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18 Robert Lugliani and Dolores A. Lugliani, as co-  
19 trustees of The Lugliani Trust; Thomas J. Lieb,  
20 Trustee, The Via Panorama Trust

21 **SUPERIOR COURT OF CALIFORNIA**  
22 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

23 CITIZENS FOR ENFORCEMENT OF  
24 PARKLAND COVENANTS and JOHN A.  
25 HARBISON,

26 Plaintiff,

27 vs.

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

Defendants.

Case No.: BS142768

*Assigned for all purposes to the  
Hon. Barbara A. Meiers, Dept. 12*

**DEFENDANTS PALOS VERDES HOMES  
ASSOCIATION; ROBERT LUGLIANI AND  
DOLORES A. LUGLIANI, AS CO-TRUSTEES OF  
THE LUGLIANI TRUST; AND THOMAS J. LIEB,  
TRUSTEE, THE VIA PANORAMA TRUST U/DO  
MAY 2, 2012'S JOINT EVIDENTIARY  
OBJECTIONS TO THE DECLARATION OF JOHN  
HARBISON**

Petition Filed: May 13, 2013

Trial Date: None Set

Hearing Date: May 29, 2015

Hearing Time: 10:30 a.m.

Department: 12

**DEFENDANTS PALOS VERDES HOMES ASSOCIATION, ROBERT LUGLIANI  
AND DOLORES A. LUGLIANI, AND THOMAS J. LIEB'S JOINT EVIDENTIARY  
OBJECTIONS TO THE DECLARATION OF JOHN HARBISON**

Pursuant to California Rules of Court 3.1352 and 3.1354, Defendants, Robert Lugliani and Dolores A. Lugliani, as co-trustees of The Lugliani Trust, Thomas J. Lieb, Trustee, The Via Panorama Trust (“Via Panorama”), and Defendant Palos Verdes Homes Association (“PVHA”), (collectively the “Defense Parties”) hereby object to, and move to strike the following portions of the Declaration of John Harbison (“Harbison Decl.”).

**DEFENSE PARTIES’ OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
<p>1. <u>Page 1, ¶ 5, lns. 15-20:</u> “The Panorama Parkland located to the North/Northwest of the residential property at 900 Via Panorama, Palos Verdes Estates, California 90274. The Panorama Parkland is an irregularly shaped parcel in the form of a crescent that wraps around the residential property at 900 Via Panorama. The boundaries of the Panorama Parkland cross three different tract lines and, therefore, the Panorama Parkland falls within the following three different tracts within the City: 7540, 8652 and 26341.”</p>	<p><b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702(a).)</p>
<p>2. <u>Page 1, ¶ 6, lns. 21-25:</u> “I am familiar with the various maps depicting the relationship of the Panorama Parkland with other landmarks in the City. I have gained that familiarity through my study</p>	<p><b>Lacks foundation.</b> (Evid. Code, § 403.)</p>

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
of documents issued by the City, my attendance at City Council meetings and my review of documents produced by the City in this litigation and in response to my Public Records Act requests.”	
3. <u>Page 1, ¶ 7, lns. 26-28</u> : “A fair and accurate depiction of the relationship between the Panorama Parkland and other geographic reference points in the City is set forth on a Google Maps generated map attached hereto and incorporate herein as <b>Exhibit “2.”</b> ”	<b>Lacks foundation and improper authentication (Exhibit 2).</b> (Evid. Code, §§ 403, 1400-1401.)
4. <u>Page 2, ¶ 9, lns. 8-9</u> : “To my knowledge, at no time has there been signs or notices posted on the Panorama Parkland restricting access or use of the property to residents of the City.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
5. <u>Page 2, ¶ 10, lns. 10-11</u> : “To my knowledge, at no time has there been signs or notices posted on the Panorama Parkland restricting access or use of the property to members of the Association.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).) <b>Irrelevant.</b> (Evid. Code § 350.)
6. <u>Page 2, ¶ 11, lns. 12-16</u> : “I am familiar with the history of the City and the Association. I have gained that familiarity	<b>Lacks foundation.</b> (Evid. Code, § 403.)

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
through my study of documents issued by the City and Association, my attendance at City Council and Association meetings and my review of documents produced by the City and Association in this litigation and produced by the City in response to my Public Records Acts requests.”	
7. <u>Page 3, ¶ 16, lns. 3-4:</u> “In the late 1930’s, the Association faced an overwhelming tax debt and the threat of foreclosure of its parklands.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
8. <u>Page 3, ¶ 17, lns. 5-6:</u> “To avoid this result, the Association deeded its parklands to the City and to the Palos Verdes Peninsula Unified School District (the “District”) between 1938 and 1940.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
9. <u>Page 3, ¶ 18, ln. 7:</u> “The Association has no current ownership of parklands.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
10. <u>Page 3, ¶ 19, lns. 8-9:</u> “Instead, the City has taken on both the ownership and stewardship of the parks.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
11. <u>Page, 3, ¶ 21, lns. 11-12:</u> “Applications by residents that would impact parklands are brought to the City’s Parkland Commission and not the Association.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
12. <u>Page 3, ¶ 22, lns. 13-14:</u> "Permits and enforcement actions concerning parklands involve the City and not the Association."	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
13. <u>Page 3, ¶ 25, lns. 23-24:</u> "The properties conveyed by the Association to the City on June 14, 1940 included Lot A of Tract 7540."	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
14. <u>Page 3, ¶ 26, lns. 25-26:</u> "The properties conveyed by the Association to the City on June 14, 1940 included Lot A of Tract 8652."	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
15. <u>Page 4, ¶ 31, lns. 10-15:</u> "The June 14, 1940 deeds state that, with written permission from the Association and a permit from the City, a property owner abutting the park may construct paths or landscaping on the conveyed property as a means of improving access to or views from such property. The June 14, 1940 deeds also state that such permitted improvements must not impair or interfere with the use and maintenance of said realty for park and/or recreations purposes."	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)

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<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
16. <u>Page 4, ¶ 32, lns. 16-19:</u> “The June 14, 1940 deeds state that none of the use or ownership restrictions set forth in the June 14, 1940 deeds may be changed by the City or the Association even if the Association complies with its own internal procedures for modifying land use restrictions and obtains the written consent of two-thirds of the property owners.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
17. <u>Page 4, ¶ 35, lns. 27-28:</u> “The June 14, 1940 deeds do not contain any express provision authorizing the City or Association to “swap” parkland properties.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
18. <u>Page 5, ¶ 36, lns. 1-2:</u> “The June 14, 1940 deeds do not contain any express provision authorizing the City or Association to convey parks as part of a resolution of litigation.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
19. <u>Page 5, ¶ 37, lns. 3-4:</u> “The June 14, 1940 deeds do not contain any express provision authorizing the City or Association to convey parks to fund budgetary shortfalls for school districts.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
20. <u>Page 5, ¶ 39, Ins. 9-11:</u> “The prior and current owners of 900 Via Panorama have paid and constructed encroachments on the Panorama Parkland by erecting or maintaining landscaping and improvements without City approval.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702(a).)
21. <u>Page 6, ¶ 45, Ins. 9-13:</u> “The encroachment on the Panorama Parkland includes landscaping, a baroque wrought-iron gate with stone pillars and lion statutes, a winding stone driveway, dozens of trees (some of which are as high as 50 feet), a now-overgrown athletic field half the size of a football field, a 21-foot-high retaining wall and other retaining walls. The stone pillars and lion statutes are within the City’s easements and right of way.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
22. <u>Page 6, ¶ 48, Ins. 23-24:</u> “At its May 8, 2012, the City held a city council meeting to consider whether to convey the Panorama Parkland to Thomas Lieb.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
23. <u>Page 6, ¶ 49, Ins. 25-27:</u> “The City did not post a sign at the Panorama Parkland to publicize that the proposed conveyance	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
of the Panorama Parkland would be discussed at the May 8, 2012 city council meeting.”	
24. <u>Page 7, ¶ 50, lns. 1-3</u> : “The City did not perform a mailing of notices to the neighbors adjacent to the Panorama Parkland to publicize that the proposed conveyance of the Panorama Parkland would be discussed at the May 8, 2012 city council meeting.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).) <b>Irrelevant.</b> (Evid. Code § 350.)
25. <u>Page 7, ¶ 51, lns 4-6</u> : “The City did not publish a notice in any local newspapers to publicize that the proposed conveyance of the Panorama Parkland would be discussed at the May 8, 2012 city council meeting.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).) <b>Irrelevant.</b> (Evid. Code § 350.)
26. <u>Page 7, ¶ 52, lns 7-8</u> : “At the May 8, 2012 city council meeting, the City approved the conveyance of the Panorama Parkland.”	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
27. <u>Page 7, ¶ 56, lns. 20-22</u> : “The September 5, 2012 quitclaim deed states in paragraph 6 that although the Panorama Parkland is to remain open space, should the owner of the Panorama Parkland obtain the	<b>Hearsay.</b> (Evid. Code § 1200.) <b>Secondary evidence rule.</b> (Evid. Code §§ 1521 & 1522.) <b>Improper oral testimony of writing.</b> (Evid. Code § 1523(a).)



**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
necessary permits and approvals from the City, Lieb..."	
28. <u>Page 8, ¶ 58, lns. 5-8:</u> "To my knowledge, the Panorama Trust is not "a body suitably constituted by law to take, hold, maintain and regulate public parks..." Rather, the Panorama Trust appears to be an estate planning instrument to provide for the inheritance of the family of Dr. Robert and Dolores Lugliani."	<b>Improper Opinion.</b> (Evid. Code, § 800.) <b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
29. <u>Page 8, ¶ 59, lns. 9-10:</u> "The current owners of the Panorama Parkland intend to use that property for private uses."	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).)
30. <u>Page 8, ¶ 60, lns. 15-22:</u> "Following the denial of the zoning application by the planning commission, in February 2013, a lawyer for the Panorama Trust, Jay Rockey of Rockey & Wahl LLP, wrote a letter to the City on March 7, 2013. A true and correct copy of that March 7, 2013 letter is attached hereto and incorporated herein as <b>Exhibit "24."</b> Mr. Rockey's letter confirmed at page 2 that the intent of the zoning application was to seek permission for "limited uses on	<b>Lacks foundation and personal knowledge.</b> (Evid. Code §§ 403, 702 (a).) <b>Hearsay.</b> (Evid. Code § 1200.) <b>Secondary evidence rule.</b> (Evid. Code §§ 1521 & 1522.) <b>Improper oral testimony of writing.</b> (Evid. Code § 1523(a).)

**DEFENSE PARTIES' OBJECTIONS TO DECLARATION OF JOHN HARBISON**

<b><u>Material Objected To:</u></b>	<b><u>Grounds for Objection:</u></b>
private land consistent with private ownership..." of the Panorama Parkland. Mr. Rockey's letter confirmed at page 3 that the rezoning application was intended to prohibit public access to the Panorama Parkland."	
31. <u>Harbison Exhibit 18, ¶ 42, lns. 25-26</u> : "A true and correct copy of Mr. Rigg's August 11, 2003 memo is attached hereto and incorporated herein as <b>Exhibit "17."</b>	<b>Lack of authentication.</b> (Evid. Code, §1400-1401).

Dated: May 15, 2015

ARMBRUSTER GOLDSMITH & DELVAC LLP

By 

Damon P. Mamalakis  
Attorneys for Defendant

ROBERT LUGLIANI and DOLORES A. LUGLIANI, as co-trustees of THE LUGLIANI TRUST; THOMAS J. LIEB, TRUSTEE, THE VIA PANORAMA TRUST U/DO MAY 2, 2012

Dated: May 15, 2015

LEWIS BRISBOIS BISGAARD SMITH LLP

By 

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PALOS VERDES HOMES ASSOCIATION