

1 Brenda Barnes
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3 Santa Monica, CA 90401
4 (310) 795-3762

5 Plaintiff-Petitioner in pro per

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
9 COUNTY OF LOS ANGELES, WEST SANTA MONICA DISTRICT

10
11 CATHERINE ELDRIDGE,)

12)
13 Plaintiff,)

14 v.)

15 VILLAGE TRAILER PARK, etc.,)
16 et al.,)

17 Defendants.)

18 _____)
19 And Related Cross-Actions)
20 _____)

Case No. BC 465320
Assigned to the Honorable
Judge Cesar C. Sarmiento

**DECLARATION OF GIVING EX PARTE
HEARING NOTICE**

Hearing

DATE: January 3, 2013
TIME: 8:30 a.m.
DEPT.: J West
JUDGE: Honorable Cesar C.
Sarmiento

21
22 **(FILED CONCURRENTLY WITH MOTION TO DECLARE CASES RELATED,**
23 **CONSOLIDATE ONE OTHER CASE WITH THIS ONE AND STAY THE LAST-FILED**
24 **CASE, RULE ON WHETHER THE RESULTING CONSOLIDATED CASE WITH EXPECTED**
25 **ADDITIONAL CASES IS COMPLEX, AND ENTER INJUNCTION AGAINST DEFENDANTS**
26 **IN THIS CASE SEEKING AND PEREMPTORY WRIT OF MANDATE AGAINST SANTA**
27 **MONICA RENT CONTROL BOARD HOLDING A HEARING ON REMOVAL PERMIT**
28 **APPLICATION UNTIL FURTHER ORDER OF COURT; EXHIBITS CONSISTING OF**
PLEADINGS IN CASE NO. SC 119545; NOTICE OF RELATED CASES; AND
DOCUMENTS FROM THOSE CASES)

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2 BRENDA BARNES declares and says:

3 i am the plaintiff-petitioner in Case No. SC 119545, Barnes v. Condon, etc., et al., a
4 petition for writ of mandate and complaint for injunctive relief case filed on December 24,
5 2012 against the defendants in the instant case and the Santa Monica Rent Control Board,
6 arising out of efforts of defendants in this case to demolish the Village Trailer Park and
7 replace the 109 rent-controlled homes there, including the two owned by the plaintiff
8 CATHERINE ELDRIDGE and cross-complainant LORETTA NEWMAN in the instant case,
9 my family's home which I rent, and 106 more individually-owned homes.

10 1. On January 2, 2012, between 9 AM and 10 AM I gave notice I would
11 be appearing ex parte in Department J West of the Los Angeles Superior Court
12 located at 1725 Main Street, Santa Monica, California, on January 3, 2013 at 8:30
13 a.m. to request an order shortening time to hear a motion ex parte the following day.
14 This proposed motion itself gives notice of the hearing requested the following day
15 and ensuing days if necessary to declare cases related, consolidate one related
16 case, stay the last-filed case, rule on whether the consolidated case and anticipated
17 additional cases constitute a complex case, and enter an injunction against
18 defendants in this case seeking, and a peremptory writ of mandate against the
19 Santa Monica Rent Control Board granting, a hearing on an application for a
20 removal permit until further order of the Court. I gave this telephoned notice to the
21 following people ending at the times given for each below.

22 2. Department J West's line at the number given on the website was
23 busy from 9:10 through the hour and afterwards. I finally was able to get through
24 and gave notice to Department J at 11:18 a.m.;

25 3. BERHANE HABTE, plaintiff in Case No. BC 483237, Habte v.
26 Luzzatto, who said he approves of the motion but cannot appear this soon due to
27 work obligations caused primarily by having to make up for defendants' harassing
28 him for opposing their development plans, 9:30 a.m.;

4. LORETTA NEWMAN, Cross-Complainant in the instant case: 9:35
a.m.;

1 5. David R. Krause-Leemon, attorney for Defendants in the instant case:
2 9:38 a.m.:

3 6. Bradford G. Hughes, attorney for defendants in the instant case and
4 the same defendants in related Case No. BC 483237, Habte v. Luzzatto, 9:46 a.m.;

5 7. Frances Campbell, attorney for Plaintiff CATHERINE ELDRIDGE in
6 the instant case, 9:48 a.m.;

7 8. Robin Eifler, attorney for plaintiff in the last-filed case, which plaintiff in
8 that case is defendants in the instant case holding themselves out as a general
9 partnership in that case, which last filed case is a pending unlawful detainer limited
10 civil case, 9:51 a.m.;

11 9. Rebecca Thornton, attorney for SANTA MONICA RENT CONTROL
12 BOARD and its officials, defendants-respondents alleged in Case No. SC 119545
13 to be in an unlawful conspiracy with defendants in this case and to have no
14 jurisdiction to hear an application for a removal permit under the City Charter, which
15 gives tenants such as Plaintiff-Petitioner BARNES in Case. No. SC 119545 the right
16 to seek an injunction 9:57 a.m.; and

17 10. MARC LUZZATTO, who is a named defendant and respondent in the
18 instant case and has been spokesperson and applicant for the other defendants in
19 this case before the Santa Monica Rent Control Board and other City agencies
20 attempting to obtain approval to demolish the home Plaintiff bought in 1986 and
21 Plaintiff's family now owns and rents to her through an LLC, who is held out to be
22 the General Partner for those defendants in the last-filed unlawful detainer case,
23 12U02139, and who are Defendants and Real Parties in Interest in Case No. SC
24 119545 and defendants in Case No. BC 483237, Habte v. Luzzatto, 10:00 a.m.

25 DATED: January 2, 2013

26 Respectfully submitted,

27 
28 Brenda Barnes

PROOF OF SERVICE BY E-MAIL

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STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

Peter R. Naughton is sworn and says:

I am over the age of 18 and not a party to the within action. My business address is 406 Broadway, #332F, Santa Monica, CA 90401.

On January 2, 2013, beginning at 5 p.m., I served the **PLAINTIFF-PETITIONER BRENDA BARNES NOTICE OF EX PARTE APPLICATION AND APPLICATION FOR ORDER SHORTENING TIME**, attached hereto, on the interested parties herein, by sending a true copy of each document by electronic mail delivery and obtaining a notice of receipt from my e-mail server, addressed to the e-mail addresses given below, as follows:
Loretta Newman (newlxn@yahoo.com), Berhane Habte (Rightsouljeans@verizon.net), David R. Krause-Leemon (twaters@mckennalong.com), Bradford G. Hughes (bhughes@selmanbreitman.com), Frances Campbell (fcampbell@campbellfarahani.com), Robin Eifler (ana@dowdalllaw.net), Rebecca Thornton (rebecca.thornton@smgov.net), Marc Luzzatto (marc@luzzattocompany.com), .

I also have sufficient hard copies to serve at the ex parte hearing set for January 3, 2013, for parties who do not wish to print their own.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 2, 2013, at Santa Monica, California.



Peter Naughton