

Second Civil Number B267816

**In the Court of Appeal
Of the State of California
SECOND APPELLATE DISTRICT
DIVISION TWO**

CITIZENS FOR ENFORCEMENT
OF PARKLAND COVENANTS, et al.,

Plaintiffs and Respondents,

v.
CITY OF PALOS VERDES
ESTATES, et al.

Defendants and Appellants.

**APPLICATION OF ALL DEFENDANTS FOR EXTENSION OF
TIME TO FILE THE APPELLANT'S OPENING BRIEF;
DECLARATIONS OF ROY G. WEATHERUP, DAMON P.
MAMALAKIS, AND CHRISTI HOGIN**

Appeal from the Superior Court of the State of California,
For the County of Los Angeles,
Los Angeles Superior Court Case No. BC502718
Honorable Barbara A. Meiers, Judge

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TO FILE THE APPELLANT'S OPENING BRIEF;
DECLARATIONS OF ROY G. WEATHERUP, DAMON P.
MAMALAKIS; AND CHRISTI HOGIN**

Pursuant to rule 8.60 of the California *Rules of Court*, defendants and appellants Palos Verdes Homes Association; Robert Lugliani, Dolores A. Lugliani, Thomas J. Lieb, and The Via Panorama Trust; and City Of Palos Verdes Estates, hereby apply to the court for an order extending the time within which to file their appellant's opening briefs, up to and including October 6, 2016. This

application is based upon the attached Declarations of Roy G. Weatherup, Damon P. Mamalakis, and Christi Hogin, and upon all the pleadings and records on file in the Court of Appeal.

DATED: September 6, 2016 LEWIS BRISBOIS BISGAARD
& SMITH LLP

By: Roy G. Weatherup
Roy G. Weatherup
Attorneys for Defendant and Appellant
PALOS VERDES HOMES ASSOCIATION

DECLARATION OF ROY G. WEATHERUP

I, the undersigned Roy G. Weatherup, declare that:

1. I am an attorney at law duly licensed to practice in all the courts of the State of California. I am a partner in the law firm of Lewis Brisbois Bisgaard & Smith LLP. I am a Certified Specialist in appellate law, certified by the State Bar of California Board of Legal Specialization.

2. In this case, my firm represents defendant and appellant Palos Verdes Homes Association. I am the lead attorney on appeal. Together with Mr. Brant H. Dveirin, who handled this matter at the trial court level, and Ms. Allison A. Arabian, another partner in my firm's appellate practice group, I am responsible for the preparation of all the appellate briefs to be filed on behalf of the Palos Verdes Homes Association.

3. The record on appeal consists of a sixteen volume clerks transcript (with 3,963 pages), and a one volume reporters transcript. It was filed on May 24, 2016.

4. Pursuant to a global stipulation, the appellant's opening briefs of all the defendants are due on September 6, 2016. Since the filing of the record, Mr. Dveirin, Ms. Arabian and I have devoted a substantial amount of time to working on this case. However, due to the press of other business, it has not been possible to complete the appellant's opening brief.

5. Since the filing of the record in this case, I have been responsible for the completion and filing of eight separate appellate

briefs, including a respondent's brief in *Guseinov v. Habashy*, Second Civil B264339, filed June 15, 2016; a respondent's brief in *Vaughn v. Darwish*, Second Civil B265018, filed June 23, 2016; an appellant's reply brief in *Federici v. IDS Property Casualty Company*, Second Civil B262009, filed July 5, 2016; a petition for rehearing in *Vaughn v. Darwish*, Second Civil B252762, filed July 20, 2016; an appellant's opening brief in *Martinez v. Archdiocese*, Second Civil B265928, filed July 27, 2016; a reply to a brief in opposition to a petition for a writ of certiorari in *Housing Authority of the City of Los Angeles v. Nozzi*, U.S. Supreme Court case number 15-1337, filed August 11, 2016; a petition for a writ of mandate in *West Covina Nissan LLC v. Superior Court*, Second Civil B276756, filed August 12, 2016, and a cross-appellant's reply brief in *Guseinov v. Habashy*, Second Civil B264339, filed August 31, 2016. In addition, I am responsible for eleven other cases in which appellate briefs are currently in progress.

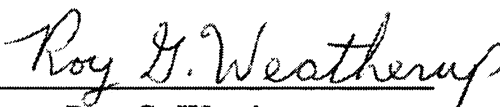
6. Notwithstanding the press of other business, as described above, we have done much of the work toward preparation of our appellant's opening brief. We have reviewed the entire record on appeal. We have conducted some of the necessary legal research, and have prepared a tentative outline for our appellant's opening brief. We have consulted with the attorneys representing other defendants. Nonetheless, I believe that a thirty day extension for filing the appellant's opening brief is needed in this case.

7. On September 2, 2016, I called Mr. Jeffrey Lewis of Broedlaw Lewis LLP, the attorney for the plaintiffs and respondents, and left a voicemail message. I advised Mr. Lewis of my intention of filing an application for thirty day extension of time for the appellant's

opening brief of the Palos Verdes Homes Association. Mr. Lewis has not responded to my message.

8. I declare under penalty of perjury that the foregoing is true and correct.

9. Executed at Los Angeles, California on September 6, 2016.


Roy G. Weatherup
Roy G. Weatherup

DECLARATION OF DAMON P. MAMALAKIS

I, the undersigned, Damon P. Mamalakis, declare that:

1. I am an attorney at law duly licensed to practice in all the courts of the State of California.

2. I am a partner at Armbruster Goldsmith & Delvac LLP and I am lead attorney for the Defendants Robert Lugliani, Dolores A. Lugliani, co-trustees of The Lugliani Trust; and Thomas J. Lieb, Trustee, The Via Panorama Trust, hereinafter "Lugliani Defendants." I am responsible for the preparation of all of the appellate briefs to be filed on behalf of the Lugliani Defendants.

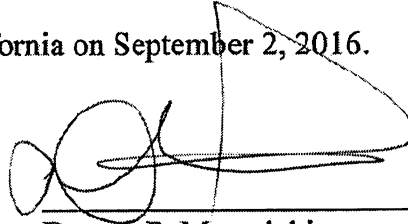
3. Lugliani Defendants are part of the global stipulation allowing for the defendants opening briefs to be filed on September 6, 2016. The purpose of that stipulation, in large part, was to allow all of the defendants to coordinate their briefs to promote judicial economy and prevent overlap as much as is possible.

4. Because the Palos Verdes Homes Association requires a thirty day extension to file its opening brief, in order to allow for the

coordination of the defendants opening briefs, the Lugliani Defendants need the same extension.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California on September 2, 2016.

A handwritten signature in black ink, appearing to read 'Damon P. Mamalakis', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

Damon P. Mamalakis

DECLARATION OF CHRISTI HOGIN

I, Christi Hogin, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California. I am a partner with the law firm of Jenkins & Hogin, LLP. The facts stated in this declaration are based on my personal knowledge, unless stated otherwise. If called upon to testify as to the facts set forth herein, I could and would competently testify under oath.

2. The City of Palos Verdes Estates contracts with my firm for city attorney services. Appointed by the City Council, I serve as the City Attorney for the City and have served in this position since April 2010. Along with my co-counsel, Kent Richland, Greines, Martin, Stein and Richland, LLP, I represent the City in the case entitled *Citizens for Enforcement of Parkland Covenants v. City of Palos Verdes Estates, et al.*

3. This case presents the Court with three consolidated appeals from a final judgment entered against the City, the Palos Verdes Homes Association, and the owners of property referred to for convenience as the Luglianis. These three parties are collectively referred to as the defendant parties.

4. The underlying case involves four causes of action, which differently affected the various parties. The defendant parties' appeals arise from judgment entered in the second amended complaint and the plaintiffs' cross-appeal arises for the denial of the writ of mandate cause of action in the first amended complaint. Plaintiffs prevailed in the first cause of action against all defendants. The second cause of action was against the City alone and plaintiffs prevailed. The third cause of action was against the Luglianis only, pled in the alternative, and voluntarily dismissed in light of

the judgment.

5. The defendant parties have both distinct and common facts and arguments. To avoid duplication, the defendant parties agreed to coordinate on the briefing of the overlapping issues.

6. I have been informed by counsel for the Homes Association that they need an additional 30 days to complete the Homes Association's opening brief and, following study of the record and legal research, that only a tentative outline of their brief has been prepared as yet. I believe that the avoidance of duplication will not only preserve judicial resources but will assist the City presenting its case to this Court.

7. In order to avoid excessive duplication and to take advantage of the benefits of coordinating the presentation to the Court of the defendant parties' common issues, the City's deadline to file its opening appellant's brief should be the same as the other defendant parties.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed September 2, 2016, in Manhattan Beach, California.


Christi Hogin

CALIFORNIA STATE COURT PROOF OF SERVICE

Citizens for Enforcement of Parkland and Covenants v. City of Palos Verdes Estates (Case No. Second Civil B267816)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 633 West 5th Street, Suite 4000, Los Angeles, California 90071.

On September 6, 2016, I served the following document(s): APPLICATION OF ALL DEFENDANTS FOR EXTENSION OF TIME TO FILE THE APPELLANT'S OPENING BRIEF; DECLARATIONS OF ROY G. WEATHERUP, DAMON P. MAMALAKIS, AND CHRISTI HOGIN on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

SEE ATTACHED SERVICE LIST

The documents were served by the following means:

(BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and:

Placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 6, 2016 at Los Angeles, California.



Tina Wallace

SERVICE LIST

Citizens for Enforcement of Parkland Covenants v. Lugliani
Second Civil B267816 and B270442

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