

## **SELECTED LAND USE LITIGATION CASES**

(Partial Listing)

*CEMEX, Inc. v. County of Los Angeles* (2004), District Court No. 02-747 DT (FMOx), Ninth Circuit Appeal No. 04-56050. Successfully litigated the lawsuit for repeated delays and interference with the federally-approved Soledad Canyon Sand and Gravel Mining Project, which resulted in a Court-approved consent decree, upheld on appeal, directing the County to approve the project.

*City of Santa Clarita v. U.S. Department of Interior*, District Court No. 02-00697 DT (FMOx), U.S. Court of Appeals, Ninth District, Case No. 06-55006 and *City of Santa Clarita v. U.S. Department of Interior Board of Land Appeals*, District Court No. 04-1572 DT (FMOx), U.S. Court of Appeals, Ninth Circuit, Case Nos. 06-55225 and 06-55960. Successfully intervened in these separate District Court cases challenging various actions by the Bureau of Land Management and the U.S. Fish and Wildlife Service, resulting in favorable decisions by the District Court that were upheld in a consolidated appeal by the Ninth Circuit.

*Landgate, Inc. v. California Coastal Commission* (1998), 17 Cal.4th 1006. California Supreme Court (certiorari denied by the United States Supreme Court). Represent property owner in action to set aside the Coastal Commission's wrongful denial of a development permit and for damages for the temporary regulatory taking of property. Argued before the California Supreme Court in 1998.

*G.H. Palmer v. City of Los Angeles* (2003), Case No. BC297138. Represent developer Geoff Palmer in challenge to City of Los Angeles' building prohibition applied under Scorched Earth Ordinance.

*Geoffrey Palmer v. City of Los Angeles* (2004), Case No. CV-03-6402-SVW. Represent developer in federal court lawsuit for damages arising from city's refusal to issue demolition permit. Case settled favorably.

*PR/JSM Rivara, LLC, et al. v. Community Redevelopment Agency of Los Angeles, et al.* (2008), Case No. BS112315. Represent developer in challenge to Design Guidelines and Owner Participation Agreements imposed by Community Redevelopment Agency.

*Trancas Property Owners Assn. v. City of Malibu* (2007), Case No. B174674 (Court of Appeal). Represent Malibu homeowners association (Broad Beach) in successful challenge to city's violation of Brown Act.

*California Coastal Commission v. Trancas Property Owners Assn.* (2007), Case No. SC086150 (Superior Court). Represent Malibu homeowners association (Broad Beach) in successful defense of alleged violations of the Coastal Act.

Robert Fedor v. City of Los Angeles, et al. (2008), Case No. BS111378. Represent property owner challenging denial of Certificate of Compliance pursuant to California Subdivision Map Act.

Eastwood Coalition v. City of Los Angeles, et al. (Larry Bond, Bond Company, Real Parties-in-Interest)(2006), Case No. BS108933. Represent developer Larry Bond and Bond Company in successful defense of land use project approvals in a court challenge brought by opponents including environmental CEQA challenge.

Scott Bader v. City of Los Angeles; Central Area Planning Commission of the City of Los Angeles (2006), Case No. BS104041. Represent developer challenging city's denial of lot coverage allowance.

Sierra Club; Center for Biological Diversity v. City of Palm Springs; City Council of the City of Palm Springs (Shadowrock Real Estate, LLC; Shadowrock, LLC; Shadowrock Development Corp., Real Parties-in-Interest) (2006), Case No. INC059910. Represented developer in legal challenge brought by environmental organization.

Concerned Citizens for Smart Growth v. City of Simi Valley (Larwin Company, Real Party-in-Interest) (2005), Case No. SC042802. Represented developer Larwin Construction Co. in litigation brought by project opponents for a subdivision in the City of Simi Valley.

3665 Jasmine Ventures, LLC v. City of Los Angeles, et al. (2008), Case No. BS108565. Represent developer in challenge to Building Line imposed by city.

Louise Apts., LLC v. City of Los Angeles (2008), Case No. 113184. Represent developer in litigation against the city for violation of SB 1818 density bonus law.

Barclay Hollander Corporation v. County Sanitation District No. 2 of Los Angeles, Los Angeles County Superior Court, Case No. C592553. Representing landfill owner in dispute with landfill operator concerning the adequacy of landfill gas migration control and monitoring systems, leachate monitoring and collection system, and standards of care relating to landfill design and closure.

Los Angeles Unified School District v. Adohr Farms California, Inc., et al. (2002), Case No. BC277762. Represent Dean Foods, a national dairy company in eminent domain litigation brought by LAUSD.

Greyhound Lines, Inc. v. City of Los Angeles, et al. (2006), Los Angeles Superior Court Case No. BS087593; Court of Appeal Case No. B178744. Represent Greyhound Bus Lines in connection with the city's refusal to permit relocation of Sylmar bus terminal.

Coalition for Affordable Housing in Los Angeles v. Board of Education of the City of Los Angeles and Los Angeles Unified School District, Case No. BC065745 (2000) and Case No. BC260529 (2001). Represent developers in legal challenge to Level 2 School Fees imposed by LAUSD.

Isabel Properties v. City of Los Angeles (2002), Los Angeles Superior Court, Case No. BC255809 (2002). Represented group of industrial property owners and tenants, including film studios, opposed to multi-family housing project in midst of industrial zone.

Cadiz Land Company, Inc. v. Rail Cycle, L.P.; County of San Bernardino (2000), 83 Cal.App.4th 74. Represented Cadiz Land Company, a publicly-held agricultural and water company in challenge to conditional use permit and General Plan amendments approved for the Rail Cycle/Bolo Station Landfill proposed by Waste Management, Inc. in the County of San Bernardino.

Canyon Homeowners v. City of Los Angeles; MH Holdings (1999), Los Angeles Superior Court, Case No. BS 057899. Represented property owner Mark Hughes, founder of Herbalife, as Real Party-in-Interest in legal challenge by homeowner associations filed to overturn a zoning variance.

Lechuza Villas West v. California Coastal Commission (1997), 70 Cal.Rptr.2d 399, (certiorari denied by the United States Supreme Court). Represented property owner in challenge to Coastal Commission's decision to deny development permits for beachfront homes.

Jama Construction Corporation, Inc. v. City of Los Angeles, 938 F.2d 1045 (9th Cir. 1991). Represented property owners in action for damages for the temporary taking of property for delays in obtaining development permit for condominium project due to City's erroneous decision under the California Environmental Quality Act.

Mount Holyoke Homes, Ltd. v. City of Los Angeles (1996), Los Angeles County Superior Court, Case No. BC060183. Represent property owner in challenge to City's decision to disapprove parcel map and coastal development permit for proposed four-lot subdivision.

Larner v. State of California (1998), Los Angeles County Superior Court, Case No. BC143304. Represented property owner in challenge to State's attempts to block a demolition permit based on potential historical designation for building that suffered structural damage in the Northridge earthquake.

San Diegito Partnership v. City of San Diego (1998), San Diego County Superior Court. Represented property owner in an action for inverse condemnation arising out of a 40-year-old dispute concerning prime "gateway" property to the City of San Diego.

*Urbatec v. City of Whittier (1995), Los Angeles County Superior Court.* Represented shopping center owner in action for damages against city and redevelopment agency for violation of a variety of constitutionally protected rights.

*Metropolitan Water District v. Paul Garrett, et al. (1995), Riverside County Superior Court.* Represented owner of 577 acres in eminent domain action in conjunction with MWD's largest reservoir in California. Mediation resulted in \$18.3 million settlement, twice the amount originally offered by MWD.

*Hendler, et al. v. United States of America (1994), United States Court of Federal Claims.* Represented property owner in action for damages based upon a permanent taking of property arising from EPA's entry onto property as part of an adjacent Superfund site.

*The Weston Company v. State of California (1993), Ventura County Superior Court.* Represented property owner in constitutional challenge to State legislation which resulted in higher property taxes to owner. Prevailed in partial summary judgment and case settled favorably to client.

*Marlborough Development Company v. City of Oceanside (1992), San Diego County Superior Court.* City imposed equestrian overlay on property with final map for 260 unit residential subdivision thereby effectively reducing density to fewer than 150 units. Represented property owner in lawsuit which resulted in 257 units and greater project flexibility.

*Cabot, Cabot & Forbes and The Trammel Crow Company v. County of Santa Barbara (1992), Santa Barbara County Superior Court.* Represented owners in challenge to traffic moratorium preventing development of large scale industrial project.