood Association, et al.*  
17 *v. City of Santa Monica*, Los Angeles Superior Court Case No. BC616804 (“Voting  
18 Rights Case”). That case was filed in April 2016 and went to trial in August 2018  
19 before Hon. Yvette M. Palazuelos. A true and correct copy of the operative complaint  
20 in the Voting Rights Case is attached hereto as **Exhibit A**. As demonstrated by the  
21 operative complaint, the Voting Rights Case seeks only non-monetary relief – an  
22 injunction and declaration from the court, implementing district-based elections for the  
23 Santa Monica City Council.

24 4. The Los Angeles Superior Court entered judgment in favor of the plaintiffs  
25 in the Voting Rights Case in February 2019. A true and correct copy of that judgment,  
26 along with the corresponding Statement of Decision, is attached hereto collectively as  
27 **Exhibit B**. Consistent with the relief requested in the operative complaint, the  
28 Judgment awards the plaintiffs injunctive and declaratory relief – specifically, the  
implementation of district-based elections – but no monetary relief. Division Eight of

1 the Second District Court of Appeal reversed that judgment, but the California Supreme  
2 Court granted review and depublished the intermediate appellate court's decision. The  
3 Voting Rights Case is currently pending in the California Supreme Court, and has been  
4 fully briefed by the parties.

5       5. Litigating CVRA cases requires significant time, effort, knowledge and  
6 resources. Some CVRA cases require thousands of hours of work by attorneys, and  
7 hundreds of thousands of dollars in expenses, mostly for expert witnesses who testify  
8 about topics such as group voting behavior, statistical methods, demographics and  
9 alternative election systems. In *Jauregui v. City of Palmdale*, for example, the Los  
10 Angeles Superior Court awarded over \$4 million in attorneys' fees and expenses  
11 through two disputed fees motions. The CVRA affords standing to "[a]ny voter who is  
12 a member of a protected class and who resides in a political subdivision where a  
13 violation ... is alleged." Yet, very few voters have millions of dollars available to  
14 spend on attorneys and expert witnesses. Moreover, voters who wish to challenge an  
15 at-large election system under the CVRA have no prospect of financial gain through  
16 such a lawsuit, because the only financial relief available is attorneys' fees and costs,  
17 and non-attorneys cannot share in that recovery. Therefore, Shenkman & Hughes and  
18 the other law firms with which we associate, handle all CVRA cases on a *pro bono*  
19 basis. Our CVRA clients do not pay us or anyone else any money in connection with  
20 those cases. They have no prospect for any financial gain or financial loss from those  
21 cases. In the Voting Rights Case, this arrangement was memorialized in two  
22 documents – the retainer agreement and the clarifying supplement to the retainer  
23 agreement – true and correct copies of which are attached collectively as **Exhibit C**.

24 I declare under penalty of perjury under the laws of the State of California that  
25 the foregoing is true and correct.

26 Executed this 5<sup>th</sup> day of January 2022, at Malibu, California.

27   
28 \_\_\_\_\_  
Kevin Shenkman

**INTENTIONALLY LEFT BLANK**

588-702