

**COSTA MESA
LITIGATION STATUS REPORT**

Second Quarter 2019
(Updated through 06/30/19)

Steve Bernede v. City of Costa Mesa; Karen Shaefer

Case Name	Steve Bernede v. City of Costa Mesa; Karen Shaefer	Case Number	30-2019-01041552
Judge	Hon. Linda Marks	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Gary S. Kranker	Opposing Attorney(s)	Seth Davidson Law Office of Seth Davidson
Date of Loss	06/08/2018	Complaint Filed	01/02/2019
Legal Fees and Costs Incurred through 06/30/19	\$4,253.27		
Causes of Action	<ol style="list-style-type: none"> 1. Negligence 2. Dangerous Condition of Public Property 		
Summary	This matter arises out of a June 8, 2018 bicycle accident on a City street. Plaintiff claims that uneven, uplifted, cracked asphalt caused him to crash. Plaintiff also claims that the shadow of a large tree caused him to not be able to see the condition.		
Status	The case is in the discovery phase.		
Next Hearing Date	July 8, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	01/02/19	Complaint Filed	
	01/22/19	First Amended Complaint Filed	
	03/08/19	City's Answer to Amended Complaint Filed	
	04/22/19	Demurrer to Amended Complaint Filed	
	04/22/19	Request for Judicial Notice Filed	
	05/06/19	Demurrer to Amended Complaint Filed	
Written Discovery	04/30/19	Schaefer's Requests for Production (RFPS) to Plaintiff, Set One	
	04/30/19	Schaefer's Form (ROGS) to Plaintiff, Set One	
	05/06/19	Schaefer's RFPS to City, Set One	
	05/06/19	Schaefer's Form ROGS to City, Set One	
	05/06/19	Plaintiff's Form ROGS to City, Set One	

Antonio Bevacqua v. Joe Manuel Gomez; City of Costa Mesa

Case Name	Antonio Bevacqua v. City of Costa Mesa	Case Number	30-2019-01057487
Judge	Not yet assigned.	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Ryan C. Blake Avrek Law Firm
Date of Loss	03/18/2018	Complaint Filed	03/13/2019
Legal Fees and Costs Incurred through 06/30/19	\$107.50		
Causes of Action	The complaint pleads no causes of action, but makes allegations of negligence against the City and defendant Joe Gomez (a third party).		
Summary	This matter arises out of a two-car motor vehicle accident on March 18, 2018, at the intersection of southbound Newport Boulevard and westbound Paularino Avenue in Costa Mesa.		
Status	The case is in the pleading stage.		
Next Hearing Date	September 9, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	03/31/19	Complaint Filed	
Written Discovery		Not yet exchanged.	

County of Orange, Orange County Flood Control District; City of Costa Mesa; City of Orange; and City of Anaheim v. California Department of Public Health; Karen L. Smith, Director; Orange County Needle Exchange Program

Case Name	County of Orange, Orange County Flood Control District; City of Costa Mesa; City of Orange; and City of Anaheim v. California Department of Public Health; Karen L. Smith, Director; Orange County Needle Exchange Program	Case Number	37-2018-00039176
Judge	Hon. Joel R. Wohlfeil	Venue	Superior Court of California, County of San Diego
Attorney(s) for City	James R. Touchstone Gary S. Kranker Krista MacNevin Jee	Opposing Attorney(s)	Jennifer M. Kim Chara L. Crane Office of the Attorney General of California Carrie Hempel Robert Solomon UCI Law School Community & Economic Development Clinic
Date of Loss	Not applicable.	Complaint Filed	08/03/2018
Legal Fees and Costs Incurred through 06/30/19	\$125,410.44		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of California Waste Management Act 2. Writ of Mandate 3. Declaratory Relief 4. Public Nuisance 5. Writ of Mandate re Violation of California Environmental Quality Act 		
Summary	Action by County, Costa Mesa, and other cities challenging approval by State Department of Public Health of Mobile Needle Exchange Program to operate within County, including within Costa Mesa.		
Status	Defendant OCNEP filed a cross-complaint against the cities of Anaheim, Costa Mesa, and Orange. Against Costa Mesa, OCNEP has a cause of action alleging that the City's ordinance banning needle exchange programs is unconstitutional. The City filed a demurrer to the cross-complaint.		
Next Hearing Date	September 13, 2019 – Hearing on City's Demurrer		
Trial Date	March 30, 2020		
Docket	08/03/18	Complaint Filed	
	08/15/18	First Amended Complaint Filed	
	08/21/18	Motion for Preliminary Injunction Filed	
	08/31/18	Stipulation for Continuance of Hearing Filed	

09/05/18	California Department of Public Health's Opposition Filed
09/07/18	Plaintiffs' Reply to California Department of Health's Opposition Filed
09/17/18	OCNEP's Opposition Filed
09/17/18	Stipulation to Extend Time for OCNEP to Respond to Plaintiffs' First Amended Complaint Filed
09/21/18	California Department of Public Health's Answer Filed
09/21/18	County's Reply to Opposition Filed
09/21/18	City's Joinder to Reply to Opposition Filed
09/21/18	City's Reply to Opposition Filed
09/21/18	City's Request for Judicial Notice in Support of Reply to Opposition to Motion for Preliminary Injunction Filed
10/01/18	Hearing on Motion for Preliminary Injunction
10/01/18	Court's Tentative Ruling on Motion for Preliminary Injunction Published
10/12/18	OCNEP's Answer Filed
10/24/18	Motion to Stay Discovery and Quash Notice of Deposition Filed by OCNEP
10/24/18	Proposed Order Filed by OCNEP
10/29/18	City's Ex Parte Application for Order Shortening Time Filed
10/30/18	Hearing on Ex Parte Application
10/30/18	Stipulation to Move Dates of Evidentiary Hearing Filed by OCNEP
11/08/18	Plaintiffs' Notice and Request for Hearing Pursuant to Public Resources Code section 21167.4(a) Filed
11/08/18	State's Evidentiary Hearing Brief Filed
11/09/18	County's Evidentiary Hearing Brief Filed
11/09/18	OCNEP's Evidentiary Hearing Brief Filed
11/14/18	Evidentiary Hearing
11/15/18	Evidentiary Hearing
11/27/18	Court's Statement of Decision Filed
12/20/18	OCNEP's Case Management Statement Filed
12/20/18	Plaintiffs' Case Management Statement Filed
12/26/18	California Department of Public Health's Case Management Statement Filed
01/11/19	Trial Setting Conference
01/28/19	Notice of Appeal Filed
01/28/19	Notice of Motion and Motion to Stay Enforcement of Preliminary Injunction of the OCNEP Pending Appeal and Writ of Prohibition Filed
02/06/19	Stipulation to Allow OCNEP Leave to Amend Its Answer Filed
02/06/19	OCNEP's Amended Answer Filed
02/25/19	Orange County's and OCFCD's Opposition to Motion to Stay Enforcement of Preliminary Injunction Filed
03/04/19	Notice of Withdrawal of Motion to Stay Enforcement of Preliminary Injunction Order Pending Appeal and Writ of Prohibition Filed by OCNEP
04/16/19	OCNEP's Abandonment of Appeal Filed
04/29/19	OCNEP's Motion for Leave to File Cross Complaint Filed
05/31/19	City of Orange's Opposition to OCNEP's Motion for Leave to File Cross Complaint Filed
05/31/19	City of Costa Mesa's Opposition to OCNEP's Motion for Leave to File Cross Complaint Filed
06/03/19	City of Costa Mesa's Request for Judicial Notice Filed
06/03/19	City of Anaheim's Opposition to OCNEP's Motion for Leave to File Cross Complaint Filed
06/06/19	City of Anaheim's Request for Judicial Notice Filed

	06/07/19	OCNEP's Reply to Opposition Filed
Written Discovery	05/03/19	State's Requests for Production (RFPS) to Anaheim, Set One
	05/03/19	State's RFPS to City of Orange, Set One
	05/03/19	State's RFPS to Costa Mesa, Set One
	05/03/19	State's RFPS to County of Orange, Set One
	05/03/19	State's RFPS to OC Flood Control, Set One
	06/10/19	State's Special Interrogatories (ROGS) to Anaheim, Set One
	06/10/19	State's Special ROGS to City of Orange, Set One
	06/10/19	State's Special ROGS to Costa Mesa, Set One
	06/10/19	State's Special ROGS to County of Orange, Set One
	06/10/19	State's Special ROGS to OC Flood Control, Set One

Jason Gardner v. City of Costa Mesa

Case Name	Jason Gardner v. City of Costa Mesa	Case Number	30-2018-01013117
Judge	Hon. Deborah Servino	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Pro per
Date of Loss	11/16/2017	Complaint Filed	08/20/2018
Legal Fees and Costs Incurred through 06/30/19	\$17,364.49		
Causes of Action	Not specified in complaint, but appears to be for false imprisonment.		
Summary	Plaintiff, in pro per, alleges he was falsely imprisoned by Costa Mesa Fire Department personnel.		
Status	The case is in the discovery phase.		
Next Hearing Date	January 21, 2020 – Trial		
Trial Date	January 21, 2020		
Docket	08/20/18	Complaint Filed	
	10/03/18	Plaintiff's Case Management Statement Filed	
	10/10/18	City's Demurrer to Complaint Filed	
	11/01/18	Plaintiff's Opposition to Demurrer Filed	
	11/21/18	City's Reply to Opposition Filed	
	11/28/18	Plaintiff's Reply Filed	
	11/30/18	Hearing on City's Demurrer	
	12/04/18	Plaintiff's Case Management Statement Filed	
	12/12/18	City's Case Management Statement Filed	
	12/14/18	City's Answer to Complaint Filed	
	12/21/18	Case Management Conference	
	01/11/19	Plaintiff's Demurrer to City's Answer Filed	
	01/23/19	City's Notice of Related Case Filed	
	02/15/19	Proposed Stipulation and Order re Demurrer Hearing Filed	
	03/15/19	City's Case Management Statement Filed	
	03/18/19	City's Opposition to Plaintiff's Demurrer to Answer Filed	
	04/03/19	City's Notice of Ruling Filed	
Written Discovery	02/13/19	City's Requests for Production (RFPS) to Plaintiff, Set One	
	02/13/19	City's Requests for Admission (RFAS) to Plaintiff, Set One	
	02/13/19	City's Form Interrogatories (ROGS) to Plaintiff, Set One	
	02/15/19	Plaintiff's Responses to City's RFAS, Set One	
	03/22/19	Plaintiff's Responses to City's Form ROGS, Set One	

Gayle Hickey v. City of Costa Mesa

Case Name	Gayle Hickey v. City of Costa Mesa	Case Number	30-2017-00951064
Judge	Hon. Craig Griffin	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Orlando J. Castaño, Jr. Law Offices of Orlando J. Castaño, Jr. Inc.
Date of Loss	10/20/2016	Complaint Filed	10/20/2017* *City served on 05/02/2018
Legal Fees and Costs Incurred through 06/30/19	\$25,563.94		
Causes of Action	<ol style="list-style-type: none"> 1. Negligence 2. Willful Failure to Warn 3. Dangerous Condition of Public Property 		
Summary	This lawsuit arises out of an alleged trip and fall on a City sidewalk. Plaintiff Hickey sued the City for a dangerous condition of public property, and Plaintiff Burke sued the City for loss of consortium. Mr. Burke agreed to dismiss his claims against the City since his claim was untimely.		
Status	The parties settled the matter.		

Huntington Glazing, Inc. v. Horizons Construction Company International; City of Costa Mesa; Old Republic Surety Company; Wesco Insurance Company

Case Name	Huntington Glazing, Inc. v. Horizons Construction Company International; City of Costa Mesa; Old Republic Surety Company; Wesco Insurance Company	Case Number	30-2019-01046176
Judge	Hon. Glenn Salter	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Gary S. Kranker	Opposing Attorney(s)	Andrew C. Carlton Edward Alberola Carlton & Alberola
Date of Loss	Not applicable.	Complaint Filed	01/23/2019
Legal Fees and Costs Incurred through 06/30/19	\$3,036.00		
Causes of Action	<ol style="list-style-type: none"> 1. Breach of Contract (Against Horizons) 2. Breach of Oral Agreement (Against Horizons) 3. Common Count for Work, Labor, and Services – Agreed Price (Against Horizons) 4. Common Count for Work, Labor, and Services Rendered – Reasonable Value (Against Horizons) 5. Claim on Stop Notice (Against City, Horizons) 6. Unjust Enrichment (Against Horizons) 7. Claim on Payment Bond (Against Horizons, Sureties) 8. Claim on License Bond (Against Wesco, Horizons) 		
Summary	This matter arises out of construction work that was performed by a subcontractor on Costa Mesa Fire Station # 1 project. The City is named in a cause of action regarding an alleged Stop Notice that was served on the City.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	Not yet set.		
Docket	01/23/19	Complaint Filed	
	02/19/19	Horizons Construction's Answer to Complaint Filed	
	02/19/19	Horizons Construction's Cross-Complaint Filed	
	02/25/19	City's Answer to Complaint Filed	
	03/25/19	Huntington Glazing's Answer to Cross-Complaint Filed	
	04/25/19	Huntington Glazing's Case Management Statement Filed	
	04/25/19	City's Case Management Statement Filed	
	05/09/19	Horizon Construction's Case Management Statement Filed	
	06/13/19	Case Management Conference	
Written Discovery		Not yet exchanged.	

Shahrzad Kayvan v. City of Costa Mesa

Case Name	Shahrzad Kayvan v. City of Costa Mesa	Case Number	30-2018-01038733
Judge	Hon. Geoffrey Glass	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Gary S. Kranker	Opposing Attorney(s)	Seth Davidson Law Office of Seth Davidson
Date of Loss	03/28/2017	Complaint Filed	12/14/2018* *City served on 03/19/2019
Legal Fees and Costs Incurred through 06/30/2019	\$3,311.00		
Causes of Action	1. Negligence 2. Dangerous Condition of Public Property		
Summary	This matter arises out of an alleged trip and fall that occurred on March 28, 2017. Plaintiff seeks recovery of medical expenses, wage loss and loss of earning capacity, and pain and suffering.		
Status	The case is in the discovery phase.		
Next Hearing Date	April 3, 2020 – Mandatory Settlement Conference		
Trial Date	May 4, 2020		
Docket	12/14/18	Complaint Filed	
	03/28/19	Plaintiff's Case Management Statement Filed	
	04/15/19	Case Management Conference	
	04/25/19	City's Answer to Complaint Filed	
	04/30/19	Plaintiff's Case Management Statement Filed	
	05/06/19	City's Case Management Statement Filed	
	05/24/19	Case Reassigned to Glenn Salter Effective 06/13/19	
Written Discovery	05/30/19	Plaintiff's Form Interrogatories (ROGS) to City, Set One	
	05/30/19	Plaintiff's Special PROGS to City, Set One	
	05/30/19	Plaintiff's Requests for Production (RFPS) to City, Set One	
	05/30/19	Plaintiff's Requests for Admission (RFAS) to City, Set One	

LAB Holding, LLC v. City of Costa Mesa; Costa Mesa City Council

Case Name	LAB Holding, LLC v. City of Costa Mesa	Case Number	30-2018-01021810
Judge	Hon. John Gastelum	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Gary S. Kranker Krista MacNevin Jee	Opposing Attorney(s)	Peter J. Howell Rutan & Tucker
Date of Loss	Not applicable.	Complaint Filed	09/28/2018
Legal Fees and Costs Incurred through 06/30/19	\$3,337.00		
Causes of Action	1. Writ of Mandate		
Summary	Plaintiff seeks a peremptory writ of mandate directing the City and the City Council to set aside City Council's decision to reverse the Planning Commission's approval of a mixed-use development project proposed at 765-767 Baker Street and 2972 Century Place.		
Status	Petitioner filed a revised development application with the City, which will take a few months to process.		
Next Hearing Date	October 25, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	09/28/18	Complaint Filed	
	11/01/18	Proposed Stipulation and Order Filed	
	11/06/18	Stipulation and Order Filed	
	04/08/19	Stipulation and Order Filed	
Written Discovery		Not yet exchanged.	

Arthur Lopez v. Costa Mesa Police Department; City of Costa Mesa; Christopher Walk; Isidro Gallardo

Case Name	Arthur Lopez v. Costa Mesa Police Department; City of Costa Mesa; Christopher Walk; Isidro Gallardo	Case Number	District Court: 8:17-cv-00297 Court of Appeals: 18-55520
Judge	Hon. Valerie Baker Fairbank Magistrate: Hon. Michael R. Wilner	Venue	District Court: United States District Court for Central District of California Court of Appeals: Ninth Circuit Court of Appeals
Attorney(s) for City	Carmen Vasquez James R. Touchstone	Opposing Attorney(s)	Pro per
Date of Loss	02/19/2015	Complaint Filed	02/17/17* *City served on 04/10/2017
Legal Fees and Costs Incurred through 06/30/19	\$108,220.97		
Causes of Action	1. 42 U.S.C. § 1983 – Fourth Amendment, Fifth Amendment, and Fourteenth Amendment		
Summary	Mr. Lopez alleges his Fourth, Fifth, and Fourteenth Amendment rights were violated by Officers Walk and Gallardo during a traffic stop that occurred on February 19, 2015.		
Status	Mr. Lopez appealed the district court’s judgment granting the City’s motion for summary judgment. The parties are awaiting the Court of Appeals’ ruling.		
Next Hearing Date	No hearings are scheduled at this time.		
Court of Appeals Docket	04/20/18 Court Docketed Cause and Set Briefing Schedule 06/18/18 Appellant’s Motion for Extension of Time to File Opening Brief 06/19/18 Order Granting Appellant’s Late Motion to Extend Time to File Opening Brief 09/19/18 Appellant’s Motion to Extend Time to File Opening Brief 10/03/18 Order Granting Appellant’s Motion to Extend Time to File Opening Brief 10/09/18 Appellant’s Motion to Appoint Pro Bono Counsel Filed 11/23/18 Appellant’s Motion to Extend Time to File Opening Brief Filed 11/27/18 Court’s Order Denying Motion to Extend Time to File Opening Brief 12/19/18 Court’s Order Denying Motion to Appoint Counsel and Establishing Briefing Schedule 02/06/19 Appellant’s Opening Brief Filed 02/15/19 City’s Request for Extension of Time to File Answering Brief Filed 02/15/19 Court’s Order Approving Extension of Time to File Answering Brief 03/18/19 Appellant’s Request for Court to Issue Subpoena and Take Judicial Notice Filed		

Victor Moreno v. City of Costa Mesa

Case Name	Victor Moreno v. City of Costa Mesa	Case Number	30-2019-01051904
Judge	Hon. Randall Sherman	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Michael Lee Gilmore Law Office of Michael Lee Gilmore
Date of Loss	07/24/2018	Complaint Filed	02/14/2019
Legal Fees and Costs Incurred through 06/30/19	\$473.00		
Causes of Action	1. Negligence		
Summary	This matter arises out of an alleged trip and fall that occurred on a City-owned catch basin cover on Fair Drive.		
Status	The parties settled the matter.		

**Paramount Tile, Inc. v. Elite Flooring Concepts, John Oberlin, Tami Rondero,
Horizons Construction Company, City of Costa Mesa**

Case Name	Paramount Tile, Inc. v. Elite Flooring Concepts, John Oberlin, Tami Rondero, Horizons Construction Company, City of Costa Mesa	Case Number	30-2018-01036966
Judge	Hon. Frederick Horn	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Gary S. Kranker	Opposing Attorney(s)	Christopher J. Koorstad
Date of Loss	Not applicable.	Complaint Filed	12/06/2018
Legal Fees and Costs Incurred through 06/30/19	\$2,503.00		
Causes of Action	<ol style="list-style-type: none"> 1. Breach of Contract 2. Account Stated 3. Enforcement of Stop Payment Notice or Stop Payment Release Bond 		
Summary	Plaintiff alleges Plaintiff provided labor, service, equipment, and material in connection with construction of the new Fire Station 1 pursuant to written e-mail agreement with Elite Flooring Concepts, and that Elite failed to pay Plaintiff for the work. As against the City, Plaintiff seeks enforcement of its stop payment notice.		
Status	The case is in the discovery phase.		
Next Hearing Date	August 29, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	12/06/18 01/18/19 01/18/19 02/06/19 02/07/19 02/20/19 03/05/19 03/05/19 03/12/19 04/08/19 04/18/19 04/18/19 04/18/19 04/18/19 06/25/19 06/27/19	Complaint Filed Horizons Construction’s Answer to Complaint Filed Cross-Complaint Filed by Horizons Construction City’s Answer to Complaint Filed Plaintiff’s Case Management Statement Filed City’s Case Management Statement Filed Horizons Construction’s Case Management Statement Filed Case Management Conference Plaintiff’s Request for Entry of Default Filed Summons Issued and Filed by Horizons Construction Case Management Conference Plaintiff’s Notice of Ruling Filed Plaintiff’s Amendment to Complaint Filed Horizons Construction’s Case Management Statement Filed Case Management Conference	
Written Discovery	05/22/19 05/22/19 05/22/19 05/22/19 05/22/19 05/22/19	Paramount’s Form Interrogatories (ROGS) to City, Set One Paramount’s Requests for Production (RFPS) to City, Set One Paramount’s Form ROGS to Elite, Set One Paramount’s Form ROGS to Horizon Construction, Set One Paramount’s RFPS to Horizon Construction, Set One Paramount’s Form ROGS to Roy Rosenthal, Set One	

Cecil Patterson v. Michael Beltran; City of Costa Mesa

Case Name	Cecil Patterson v. Michael Beltran; City of Costa Mesa	Case Number	30-2017-00954620
Judge	Hon. Craig Griffin	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Pro per
Date of Loss	09/24/2016	Complaint Filed	11/08/2017* *City served on 03/30/2018
Legal Fees and Costs Incurred through 06/30/19	\$17,664.65		
Causes of Action	1. General Negligence 2. Motor Vehicle Negligence		
Summary	Plaintiff was involved in an automobile collision with former City employee Michael Beltran.		
Status	The case is in the discovery phase.		
Next Hearing Date	August 9, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	11/08/17	Complaint Filed	
	03/28/18	Summons Issued	
	04/06/18	Case Management Conference	
	04/27/18	City's Answer to Complaint Filed	
	06/28/18	City's Case Management Statement Filed	
	07/13/18	Plaintiff's Case Management Statement Filed	
	07/13/18	Case Management Conference (Continued to October 12, 2018)	
	10/12/18	Case Management Conference (Continued to January 11, 2019)	
	01/11/19	Case Management Conference (Continued to April 12, 2019)	
	03/29/19	City's Cross-Complaint Filed	
	03/29/19	Summons Issued and Filed by City	
	04/15/19	City's Notice of Ruling Filed	
	05/22/19	Michael Beltran's Demurrer to Complaint Filed	
	05/22/19	Michael Beltran's Motion to Strike Filed	
	05/30/19	Michael Beltran's Case Management Statement Filed	
	05/31/19	City's Case Management Statement Filed	
Written Discovery	09/18/18	City's Form Interrogatories (ROGS) to Plaintiff, Set One	
	09/18/18	City's Special ROGS to Plaintiff, Set One	
	09/18/18	City's Requests for Production (RFPS) to Plaintiff, Set One	

Ana Quiroz v. City of Costa Mesa

Case Name	Ana Quiroz v. City of Costa Mesa	Case Number	30-2019-01067531
Judge	Hon. Derek Hunt	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Raymond Ghermezian
Date of Loss	02/15/2019	Complaint Filed	05/02/2019
Legal Fees and Costs Incurred through 06/30/19	\$1,204.00		
Causes of Action	Causes of action against Costa Mesa: 1. Dangerous Condition of Public Property 2. Vicarious Liability for Wrongful Acts of City Employee		
Summary	Lawsuit arises out of an alleged trip and fall that occurred at or near 799 W. 19th Street in Costa Mesa. Plaintiff alleges the City maintained a dangerous condition of public property. Plaintiff also alleges vicarious liability against the City on the basis of its alleged negligent hiring of employees. Plaintiff alleges the same causes of action against the County of Orange.		
Status	The case is in the pleading stage.		
Next Hearing Date	September 9, 2019 – Case Management Conference		
Trial Date	Not yet set.		
Docket	05/02/19	Complaint Filed	
Written Discovery		Not yet exchanged.	

Yan Sui v. Wells Fargo Bank et al.

Case Name	Yan Sui v. Wells Fargo Bank et al.	Case Number	8:19-cv-00928
Judge	Hon. John A. Kronstadt Magistrate: Hon. Frederick Mumm	Venue	United States District Court for the Central District of California
Attorney(s) for City	Gary S. Kranker	Opposing Attorney(s)	Abby L. Bloetscher Marshall C. Wallace Allen Matkins Leck Gamble Mallory and Natsis LLP
Date of Loss	Not applicable.	Complaint Filed	03/28/2019* *In state court. Removed to federal court by Wells Fargo on 05/16/2019.
Legal Fees and Costs Incurred through 06/30/19	\$3,010.00		
Causes of Action	Plaintiff's complaint contains 22 causes of action. There are four against Costa Mesa: 1. Negligent Infliction of Emotional Distress 2. Negligence 3. Promissory Estoppel 4. Aiding and Abetting		
Summary	This lawsuit arises out of a 2015 eviction in connection with Plaintiff's bankruptcy proceedings. Plaintiff's complaint contains 22 causes of action, four of which are against the City.		
Status	The City filed a request to strike the complaint.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	Not yet set.		
Docket	05/16/19	Notice of Removal	
	05/16/19	Certificate of Interested Parties Filed by Wells Fargo	
	05/17/19	County's Notice of Joinder Filed	
	05/23/19	Wells Fargo's Request to Strike Complaint Filed	
	05/23/19	County's Notice of Motion and Motion to Dismiss Filed	
	05/29/19	Court's Order Striking Complaint	
	05/29/19	Court's Order re Vexatious Litigation Filing	
	05/31/19	Plaintiff's Notice of Motion and Motion to Disqualify	
	06/05/19	City's Joinder Filed	
	06/05/19	City's Joinder in Request to File Complaint Filed	
	06/06/19	Plaintiff's Notice of Dismissal without Prejudice and Withdrawal of All Federal Causes of Action Alleged	
	06/10/19	Order Denying Plaintiff's Motion to Disqualify	
	06/10/19	Plaintiff's Memorandum in Opposition to Notice and Motion to Disqualify and Request for Sanctions	
	06/11/19	Plaintiff's Request for Judicial Notice to Support "Special Appearance of Yan Sui to Request an Order by Chief Judge Virginia A. Philips to Disqualify Judge	

		John A. Kronstadt Pursuant 28 U.S. Code Section 455(a)”
Written Discovery		Not yet exchanged.

Juan Villeda v. David Sevilla; Slawek Luczkiewicz; City of Costa Mesa

Case Name	Juan Villeda v. David Sevilla; Slawek Luczkiewicz; City of Costa Mesa	Case Number	30-2017-00909844
Judge	Hon. Gregory H. Lewis	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Melissa M. Ballard	Opposing Attorney(s)	Pro per
Date of Loss	Not identified.	Complaint Filed	03/17/2017* *Plaintiff has not properly effectuated service of the summons, so the Court granted the City's motion to quash service of the summons.
Legal Fees and Costs Incurred through 06/30/19	\$6,451.50		
Causes of Action	1. Harassment 2. Violation of Civil Rights		
Summary	Plaintiff alleges civil rights violations and harassment. Plaintiff was arrested in July 2011 for possession of a controlled substance. He was found not guilty by a jury on January 26, 2012. The complaint is overly vague and potentially barred by the statute of limitations (see below) and thus may be subject to a motion to dismiss if the City is properly served.		
Status	The Court dismissed the matter without prejudice on April 22, 2019.		

Yellowstone v. City of Costa Mesa

Case Name	Yellowstone v. City of Costa Mesa	Case Number	8:14-cv-01852
Judge	Hon. James Selna Magistrate: Hon. Jay Gandhi	Venue	United States District Court for the Central District of California
Attorney(s) for City	James R. Touchstone Bruce A. Lindsay Monica Choi Arredondo Jones & Mayer David Palmer Stradling Yocca Carlson & Rauth Jennifer L. Keller Jesse Asher Gessin Chase Scolnick Keller Anderle	Opposing Attorney(s)	Steven Polin Law Offices of Steven G. Polin Christopher Brancart Elizabeth Brancart Brancart & Brancart Isaac Raymond Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	11/20/2014
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$1,600,072.81 Keller Anderle: \$3,237,398.28		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of Fair Housing Act, 42 U.S.C. §§ 3601 <i>et seq.</i> 2. Violation of Americans with Disabilities Act, 42 U.S.C. §§ 12131 <i>et seq.</i> 3. Violation of Rehabilitation Act, 29 U.S.C. § 794 4. Violation of Civil Rights Act of 1871, 42 U.S.C. §§ 1983, 1985(3) and 1986 5. Violation of California Fair Employment and Housing Act, Cal. Gov. Code §§ 12626, 12627, and 12955, <i>et seq.</i> 6. Violation of Cal. Gov. Code §§ 11135 and 65008 		
Summary	<p>Plaintiffs challenge the City’s adoption of Ordinance No. 14-13, alleging that the ordinance violates state and federal law and the state and federal constitutions. Plaintiffs have added allegations that the City’s enactment of Ordinance No. 17-05 is a further effort by the City to hinder sober living homes from locating and existing in the City. Over the objections of the City, the Magistrate Judge in the case recently ruled that this later adopted Ordinance is relevant to the discrimination claims made by the Plaintiffs and he has allowed Plaintiffs’ discovery to include inquiry regarding its enactment and implementation, including document production required of the City and questioning of witnesses.</p>		
Status	<p>The trial concluded on December 7, 2018 with a complete victory for the City with a unanimous verdict on all causes of action. The parties are awaiting the Court’s ruling on Plaintiffs’ motion for a judgment against the City for violation of Government Code section 65008.</p>		

CASES BEING HANDLED BY OUTSIDE COUNSEL

Casa Capri Recovery, Inc. v. City of Costa Mesa

Case Name	Casa Capri Recovery, Inc. v. City of Costa Mesa	Case Number	8:18-cv-00329
Judge	Hon. Judge James Selna Magistrate: Hon. Judge Patrick Walsh	Venue	United States District Court for the Central District of California
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Bruce A. Lindsay Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns Steven Polin Law Offices of Steven G. Polin
Date of Loss	Not applicable.	Complaint Filed	02/26/2018* *City served on 05/07/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$145,689.21 Everett Dorey: \$40,366.35 ¹		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of the Federal Housing Act 2. Violation of the Americans with Disabilities Act 3. Violation of the Rehabilitation Act 4. Violation of the Civil Rights Act of 1871 5. Violation of California Fair Employment and Housing Act 6. Violation of State Zoning Powers 		
Summary	Plaintiff, a sober living home operator, alleges the City engages in a pattern or practice of discrimination against it on the basis of disability in violation of various federal and state laws. Plaintiff further alleges that the City unlawfully interferes with its operation and occupancy of dwellings for disabled persons in recovery and otherwise makes unavailable or denies housing because of disability.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	December 3, 2019		

¹ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

City of Costa Mesa v. Casa Capri, LLC et al.

Case Name	City of Costa Mesa v. Casa Capri, LLC et al.	Case Number	30-2018-01006156
Judge	Hon. James Crandall	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Gary S. Kranker Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	07/17/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$16,763.40 Everett Dorey: \$13,241.20 ²		
Causes of Action	1. Public Nuisance 2. Maintenance of Public Nuisance by Violating Costa Mesa Municipal Code		
Summary	Nuisance abatement action against sober living home operator.		
Status	The parties are attempting to settle the matter.		
Next Hearing Date	September 20, 2019 – Mandatory Settlement Conference		
Trial Date	October 21, 2019		

² Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

City of Costa Mesa v. Clean Path Recovery, LLC

Case Name	City of Costa Mesa v. Clean Path Recovery, LLC	Case Number	30-2018-01015745
Judge	Hon. Theodore Howard	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Gary S. Kranker Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Kroesche Schindler LLP
Date of Loss	Not applicable.	Complaint Filed	08/30/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$11,085.62 Everett Dorey: \$1,356.00 ³		
Causes of Action	1. Public Nuisance 2. Maintenance of Public Nuisance by Violating Costa Mesa Municipal Code		
Summary	Nuisance abatement action against sober living home operator.		
Status	The parties settled the matter.		

³ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

**National Therapeutic Services, Inc. dba Northbound Treatment Services v.
City of Costa Mesa**

Case Name	National Therapeutic Services, Inc. dba Northbound Treatment Services v. City of Costa Mesa	Case Number	8:18-cv-01080
Judge	Hon. James Selna Magistrate: Hon. Alicia Rosenberg	Venue	United States District Court for the Central District of California
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Bruce A. Lindsay Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	06/15/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$65,070.01 Everett Dorey: \$28,709.25 ⁴		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of Fair Housing Act 2. Violation of Americans with Disabilities Act 3. Violation of Rehabilitation Act 4. Violation of Civil Rights Act of 1871 5. Violation of California Fair Employment and Housing Act 6. Discrimination in Use of State Zoning Powers 		
Summary	Plaintiff, a sober living home operator, alleges the City engages in a pattern of discrimination against it on the basis of disability in violation of various federal and state laws.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	April 28, 2020		

⁴ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

City of Costa Mesa v. Ohio House, LLC et al.

Case Name	City of Costa Mesa v. Ohio House, LLC et al.	Case Number	30-2018-01006173
Judge	Hon. Craig Griffin	Venue	Superior Court of California, County of Orange
Attorney(s) for City	<p>Lead Counsel: Seymour B. Everett Everett Dorey LLP</p> <p>Co-Counsel: Gary S. Kranker Monica Choi Arredondo Jones & Mayer</p>	Opposing Attorney(s)	<p>Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns</p> <p>Steven Polin Law Offices of Steven G. Polin</p>
Date of Loss	Not applicable.	Complaint Filed	07/17/2018
Legal Fees and Costs Incurred through 06/30/19	<p>Jones & Mayer: \$17,090.82</p> <p>Everett Dorey: \$2,037.50⁵</p>		
Causes of Action	<ol style="list-style-type: none"> 1. Public Nuisance 2. Maintenance of Public Nuisance by Violating Costa Mesa Municipal Code 		
Summary	Nuisance abatement action against sober living home operator.		
Status	The parties are attempting to settle the matter.		
Next Hearing Date	August 23, 2019 – Case Management Conference		
Trial Date	Not yet set.		

⁵ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

Pacific Shores, LLC v. City of Costa Mesa

Case Name	Pacific Shores, LLC v. City of Costa Mesa	Case Number	8:18-cv-01170
Judge	Hon. James Selna Magistrate: Hon. Patrick Walsh	Venue	United States District Court for the Central District of California
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Bruce A. Lindsay Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	07/02/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$44,500.20 Everett Dorey: \$17,653.75 ⁶		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of Fair Housing Act 2. Violation of Americans with Disabilities Act 3. Violation of Rehabilitation Act 4. Violation of Civil Rights Act of 1871 5. Violation of California Fair Employment and Housing Act 6. Discrimination in Use of State Zoning Powers 		
Summary	Plaintiff, a sober living home operator, alleges the City engages in a pattern of discrimination against it on the basis of disability in violation of various federal and state laws.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	April 28, 2020		

⁶ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

SoCal Recovery, LLC v. City of Costa Mesa

Case Name	SoCal Recovery, LLC v. City of Costa Mesa	Case Number	8:18-cv-01304
Judge	Hon. James Selna Magistrate: Hon. Patrick Walsh	Venue	United States District Court for the Central District of California
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Bruce A. Lindsay Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	07/26/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$38,550.39 Everett Dorey: \$21,324.75 ⁷		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of Fair Housing Act 2. Violation of Americans with Disabilities Act 3. Violation of Rehabilitation Act 4. Violation of Civil Rights Act of 1871 5. Violation of California Fair Employment and Housing Act 6. Discrimination in Use of State Zoning Powers 		
Summary	Plaintiff, a sober living home operator, alleges the City engages in a pattern of discrimination against it on the basis of disability in violation of various federal and state laws.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	April 28, 2020		

⁷ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

City of Costa Mesa v. SoCal Recovery, LLC

Case Name	City of Costa Mesa v. SoCal Recovery, LLC	Case Number	30-2018-01022764
Judge	Hon. Craig Griffin	Venue	Superior Court of California, County of Orange
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Gary S. Kranker Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	10/02/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$13,193.61 Everett Dorey: \$3,718.20 ⁸		
Causes of Action	1. Public Nuisance 2. Maintenance of Public Nuisance by Violating Costa Mesa Municipal Code		
Summary	Nuisance abatement action against sober living home operator.		
Status	The case is in the discovery phase.		
Next Hearing Date	September 6, 2019 – Mandatory Settlement Conference		
Trial Date	October 28, 2019		

⁸ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”

Summit Coastal Living, Inc. v. City of Costa Mesa

Case Name	Summit Coastal Living, Inc. v. City of Costa Mesa	Case Number	8:18-cv-01369
Judge	Hon. James Selna Magistrate: Hon. Patrick Walsh	Venue	United States District Court for the Central District of California
Attorney(s) for City	Lead Counsel: Seymour B. Everett Everett Dorey LLP Co-Counsel: Bruce A. Lindsay Monica Choi Arredondo Jones & Mayer	Opposing Attorney(s)	Isaac R. Zfaty Garrett M. Prybylo Zfaty Burns
Date of Loss	Not applicable.	Complaint Filed	08/03/2018
Legal Fees and Costs Incurred through 06/30/19	Jones & Mayer: \$36,356.04 Everett Dorey: \$10,650.75 ⁹		
Causes of Action	<ol style="list-style-type: none"> 1. Violation of Fair Housing Act 2. Violation of Americans with Disabilities Act 3. Violation of Rehabilitation Act 4. Violation of Civil Rights Act of 1871 5. Violation of California Fair Employment and Housing Act 6. Discrimination in Use of State Zoning Powers 		
Summary	Plaintiff, a sober living home operator, alleges the City engages in a pattern of discrimination against it on the basis of disability in violation of various federal and state laws.		
Status	The case is in the discovery phase.		
Next Hearing Date	No hearings are scheduled at this time.		
Trial Date	April 28, 2020		

⁹ Overall Fees and Costs for Everett Dorey also include an additional \$70,545.40 for “General Matters.”