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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.

**DEFENDANT CITY OF SANTA  
MONICA'S OBJECTIONS TO  
PLAINTIFFS' EVIDENCE SUBMITTED IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

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

22 Defendants.  
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24 Date: May 6, 2022  
25 Time: 9:15 A.M.  
26 Dept.: 15

27 Action Filed: March 4, 2021  
28 Trial Date: June 13, 2022

1 Pursuant to California Rules of Court 3.1352 and 3.1354, Defendant City of Santa Monica  
2 (“City”) hereby submits its objections to evidence submitted in support of Plaintiffs’ Motion for  
3 Summary Judgment or, in the Alternative, for Summary Adjudication (“Motion”).  
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5 **I. INTRODUCTION**

6 The declarations of Oscar De la Torre and Kevin Shenkman submitted by Plaintiffs in  
7 furtherance of the Plaintiffs’ Motion are riddled with speculation, unsupported factual assumptions,  
8 improper legal conclusions, improper opinions, and misleading characterizations of the content of the  
9 exhibits. These evidentiary defects result in the declarations failing to comply with section 437c of  
10 the Code of Civil Procedure, which requires that declarations set forth admissible evidence testified  
11 to a person with knowledge who is competent to testify to such matters.

12 Furthermore, in the interest of judicial efficiency, the City has not made every potential  
13 objection that could be made (especially where most of the statements are irrelevant and  
14 argumentative). However, the lack of any such objection should not be construed as the City’s  
15 agreement with any such statements or any waiver of such objections at trial or in any other motion  
16 or filing. The City reserves all such rights.

17 **II. OBJECTIONS**

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<b>Material Objected to:</b>	<b>Grounds for Objection:</b>	<b>Ruling on Objection</b>
19 1. Declaration of Oscar de la Torre 20 in Support of Motion for Summary 21 Judgment (“De la Torre 22 Declaration”), page 2, lines 8-9: 23 “Particularly because of their 24 tendency to disadvantage minority 25 voters, at-large elections . . .”	Lack of relevance (Evid. Code, § 350); improper expert opinion (Evid. 801); lack of personal knowledge/speculation (Evid. Code, § 702(a)); improper testimony as to ultimate conclusions ( <i>Towns v.</i> <i>Davidson</i> (2007) 147 Cal.App.4th 461, 473); lacks foundation (Evid. Code, § 403).	Sustained  Overruled  _____ Hon. Richard L. Fruin

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Material Objected to:	Grounds for Objection:	Ruling on Objection
2. De la Torre Declaration, page 2, lines 9-11: “. . . at-large elections, like those employed by the City of Santa Monica to elect its city council, are despised within the Latino civil rights community.”	Lack of relevance (Evid. Code, § 350); lack of personal knowledge/speculation (Evid. Code, § 702(a)); lacks foundation (Evid. Code, § 403).	Sustained  Overruled  <hr/> Hon. Richard L. Fruin
3. De la Torre Declaration, Page 2, lines 18-20 “he was the first Latino to ever campaign in the Pico Neighborhood, and was fully aware of the concentrated poverty, racial segregation, environmental dumping and gang violence that plagued my generation.	Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702(a)); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).	Sustained  Overruled  <hr/> Hon. Richard L. Fruin
4. De la Torre Declaration, page 2, lines 24 “where Latino and African American residents are concentrated.”	Lack of relevance (Evid. Code § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702(a)); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473); vague as to time, misleading and argumentative. (Evid. Code, § 352).	Sustained  Overruled  <hr/> Hon. Richard L. Fruin
5. De la Torre Declaration, page 2, line 27 – page 3, line 2-3. “The Pico Neighborhood is much less wealthy than other parts of the city, and has long been the dumping ground for all the city’s undesirable, and even toxic elements.”	Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702(a)); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473); vague as to time, misleading and argumentative. (Evid. Code, § 352).	Sustained  Overruled  <hr/> Hon. Richard L. Fruin

Material Objected to:	Grounds for Objection:	Ruling on Objection
<p>6. De la Torre Declaration, page 3 lines 3-6 “the Los Angeles Superior Court found in the Voting Rights Case, that the at-large system of election has resulted in a lack of representation on the city Council for the Pico Neighborhood, and in turn, the City Council being unresponsive to the needs of the Pico Neighborhood, especially its minority residents.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473); vague as to time, misleading and argumentative. (Evid. Code, § 350); misstates the record (Evid. Code, § 352); impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>
<p>7. De la Torre Declaration, page 3, line 8: At-large elections are a “historic wrong.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702(a)); lacks foundation (Evid. Code, § 403); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>
<p>8. De la Torre Declaration, page 3, line 11: “Everyone agreed; the discriminatory at-large election system had to go.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); lack of foundation (Evid. Code, § 403); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection
<p>9. De la Torre Declaration, page 3, line 22-23: “[F]ive of the six other Santa Monica neighborhood organizations joined the PNA in urging a change to the discriminatory at-large election system.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>
<p>10. De la Torre Declaration, page 4, lines 2-3: “Disturbed by the mismanagement of the City of Santa Monica, and the continued harm inflicted upon the Pico Neighborhood . . .”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>
<p>11. De la Torre Declaration, page 4, lines 4-5: “In order to compete with the incumbent councilmembers, and their vast financial resources . . .”</p>	<p>Lack of relevance (Evid. Code, § 350); lack of personal knowledge/speculation (Evid. Code, § 702).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>
<p>12. De la Torre Declaration, page 4, lines 8-10: “[W]e all expressed our support for adopting district-based elections and, relatedly, ending the expensive and misguided fight against the CVRA in the Voting Rights Case.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative; (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473); hearsay (Evid. Code, § 1200).</p>	<p>Sustained Overruled <hr/>Hon. Richard L. Fruin</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection
<p>13. De la Torre Declaration, page 4, lines 10-11: “All of the incumbent council members seeking re-election expressed their opposition to district elections.”</p>	<p>Relevance (Evid. Code, § 350); hearsay (Evid. Code, § 1200).</p>	<p>Sustained</p> <p>Overruled</p> <hr/> <p>Hon. Richard L. Fruin</p>
<p>14. De la Torre Declaration, page 4, lines 20-23: “When Santa Monia voters elected me, they knew that I support district-based elections, and that I have been very critical of the City’s insistence on spending tens of millions of dollars to fight against the voting rights of its citizens. The voters elected me to stop that waste and to implement district-based elections.”</p>	<p>Lack of relevance; improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702); lack of foundation (Evid. Code, § 403); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained</p> <p>Overruled</p> <hr/> <p>Hon. Richard L. Fruin</p>
<p>15. De la Torre Declaration, page 4, line 27-page 5 line 3: “George Cardona . . . wrote to the Fair Political Practices Commission (“FPPC”) seeking an opinion on whether I had a conflict of interest that would prevent me from participating in city council meetings, discussions and votes concerning the Voting Rights Case.”</p>	<p>Impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained <input type="checkbox"/></p> <p>Overruled <input type="checkbox"/></p> <hr/> <p>Hon. Richard Fruin</p>
<p>16. De la Torre Declaration, page 5, lines 6-7: “Mr. Cardona initially agreed that we would draft that letter together . . .”</p>	<p>Hearsay (Evid. Code, § 1200).</p>	<p>Sustained</p> <p>Overruled</p> <hr/> <p>Hon. Richard L. Fruin</p>

<b>Material Objected to:</b>	<b>Grounds for Objection:</b>	<b>Ruling on Objection</b>
17. De la Torre Declaration, page 5, lines 10-12 “Mr. Cardona placed an item on the agenda for the January 26, 2021 city council meeting.”	Lack of foundation (Evid. Code, § 403); speculation (Evid. Code, § 702); misstates the record (Evid. Code, § 352).	Sustained  Overruled  _____ Hon. Richard L. Fruin
18. De la Torre Declaration, page 5, lines 17-19: “At that council meeting, some city council members expressed a desire to hear from the FPPC before deciding on any action . . .”	Hearsay (Evid. Code, § 1200); impermissible testimony regarding the contents of a document Evid. Code, § 1523); less satisfactory evidence (Evid. Code, § 412).	Sustained  Overruled  _____ Hon. Richard L. Fruin
19. De la Torre Declaration, page 5, lines 22-23: “voted to . . . exclude me from all discussions, meetings and decisions concerning the Voting Rights Case.”	Hearsay (Evid. Code, § 1200); impermissible testimony regarding the contents of a document Evid. Code, § 1523); misstates the record (Evid. Code, § 352).	Sustained  Overruled  _____ Hon. Richard L. Fruin
20. De la Torre Declaration, page 5, lines 25-26: “The FPPC laid out the relevant facts and law, and concluded that I do not have a conflict of interest that precludes me from participating in meetings, discussions or votes concerning the Voting Rights Act Case.”	Hearsay (Evid. Code, § 1200); impermissible testimony regarding the contents of a document Evid. Code, § 1523); misstates the record (Evid. Code, § 352).	Sustained  Overruled  _____ Hon. Richard L. Fruin
21. De la Torre Declaration, page 6, lines 3-4: “Upon receiving the FPPC opinion, I requested that I not be excluded from council meetings, but Mr. Cardona refused, and refused to even discuss the matter.”	Hearsay (Evid. Code, § 1200); impermissible testimony regarding the contents of a document Evid. Code, § 1523); misstates the record (Evid. Code, § 352).; Less satisfactory evidence (Evid. Code, § 412).	Sustained  Overruled  _____ Hon. Richard L. Fruin

Material Objected to:	Grounds for Objection:	Ruling on Objection
<p>22. De la Torre Declaration, page 6, lines 9-11: “However, when that item was to come up at the meeting, Mr. Cardona instead told the City Council that the item violated the City Council rules because it sought to reverse a previous vote within one year of that vote. By a 4 to 3 vote the City Council refused to allow even consideration of the item.”</p>	<p>Hearsay (Evid. Code, § 1200); impermissible testimony regarding the contents of a document Evid. Code, § 1523); less satisfactory evidence (Evid. Code, § 412).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>23. De la Torre Declaration, page 6, lines 18-20: “They had no choice but to file that case, because the City of Santa Monica ignored their efforts to bring the City’s election system into compliance with the law before they filed that case.”</p>	<p>Lack of relevance (Evid. Code, § 350); improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>24. De la Torre Declaration, page 6, lines 20-21: “Other Santa Monica city councilmembers expressed their opposing views at trial and in the press.”</p>	<p>Lack of relevance (Evid. Code, § 350); hearsay (Evid. Code, § 1200).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>25. De la Torre Declaration, page 6, lines 25-26: “In their testimony and op-ed, those councilmembers expressed their view that Santa Monica should keep it’s [sic] at-large election system.”</p>	<p>Lack of relevance (Evid. Code, § 350); hearsay (Evid. Code, § 1200).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>



Material Objected to:	Grounds for Objection:	Ruling on Objection
26. De la Torre Declaration, page 7, lines 3-7: “Indeed, I would not gain any such advantage. Rather, I support them because district-based elections will ensure that every community in Santa Monica has fair representation on their city council for decades into the future.”	Improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).	Sustained Overruled  _____ Hon. Richard L. Fruin
27. De la Torre Declaration, page 7, lines 7-8: “Neither I, nor my wife, nor the PNA has any financial stake in the Voting Rights Act case at all.”	Lack of personal knowledge (Evid. Code, § 702(a)); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).	Sustained Overruled  _____ Hon. Richard L. Fruin
28. De la Torre Declaration, page 7, lines 9-11: “Rather as demonstrated by the Los Angeles Superior Court’s Judgment in that case, the relief sought is a change in the election system – a change that will benefit all Santa Monica residents.”	Improper lay opinion (Evid. Code, § 800); improper expert opinion (Evid. Code, § 801); lack of personal knowledge/speculation (Evid. Code, § 702); misleading and argumentative Evid. Code, § 352); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).	Sustained Overruled  _____ Hon. Richard L. Fruin
29. De la Torre Declaration, page 7, lines 11-12: “[W]ith the understanding that if they are successful they may be awarded attorneys’ fees and costs.”	Lack of personal knowledge/speculation (Evid. Code, § 702).	Sustained Overruled  _____ Hon. Richard L. Fruin
30. De la Torre Declaration, page 7, lines 14-15: “My wife and I, and the Pico Neighborhood Association board, all understand that we cannot share in any of those attorneys’ fees . . . .”	Lack of personal knowledge/speculation (Evid. Code, § 702).	Sustained Overruled  _____ Hon. Richard L. Fruin

Material Objected to:	Grounds for Objection:	Ruling on Objection
<p>31. De la Torre Declaration, page 7, lines 15-20): “The arrangement with the attorneys prosecuting the Voting Rights Case has always been that they will be entitled to any award of attorneys’ fees and costs, and accordingly they will pay all costs associated with that case – nobody else (including Ms. Loya and the Pico Neighborhood Association) has any potential financial benefit or potential financial loss from the Voting Rights Case.”</p>	<p>Lack of personal knowledge/speculation (Evid. Code, § 702); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>32. De la Torre Declaration, page 7, lines 22-23: “Nor do I (nor my wife, nor the PNA) have any personal interest in the Voting Rights Case different than Santa Monica voters generally.”</p>	<p>Lack of personal knowledge/speculation (Evid. Code, § 702); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>33. De la Torre Declaration, page 7, lines 23-25: “If the plaintiffs are successful in the Voting Rights Case, all Santa Monica voters (including me and my wife) will enjoy district-based representation on their city council, and an undiluted vote for who represents them.”</p>	<p>Lack of personal knowledge/speculation (Evid. Code, § 702); misleading and argumentative (Evid. Code, § 352); improper expert opinion (Evid. Code, § 801); improper testimony as to legal conclusions (<i>Summers v. A.L. Gilbert Co.</i> (1999) 69 Cal.App.4th 1155, 1179); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>34. De la Torre Declaration, page 7, lines 25-27: “If the Plaintiff are unsuccessful in the Voting Rights Case, all Santa Monica voters (including me and my wife) will suffer under the at-large election system for years to come.”</p>	<p>Lack of personal knowledge/speculation (Evid. Code, § 702); misleading and argumentative (Evid. Code, § 352); improper testimony as to ultimate conclusions (<i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection
35. De la Torre Declaration, page 7, lines 27-28: "Neither my wife, nor the PNA, nor I will receive anything different than every other Santa Monica voter."	Lack of personal knowledge/speculation (Evid. Code, § 702); improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473).	Sustained  Overruled  _____ Hon. Richard L. Fruin
36. De la Torre Declaration, page 8, lines 11-12: "Regardless of topic, I would never reveal confidential information from a closed session to anyone not authorized to receive that confidential information."	Speculation (Evid. Code, § 702), <i>In re Salvador M.</i> (2005) 133 Cal.App.4th 1415, 1422).	Sustained  Overruled  _____ Hon. Richard L. Fruin
37. De la Torre Declaration, Exhibit A.	Lack of foundation/hearsay (Evid. Code, §§ 1200, 1271); lack of authentication (Evid. Code, § 1400).	Sustained  Overruled  _____ Hon. Richard L. Fruin
38. De la Torre Declaration, Exhibit B.	Lack of foundation/hearsay (Evid. Code, §§ 1200, 1271); lack of authentication (Evid. Code, § 1400).	Sustained  Overruled  _____ Hon. Richard L. Fruin

<b>Material Objected to:</b>	<b>Grounds for Objection:</b>	<b>Ruling on Objection</b>
<p>39. Declaration of Kevin Shenkman in Support of Motion for Summary Judgment (“Shenkman Declaration”), page 2, lines 19-23: “As demonstrated by the operative complaint, the Voting Rights Case seeks only non-monetary relief – an injunction and declaration from the court, implementing district-based elections for the Santa Monica City Council.”</p>	<p>Impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>40. Shenkman Declaration, page 2, lines 27-29: “Consistent with the relief requested in the operative complaint, the Judgment awards the plaintiffs injunctive and declaratory relief – specifically the implementation of district-based elections – but no monetary relief.”</p>	<p>Impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>41. Shenkman Declaration, page 2, line 29 to page 3, line 1: “Division Eight of the Second District Court of Appeal reversed that judgment . . .”</p>	<p>Impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>
<p>42. Shenkman Declaration, page 3, lines 1-2: “[B]ut the California Supreme Court granted review and republished the intermediate appellate court’s decision.”</p>	<p>Impermissible testimony regarding the contents of a document (Evid. Code, § 1523).</p>	<p>Sustained Overruled  _____ Hon. Richard L. Fruin</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection
43. Shenkman Declaration, page 3, lines 9-11: “In <i>Jauregui v. City of Palmdale</i> , for example, the Los Angeles Superior Court awarded over \$4 million in attorneys’ fees and expenses through two disputed fees motions.”	Lack of relevance (Evid. Code, § 350);	Sustained  Overruled  _____ Hon. Richard L. Fruin
44. Shenkman Declaration, page 3, lines 11-13: “The CVRA affords standing to ‘[a]ny voter who is a member of a protected class and who resides in a political subdivision where a violation ... is alleged.”	Lack of relevance (Evid. Evid. Code, § 350); improper testimony as to legal conclusions ( <i>Summers v. A.L. Gilbert Co.</i> (1999) 69 Cal.App.4th 1155, 1179).	Sustained  Overruled  _____ Hon. Richard L. Fruin
45. Shenkman Declaration, page 3, lines 14-17: “Moreover, voters who wish to challenge an at-large election system under the CVRA have no prospect of financial gain through such a lawsuit, because the only financial relief available is attorneys’ fees and costs, and non-attorneys cannot share in that recovery.”	Improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473), lack of personal knowledge (Evid. Code, § 702(a)), improper testimony as to legal conclusions ( <i>Summers v. A.L. Gilbert Co.</i> (1999) 69 Cal.App.4th 1155, 1179).	Sustained  Overruled  _____ Hon. Richard L. Fruin
46. Shenkman Declaration, page 3, lines 20-21: “They have no prospect for any financial gain or financial loss from those cases.”	Improper testimony as to ultimate conclusions ( <i>Towns v. Davidson</i> (2007) 147 Cal.App.4th 461, 473) improper testimony as to legal conclusions ( <i>Summers v. A.L. Gilbert Co.</i> (1999) 69 Cal.App.4th 1155, 1179).	Sustained  Overruled  _____ Hon. Richard L. Fruin

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Material Objected to:	Grounds for Objection:	Ruling on Objection
47. Shenkman Declaration, Exhibit B.	Lack of foundation/hearsay (Evid. Code, §§ 1200, 1271).	Sustained  Overruled  <hr/> Hon. Richard L. Fruin

Dated: March 10, 2022

BERRY SILBERBERG STOKES PC  
CAROL M. SILBERBERG

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

Attorneys for Defendant  
CITY OF SANTA MONICA