

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 APPELLANTS' OPENING BRIEFS;
DECLARATIONS OF ROY G. WEATHERUP, DAMON P.
MAMALAKIS, AND GREGG W. KETTLES**

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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& SMITH LLP**

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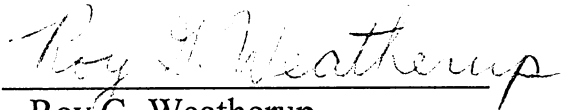
**APPLICATION OF ALL DEFENDANTS FOR EXTENSION OF
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DECLARATIONS OF ROY G. WEATHERUP, DAMON P.
MAMALAKIS, AND GREGG W. KETTLES**

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 appellants' opening briefs, up to and including November 7, 2016.

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

DATED: October 6, 2016

LEWIS BRISBOIS BISGAARD
& SMITH LLP

By: 
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 clerk's transcript (with 3,963 pages), and a one volume reporter's transcript. It was filed on May 24, 2016.

4. Pursuant to a global stipulation, the appellant's opening briefs of all the defendants were initially 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. There has been one extension of time for filing of the defendants' appellants' opening briefs by stipulation, and one extension

upon application. The circumstances of the latter extension are set forth in the declarations filed in support of the joint application of all defendants that was filed September 6, 2016, including my declaration.

6. Since the last application for an extension, I have personally drafted and completed three separate lengthy appellate briefs, including a respondent's brief in *Pasternack v. Vision West*, Fourth Civil E0641634, filed September 9, 2016; a petition for review in *Vaughn v. Darwish*, Supreme Court case number S236507, filed September 12, 2016, and an answer to a petition for review in *Friends of the Hastain Trial v. Coldwater Development LLC*, Supreme Court case number S237073 [(2016) 1 Cal. App. 5th 1013]. In addition, I am currently responsible for eight other cases in which appellate briefs are currently in progress.

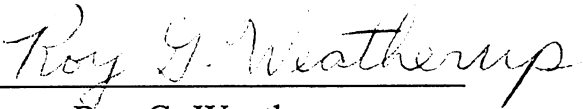
7. In spite of the press of other business, much of the necessary work in this case has been done. We have completed a draft statement of facts for the opening brief of the Palos Verdes Homes Association, following review of the entire record and the bulk of the necessary legal research. We are now finishing up with the legal research and proceeding to draft the legal argument. We have consulted with the attorneys representing the other defendants. However, I believe that a thirty day extension is required to permit drafting of the remaining parts of the appellants' opening brief, proof reading, citation checking, editing, and consultation with our client representatives and counsel for other defendants.

8. On October 5, 2016, I called the offices of Mr. Jeffrey Lewis of Broedlaw Lewis LLP, the lead attorney for the plaintiffs and respondents, and left a voicemail message. I advised Mr. Lewis that the

defendants would be filing on the following day an application for a thirty day extension of time for their appellants' opening briefs. I asked Mr. Lewis to contact me with respect to the position of the plaintiffs concerning the application. Mr. Lewis later called me back, but had been unable to contact the plaintiffs in order to secure permission to consent to the application.

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

10. Executed at Los Angeles, California on October 6, 2016.


Roy G. Weatherup
Roy G. Weatherup

DECLARATION OF DAMON P. MAMALAKIS

I, Damon P. Mamalakis, the undersigned, 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.

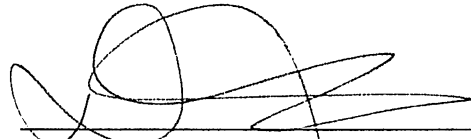
3. Lugliani Defendants are part of the global stipulation allowing for the defendants' opening briefs to be filed on September 6, 2016, which was subsequently extended to October 6, 2016. The purpose of that stipulation, in large part, was to allow all of the defendants to coordinate their briefs to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

4. Because the Palos Verdes Homes Association requires an additional thirty day extension to complete its opening brief (for the reasons set forth in the extension request and the accompanying declaration), 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 October 5, 2016.



Damon P. Mamalakis

DECLARATION OF GREGG W. KETTLES

I, Gregg W. Kettles, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California. I am an attorney 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. Along with Kent Richland of Greines, Martin, Stein & Richland, LLP, and Christi Hogin of Jenkins & Hogin, 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 from 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.

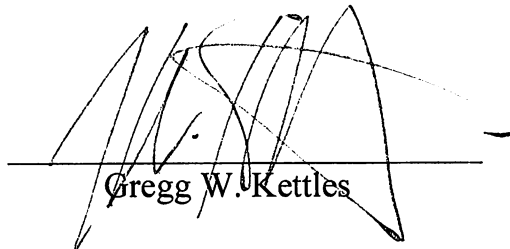
6. A stipulation was entered to allow the opening briefs of the defendant parties to be filed on September 6, 2016, which was subsequently extended to October 6, 2016.

7. 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.

8. I believe that the avoidance of duplication will not only preserve judicial resources but will assist the City in presenting its case to this Court.

9. 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 October 4, 2016, in Manhattan Beach, California.


Gregg W. Kettles

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 October 6, 2016, I served the following document(s): APPLICATION OF ALL DEFENDANTS FOR EXTENSION OF TIME TO FILE THE APPELLANTS' OPENING BRIEFS; DECLARATIONS OF ROY G. WEATHERUP, DAMON P. MAMALAKIS, AND GREGG W. KETTLES 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 October 6, 2016 at Los Angeles, California.



Jessie Dave

SERVICE LIST

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

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