

1 ARMBRUSTER GOLDSMITH & DELVAC LLP
2 DAMON P. MAMALAKIS, SBN NO: 184489
3 R.J. COMER, SBN NO: 186284
4 11611 San Vicente Blvd., Suite 900
5 Los Angeles, CA 90049
6 Telephone: 310-209-8800
7 Facsimile: 310-209-8801
8 Email: damon@agd-landuse.com

6 Attorneys for Defendants
7 ROBERT LUGLIANI and DOLORES A.LUGLIANI,
8 as co-trustees of THE LUGLIANI TRUST,
9 THOMAS J. LIEB, TRUSTEE,
10 THE VIA PANORAMA TRUST

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF LOS ANGELES**

11 CITIZENS FOR ENFORCEMENT OF
12 PARKLAND COVENANTS and JOHN
13 HARBISON,

14 Petitioners,

15 vs.

16 CITY OF PALOS VERDES ESTATES, a
17 municipal corporation; PALOS VERDES HOMES
18 ASSOCIATION, a California corporation;
19 ROBERT LUGLIANI and DOLORES A.
20 LUGLIANI, as co-trustees of THE LUGLIANI
21 TRUST; THOMAS J. LIEB, TRUSTEE, THE VIA
22 PANORAMA TRUST U/DO MAY 2, 2012 and
23 DOES 1 through 20

24 Defendants.

Case No.: BS142768

**NOTICE OF COURT'S DENIAL OF
DEFENDANTS' JOINT EX PARTE
APPLICATION TO SET BRIEFING
SCHEDULE AND A SINGLE HEARING
DATE FOR MOTION FOR SUMMARY
JUDGMENT/ADJUDICATION AND
CROSS-MOTIONS FOR SUMMARY
JUDGMENT/ADJUDICATION**

Hon. Barbara A. Meiers
Dept. 12

Petition Filed: May 13, 2013
Ex Parte Date: Feb. 26, 2015 8:30 a.m.
Trial Date: None Set

Motion for Summary Adjudication or Judgment
Hearing Date: March 25, 2015
Time: 10:30 AM
Department: 12

1 TO PARTIES AND THEIR COUNSEL OF RECORD: PLEASE TAKE NOTICE that on
2 Thursday, February 26, at 9:00 a.m. in Dept. 12 of the Los Angeles Superior Court, located at 111
3 North Hill Street, Los Angeles, California, the Court DENIED Defendants, Robert Lugliani and
4 Dolores A. Lugliani, as co-trustees of The Lugliani Trust, Thomas J. Lieb, Trustee, The Via Panorama
5 Trust ("Via Panorama"), Defendant City of Palos Verdes Estates ("City"), Defendant Palos Verdes
6 Homes Association ("PVHA") (collectively the "Defense Parties") joint ex parte application to:

- 7 • Take off-calendar the hearing on Petitioners' Citizens for Enforcement of Parkland
8 Covenants and John Harbison ("Petitioners") motion for summary
9 judgment/adjudication currently scheduled for March 25, 2015, which has not yet been
10 fully-briefed;
- 11 • Take off-calendar the Case Management Conference currently scheduled for April 1,
12 2015;
- 13 • Set a briefing schedule for Defense Parties' intended cross-motions for summary
14 judgment/adjudication; and
- 15 • Set a single hearing date for both Petitioners' motion for summary
16 judgment/adjudication and Defense Parties' cross-motions for *summary*
17 judgment/adjudication.

18 In denying the ex parte application, the Court ruled as follows:

- 19 1. There is no emergency that necessitates granting the ex parte application;
- 20 2. The Court has no interest in what the parties to this matter schedule and when; and

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 3. If Defense Parties desire a continuance of the March 25, 2015 hearing on Plaintiff's
2 motion for summary judgment/adjudication for good cause, Defense Parties must file a
3 separate and proper motion for continuance showing good cause as to why the March
4 25, 2015 hearing should be continued.
5

6 Dated: February 26, 2015

ARMBRUSTER GOLDSMITH & DELVAC LLP

7 By 
8 R.J. Comer

Attorneys for Defendant

9
10 ROBERT LUGLIANI and DOLORES A. LUGLIANI,
11 as co-trustees of THE LUGLIANI TRUST; THOMAS
12 J. LIEB, TRUSTEE, THE VIA PANORAMA TRUST
13 U/DO MAY 2, 2012
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am a resident in the State of California. I am over the age of 18 and not a party to the within action. My business address is 11611 San Vicente Blvd., Suite 900, Los Angeles, California 90049. On February 26, 2015, I served the within Documents:

(1) NOTICE OF COURT'S DENIAL OF DEFENDANTS' JOINT EX PARTE APPLICATION TO SET BRIEFING SCHEDULE AND A SINGLE HEARING DATE FOR MOTION FOR SUMMARY JUDGMENT/ADJUDICATION AND CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION

- [X] By transmitting the document(s) listed above via email to the person(s) named on the attached Service List at the respective email addresses next to their names, on this date before 5:00 p.m. and receiving confirmed transmission reports indicating that the document(s) were successfully transmitted.
- [X] By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth on the attached Service List, to the person named on the attached Service List.
- [] By causing overnight delivery by Federal Express of the document(s) listed above, addressed as set forth on the attached Service List, to those person(s) indicated on the attached Service List.
- [] By causing personal delivery by messenger service of the document(s) listed above, addressed as set forth on the attached Service List, to each of the person(s) named on the attached Service List.
- [] By personally delivering the document(s) listed above to each of the person(s) named on the attached Service List, at their respective addresses set forth on the attached Service List.


SEE ATTACHED SERVICE LIST

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

- [X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- [] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 26, 2015, at Los Angeles, California.

Stephanie Ortega
(Type or print name)


(Signature)

SERVICE LIST

Jeffrey Lewis, Esq.
BROEDLOW LEWIS, LLP
734 Silver Spur Road, Suite 300
Rolling Hills Estates, CA 90274
Tel: (310) 935-4001
Fax: (310) 872-5389
Email: Jeff@BroedlowLewis.com

Christi Hogin, Esq.
JENKINS & HOGIN, LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266
Tel: (310) 643-8448
Fax: (310) 643-8441
Email: CHogin@LocalGovLaw.com

Sidney F. Croft, Esq.
LAW OFFICE OF SIDNEY CROFT
314 Tejon Place
Palos Verdes Estates, CA 90274
Tel: (310) 849-1992
Email: SFCroftLaw@aol.com

Daniel V. Hyde, Esq.
Brant H. Dveirin, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
663 West 5th Street, Suite 4000
Los Angeles, CA 90071
Tel: 213.680.5103
Email: Daniel.Hyde@lewisbrisbois.com

DOCUMENT(S) SENT

(1) NOTICE OF COURT'S DENIAL OF DEFENDANTS' JOINT EX PARTE APPLICATION TO SET BRIEFING SCHEDULE AND A SINGLE HEARING DATE FOR MOTION FOR SUMMARY JUDGMENT/ADJUDICATION AND CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION

(1) NOTICE OF COURT'S DENIAL OF DEFENDANTS' JOINT EX PARTE APPLICATION TO SET BRIEFING SCHEDULE AND A SINGLE HEARING DATE FOR MOTION FOR SUMMARY JUDGMENT/ADJUDICATION AND CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION

(1) NOTICE OF COURT'S DENIAL OF DEFENDANTS' JOINT EX PARTE APPLICATION TO SET BRIEFING SCHEDULE AND A SINGLE HEARING DATE FOR MOTION FOR SUMMARY JUDGMENT/ADJUDICATION AND CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION

(1) NOTICE OF COURT'S DENIAL OF DEFENDANTS' JOINT EX PARTE APPLICATION TO SET BRIEFING SCHEDULE AND A SINGLE HEARING DATE FOR MOTION FOR SUMMARY JUDGMENT/ADJUDICATION AND CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION