



**Deborah J. Fox**  
Principal

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**Practice Groups**

First Amendment  
Trial and Litigation  
California Public Records Act  
Eminent Domain and Inverse  
Condemnation  
Environmental Law  
Land Use  
Municipal and Special District Law

**California Bar Number**

110929

**Education**

University of San Diego, JD

University of Michigan, BA Political  
Science and Cultural Anthropology

Deborah Fox is the Chair of Meyers Nave's statewide First Amendment and Trial & Litigation Practice Groups. She is one of California's foremost experts on First Amendment issues, particularly those affecting the public sector, and has a unique expertise with cases involving the convergence of First Amendment, land use, and zoning laws and regulations. Outside the courtroom, Deborah provides daily guidance to clients as they address a myriad of legal issues.

Deborah's practice includes trial and appellate work in state and federal courts, as well as administrative hearings and other proceedings before regulatory agencies. She has handled a wide range of litigated matters, including those that involve First Amendment issues, land use, zoning, housing, general plans, coastal issues, CEQA, inverse condemnation, environmental claims, federal preemption, public records, elections and ballot initiatives, and civil rights claims for violations of substantive and procedural due process and equal protection. Her complex litigation experience includes multi-party and multi-district cases, civil litigations that are intertwined with pending criminal actions, and matters that require managing, researching, reviewing and interpreting extensive electronic information.

Deborah's cases frequently involve issues that attract intense media attention and public scrutiny, including matters of first impression. For example, she is defending counties, cities and public officials throughout California in federal and state court litigation challenging Shelter In Place Orders, Public Health Orders and Reopening Plans related to the coronavirus pandemic. Plaintiffs in these cases are churches, gyms, nail salons, restaurants, wine bars, brew pubs, lodging establishments, and other businesses challenging various restrictions that are placed on the operation of their organizations. These cases also include defending local government entities in class actions that request the refund of business and licensing fees, permits and taxes paid by organizations that are closed or are operating under various restrictions. Deborah has obtained

precedent-setting victories at both the district and appellate court levels. Deborah is also defending California cities and counties that have passed hazard pay ordinances in response to the coronavirus pandemic for full-time and/or part-time employees of various businesses including groceries, restaurants, pharmacies, and farms.

In another front-page new victory, Deborah won a final ruling for the County of Los Angeles that awarded a total of \$6,673,496.22 in civil penalties, discovery sanctions, costs and attorneys' fees, plus permanent injunctive relief, in a front-page *Los Angeles Times* case that involved the illegal transport and dumping of concrete and other construction debris in the Santa Susana Mountains.

Many of Deborah's other high-profile cases involve First Amendment issues relating to commercial solicitation and panhandling ordinances, news rack restrictions, billboard and sign ordinances, public forum issues, parade and park regulations, adult use regulations, and regulation in compliance with the Religious Land Use and Institutionalized Persons Act. For example, in *California New Business Bureau, Inc. v. County of San Bernardino* (Case No. CIVDS 1616334, Nov. 8, 2016), after the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Deborah drafted a constitutionally sound solicitation ordinance for the County. When that ordinance was challenged by CNBB, Deborah and her First Amendment litigation team obtained a complete victory in court for the County. CNBB brought suit after it received four administrative citations for violating the ordinance by soliciting business on the grounds around the County's Hall of Justice. Meyers Nave successfully argued that the area around the Hall of Justice was not a public forum, and the Superior Court denied CNBB's request for an injunction.

Deborah also authored an amicus brief on behalf of the League of California Cities, the California State Association of Counties and the American Planning Association in the *Lamar Central Outdoor, LLC v. City of Los Angeles* First Amendment related billboard case. *Lamar* involved the constitutionality of Los Angeles's billboard regulations under the California Constitution. In a landmark opinion in June 2016, the Second Appellate District upheld the ability of California cities and counties to continue using the onsite/offsite and commercial/noncommercial distinctions as a regulatory tool in their sign codes.

Deborah speaks and writes about topical issues facing municipalities along with addressing the complex balance between various regulatory constraints and constitutional protections. Her speaking includes numerous presentations at conferences provided by the International Municipal Lawyers Association, League of California Cities, and County Counsels' Association of California. Deborah is admitted to practice in the courts of the State of California, United States Supreme Court, Ninth Circuit Court of Appeals, and all U.S. District Courts in California.

## Honors and Awards

- Top Women Lawyers, *Daily Journal* (2018, 2021, 2022)
- Top 100 Lawyers, *Daily Journal* (2020, 2021)

- Most Influential Women Lawyers, *Los Angeles Business Journal* (2021)
- Top Rated Attorney, *Avvo* (2021, 2022)
- Top Lawyers in the Pasadena Area, *Pasadena Magazine* (2021)
- Leaders of Influence: Litigators & Trial Lawyers, *Los Angeles Business Journal* (2020)
- Top Women Attorneys, *Los Angeles Business Journal* (2020)
- Top Litigators and Trial Lawyers, *Los Angeles Business Journal* (2019)
- 75 Most Influential Women Lawyers, *Los Angeles Business Journal* (2019)
- Senior Fellow, Litigation Counsel of America, an honor awarded to less than one-half of one percent of American lawyers
- AV Preeminent rating, Martindale-Hubbell (2004-2022)
- Southern California Super Lawyers list: Constitutional Law, Land Use/Zoning and Environmental, *Super Lawyers Magazine* (2017-2021)
- Bar Register of Top Rated Lawyers: Land Use and Zoning, Martindale-Hubbell (2013-2018)
- Bar Register of Top Rated Lawyers: Women Leaders in the Law, Martindale-Hubbell (2013, 2015)
- Bar Register of Preeminent Women Lawyers, Martindale-Hubbell (2011)
- Top Women Litigators, *Daily Journal* (2007, 2009)

### **Professional Affiliations**

- American Bar Association
- The State Bar of California
- Los Angeles County Bar Association
- League of California Cities Adult Use Task Force
- Condemnation and Land Valuation Litigation Committee of the Los Angeles County Bar
- Trial Law Institute of the Litigation Counsel of America
- Diversity Law Institute
- Conference of California Public Utility Counsel
- Judge Pro Tem, Los Angeles Superior Court, Glendale Division

## Published Decisions

- *Gish, et al. v. Newsom, et al.*, 987 F.3d 891 (9th Cir. 2021) [Shelter In Place – churches]
- *Gish, et al. v. Newsom, et al.*, 2020 WL 1979970 [Shelter In Place – churches]
- *Cross Culture Christian Center, et al. v. Newsom, et al.*, 445 F.Supp.3d 758 (2020) [Shelter In Place – churches]
- *Disbar, et al. v. Newsom, et al.*, 2020 WL 1979970 [Shelter In Place – restaurants]
- *Lamar Central Outdoor, L.L.C. v. City of Los Angeles*, 245 Cal.App.4th 610 (2016) [billboards]
- *Hagopian v. County of Los Angeles*, 214 Cal.App.4th 349 (2014) [coastal land use]
- *Building a Better Redondo v. City of Redondo Beach*, 203 Cal.App.4th 852 (2012) [initiative]
- *Hillside Memorial Park v. Golden State Water; Water Replenishment District*, (2011) 199 Cal.App.4th 658 [water law/CEQA]
- *Rickleby v. County of Los Angeles*, 654 F.3d 960 (9th Cir. 2011) [Section 1983 attorneys’ fees]
- *Zubaran v. City of Palmdale*, 192 Cal.App.4th 289 (2011) [regulation of ham radio antennae and federal preemption]
- *PR/JSM Rivara v. Community Redevelopment Agency of Los Angeles*, (2009) 180 Cal.App.4th 1475 [density bonus, CEQA]
- *International Church of Foursquare Gospel v. City of San Leandro*, 632 F.Supp.2d 925 (N.D. Cal. 2008), *rev’d*. 634 F.3d 1037 (9th Cir. 2011); *amended and rehearing denied*, 2011 U.S. App. LEXIS 8505 (9th Cir. April 22, 2010); *cert. denied* 2011 U.S. LEXIS 5458 (Oct. 3, 2011) [RLUIPA]
- *NextG Networks of California v. County of Los Angeles*, 522 F.Supp. 2d 1240 (C.D. Ca. 2007) [telecommunications provisions]
- *Gammob v. City of La Habra*, (9th Cir. 2005) 395 F.3d 1114, *amended* 402 F.3d 875, *cert. denied* 126 S.Ct. 374 [adult use]
- *Lim v. City of Long Beach*, (9th Cir. 2000) 217 F.3d 1050, *cert. denied* (2001) 121 S.Ct. 1189. [adult use]
- *Tily B. v. City of Newport Beach*, (1999) 69 Cal.App.4th 1 [adult use]
- *City of South El Monte v. Southern California Joint Powers Insurance Authority*, (1995) 38 Cal.App.4th 1629, *modified* 38 Cal.App.4th 1810b [joint powers authority]
- *Santa Fe Realty Corp. v. City of Westminster*, (C.D. Cal. 1995) 906 F.Supp. 1341 [adult use]
- *3570 East Foothill Boulevard v. City of Pasadena*, (C.D. Cal. 1995) 912 F.Supp. 1257, *aff’d*. (9th Cir. 1996) 99 F.3d 1147 [adult use]
- *Eldorado Drive v. City of Mesquite*, (U.S.D.C. Nev. 1994) 863 F.Supp. 1252 [immunity to city council]

- *Rogers v. Superior Court (City of Burbank)*, (1993) 19 Cal.App.4th 469 [Public Records Act]
- *City of Glendale v. Superior Court (Giovannetto Enterprises)*, (1993) 18 Cal.App.4th 1768 [condemnation]
- *Building Industry Association v. Superior Court (City of Oceanside)*, (1989) 211 Cal.App.3d 277 [managed growth initiative]

## Presentations and Publications

- Presenter, “First Amendment Audit: Preparedness 101,” California State Association of Counties (CSAC), the League of California Cities (Cal Cities) and the Rural County Representatives of California (RCRC), July 29, 2022
- Author, “Ninth Circuit Clarifies Mootness Exceptions for Covid-19 Litigation,” Meyers Nave Client Alert, June 17, 2022
- Author, “Ninth Circuit Offers Some Guidance On When An Elected Official’s Speech Can Form The Basis For A First Amendment Retaliation Claim,” Meyers Nave Client Alert, April 26, 2022
- Presenter, “Fires, Floods, Landslides, & Debris Flows: Crisis Management Best Practices,” County Counsels' Association of California, December 3, 2021
- Presenter, “COVID-19 Litigation: Public Health Orders, and Related Legal Challenges,” International Municipal Lawyers Association webinar, July 20, 2021
- Author, “Ninth Circuit Upholds COVID-19 Closure and Capacity Limits on Summer Waterpark,” Meyers Nave Client Alert, July 16, 2021
- Quoted, “California Will Pay Church's \$1.35M Legal Fee,” *Daily Journal*, May 13, 2021
- Author, *Gallagher v. Newsom* – “California’s Third District Court of Appeal Upholds Governor Newsom’s Broad Authority to Issue Executive Orders During the COVID-19 Emergency,” Meyers Nave Client Alert, May 7, 2021
- Author, “SCOTUS Vacates Second Circuit Decision Finding President Trump’s Prior Twitter Ban Violated the First Amendment,” Meyers Nave Client Alert, April, 8, 2021
- Presenter, “Social Media, First Amendment and Government: What Are the New Rules of Engagement?” San Diego County Bar Association webinar hosted by the Government Law Section, March 24, 2021
- Author, “One Year In: Recent Shelter In Place Litigation Roundup,” Meyers Nave Client Alert, March 16, 2021
- Presenter, “COVID-19 Health Orders/Phased Reopening: Litigation and Enforcement,” City Attorney’s Association of San Diego County webinar, February 25, 2021
- Quoted, “Churches file more motions to further limit governor’s restrictions,” *Daily Journal*, February 10, 2021

- Author, “U.S. Supreme Court Overturns California’s Ban on Indoor Religious Services but Leaves Open Singing/Chanting Ban,” Meyers Nave Client Alert, February 9, 2021
- Quoted, “Victorious churches aim to fight more limits,” *Daily Journal*, February 9, 2021
- Author, “Shelter In Place Litigation Update: Ninth Circuit Affirms California’s Temporary Restrictions on Indoor Worship Services While Invalidating 100/200 Person Numerical Caps,” Meyers Nave Client Alert, January 29, 2021
- Presenter, “COVID-19 Litigation: Public Health Orders, Phased Reopening Plans and Enforcement Challenges,” County Counsels’ Association of California webinar, December 10, 2020
- Presenter, “Fires, Floods, Landslides, and Debris Flows: Crisis Management Best Practices,” County Counsels’ Association Fall Land Use Conference, December 3, 2020
- Quoted, “California asks high court not to review church’s appeal of restrictions,” *Daily Journal*, December 1, 2020
- Author, “COVID-19 Litigation Update: Federal Judge Dismisses Gym's Complaint, Finding No Viable Constitutional Challenge to Public Health Orders,” *North County Lawyer*, December 2020
- Author, “SCOTUS Blocks New York’s COVID-19 Limits on Houses of Worship: California is Next for SCOTUS with *Harvest Rock Church v. Newsom*,” Meyers Nave Client Alert, November 30, 2020
- Author, “Roman Catholic Diocese of Brooklyn Asks SCOTUS to Block New York’s COVID-19 Restrictions on Houses of Worship,” Meyers Nave Client Alert, November 13, 2020
- Quoted, “Newsom shutdown foes file in state court, argue science,” *Daily Journal*, November 11, 2020
- Author, “Federal Judge Dismisses Mega-Gym’s Complaint, Finds No Viable Constitutional Challenge to Public Health Orders,” Meyers Nave Client Alert, November 2, 2020
- Quoted, “Gym owner can't challenge closure order for a 5th time, judge says,” *Daily Journal*, October 28, 2020
- Presenter, “Social Media and Government: What are the Emerging Rules of Engagement?,” League of California Cities Annual Conference, October 8, 2020
- Presenter, “COVID-19 Phased Reopening: State and Local Code Enforcement Issues and Related First Amendment Challenges,” League of California Cities COVID-19 webinar series, August 25, 2020
- Author, “Shelter In Place and Reopening Plan Litigation: SCOTUS Again Rejects Request for Emergency Application on Religious Services Restrictions,” Meyers Nave Client Alert, July 30, 2020

- Presenter, “How To Tackle First Amendment Issues Amidst Shelter In Place Orders: Navigating A City Attorney’s New Normal,” City Attorneys Association of Los Angeles County webinar, July 23, 2020
- Author, “Shelter In Place and Reopening Plan Litigation: SCOTUS Rejects Request for Judicial Intervention Regarding California’s Restrictions on Religious Services,” Meyers Nave Client Alert, June 9, 2020
- Presenter, “Shelter In Place and Reopening Plan Litigation: Tips and Strategies for the New Wave of Legal Challenges Facing Counties and Cities,” Meyers Nave webinar, June 4, 2020
- Quoted, “Governor has Few Good Options for Punishing Rebel Counties,” *Daily Journal*, May 15, 2020
- Quoted, “Tesla’s Legal Fight Might Be Map for Other Businesses,” *Daily Journal*, May 14, 2020
- Quoted, “County Doesn’t Enforce Closure as Musk Reopens Tesla,” *Daily Journal*, May 12, 2020
- Presenter, “Tips and Defenses to Litigating the First Amendment,” International Municipal Lawyers Association webinar, February, 2020
- Author, “Social Media and Government: What Are the New Rules of Engagement?,” *Public Law Journal*, California Lawyers Association, Fall 2019
- Presenter, “Social Media & Government: What are the Emerging Rules of Engagement?,” International Municipal Lawyers Association Annual Conference, 2019
- Author, “Social Media & Government: What are the Emerging Rules of Engagement?,” International Municipal Lawyers Association Annual Conference published paper, 2019
- Author, “Knight v. Trump: Second Circuit Sets Rules on Blocking Followers from Social Media Accounts,” Meyers Nave Client Alert, August 7, 2019
- Author, “Rules of Engagement for Today’s Digital Town Square: May Elected Officials Block or Regulate Users on Their Social Media Accounts?,” *North County Lawyer*, August, 2019
- Quoted, “Theory of shared mudslide liability needs more thought,” *Daily Journal*, July 18, 2019
- Author, “President Trump’s Blocking of Followers on Twitter Found Unconstitutional by Second Circuit,” Meyers Nave Client Alert, July 15, 2019
- Presenter, “May Public Officials Block or Regulate Participation on Social Media Accounts?,” Meyers Nave webinar, May 1, 2019
- Author, “Coming Soon to a Sidewalk Near You – The Safe Sidewalk Vending Act,” *North County Lawyer*, February, 2019

- Presenter, “Social Media and Government: What Are the New Rules of Engagement?,” City Attorneys’ Association of San Diego, 2018
- Presenter, “Time, Place & Manner Update: Strategies for Regulating Solicitation, Billboards and Sidewalk Vending/SB 946,” County Counsels’ Association of California Land Use Fall Conference, 2018
- Author, “What Local Governments Can Do to Avoid a Vending Free-for-All In the Wake of the Safe Sidewalk Vending Act,” *The Recorder*, October 17, 2018
- Author, “Social Media and Government: What Are the New Rules of Engagement?,” *The Recorder*, September 27, 2018
- Presenter, “Women in the Courtroom,” Women Leadership in Law Forum, *Daily Journal*, 2018
- Presenter, “Social Media Challenges: Applying Existing Case Law to New Technology,” League of California Cities City Attorneys’ Spring Conference, 2018
- Author, “Public Records & Public Forums: How to Apply Established Case Law with Rapidly Emerging Social Media Platforms,” League of California Cities City Attorneys’ Spring Conference paper, 2018
- Presenter, “*Reed’s* Impact on Solicitation Ordinances: Regulating Content, Conduct or Communication?,” League of California Cities Annual Conference, 2017
- Author, “*Reed’s* Impact on Solicitation Ordinances: Regulating Content, Conduct or Communication?,” League of California Cities Annual Conference published paper, 2017
- Author, “Ninth Circuit is No Fan of Post-Game Prayer,” Meyers Nave Client Alert, September 5, 2017
- Author, “Ninth Circuit Addresses Unattended Collection Bins and Upholds Oakland's Ordinance as Content Neutral,” Meyers Nave Client Alert, May 17, 2017
- Presenter, “*Reed v. Gilbert*: Some Tips After the Dust has Settled,” New Mexico Municipal League, 2016
- Presenter, “Recent Developments in First Amendment Law: Panhandling and Solicitation Regulations,” Greater Inland Empire Municipal Law Association, 2016
- Author, "Recent Developments in First Amendment Law: Panhandling and Solicitation Regulations," International Municipal Lawyers Association Annual Conference published paper, 2016
- Presenter, “*Reed’s* Impact on Solicitation Ordinances: Are You Regulating Content, Conduct and/or Communication?,” International Municipal Lawyers Association Annual Conference, 2016
- Presenter, "Statutory Path to On-Premise Signage," in-house client seminar, 2016



- Presenter, “How the Supreme Court has Shaped First Amendment Issues for Local Governments from Signs to Legislative Prayer,” International Municipal Lawyers Association Annual Conference, 2015
- Author, “Exploring the History and Future of Legislative Prayer in Light of *Town of Greece v. Galloway*,” International Municipal Lawyers Association Annual Conference published paper, 2015
- Presenter, “California Public Records Act: Recent Case Law and Topical Application,” in-house client seminar, 2015
- Presenter, “First Amendment - Solicitation/Panhandling,” International Municipal Lawyers Association webinar, 2015
- Presenter, “Regulation of Adult Business – Traps for the Unwary,” Greater Inland Empire Municipal Law Association, 2014
- Presenter, “Sign Regulations and the First Amendment: Navigating Recent Developments in the Law,” International Municipal Lawyers Association webinar, 2014
- Presenter, “First Amendment Cases – Invocations, Panhandling and Adult Uses,” The Seminar Group, Government Law, 2014
- Presenter, “The Role of Legislative Findings,” League of California Cities Annual Conference, 2013
- Author, “Recent Developments in First Amendment Law: Exploring Panhandling and Invocations,” International Municipal Lawyers Association Annual Conference, 2013
- Presenter, “The ‘Occupy’ Movement and Recent Emerging First Amendment Issues,” International Municipal Lawyers Association teleconference, 2013
- Author, “The ‘Occupy’ Movement and What Cities Can Do to Regulate or Avoid the Impacts of Such Events,” League of California Cities City Attorneys’ Fall Conference, 2012
- Presenter, “Understanding RLUIPA – Important Developments and Case Updates,” International Municipal Lawyers Association Annual Conference, 2011
- Presenter, “Understanding the Religious Land Use and Institutionalized Persons Act,” County Counsels’ Association of California Annual Meeting, 2011
- Presenter, “Legal Developments in Siting Religious Centers: RLUIPA and Beyond,” UCLA School of Law, 2011
- Presenter, “The Hard Question Of The Establishment Clause Coupled With A RLUIPA Update,” International Municipal Lawyers Association Annual Conference, 2010
- Presenter, “Play Now, Pray Later: Regulating Sex and Religious Facilities,” International Municipal Lawyers Association Annual Conference, 2009
- Presenter, “Adult Uses and Other Code Enforcement Issues,” City of Oceanside, 2009

- Presenter, “Signs of the Time: Play Now, Pray Later,” League of California Cities City Attorneys’ Spring Conference, 2009
- Presenter, “Eye Sore or Eye Candy? Regulating Billboards, Supergraphics and LCDs,” New Mexico Municipal Attorneys’ Association, 2008
- Presenter, “Not In My Front Yard: Regulating Political Signs,” International Municipal Lawyers Association Annual Conference, 2008
- Author, “The Deliberative Process Privilege and the Public Records Act: Balancing Open Government with Effective Government Decision Making,” *Public Law Journal*, Summer 2008
- Presenter, “Temporary Takings and Perplexing Valuation Issues,” CLE International’s Regulatory Takings Conference, 2007
- Presenter, “First Amendment Update: Permitting in Public Places, Billboards and More,” City Attorneys’ Association of Los Angeles County and Orange County, 2007
- Presenter, “Sex and other Signs of First Amendment Life,” City Attorneys’ Association of Los Angeles County, 2006
- Presenter, “Sex (and God) in the City: Adult Businesses and the Religious Land Use Institutionalized Persons Act,” League of California Cities City Attorney’s Continuing Education Conference, 2005
- Presenter, “Adult Use Zoning: Sex and the Cities,” Orange County City Attorney’s Association, City Attorneys’ Association of Los Angeles County, and Los Angeles Prosecutors’ Association, 2003
- Presenter, “Defending a Regulatory Takings Case: The Public Entity’s Perspective,” CLE International Conference, 2003
- Presenter, “The Latest Legal Edicts on General Plans (Yes, More Legal Hurdles),” American Planning Association, Orange County Section, 2003
- Author, “Adult Zoning,” *Los Angeles Daily Journal*, May 2002
- Presenter, “Adult Use Breakout Session,” League of California Cities City Attorneys’ Spring Conference, 2002
- Presenter, “Adult Zoning: Sex and the Supremes,” Annual UCLA Land Use Law and Planning Conference, 2002
- Presenter, “Sex and Secondary Effects: The First Amendment Revisited,” League of California Cities City Attorneys’ Spring Conference, 2001
- Presenter, “Sex, Smut & Other Land Use Challenges,” State and Local Government Law Section, Los Angeles County Bar Association, 2001
- Presenter, “Adult Zoning: Sex and the Cities,” Annual UCLA Land Use Law and Planning Conference, 2001

- Presenter, “First Amendment and Land Use Issues: Selected Topics,” City Attorneys’ Association Los Angeles County, 2001
- Presenter, “Regulation of Adult Businesses,” County Counsels’ Association’s Land Use Fall Conference, 2000
- Presenter, “Regulation of Adult Businesses: Traps for the Unwary,” League of California Cities City Attorneys’ Spring Conference, 2000
- Presenter, “Avoiding Legal Landmines and Planning Decisions,” UCLA Extension, 2000
- Presenter, “Temporary Takings: Jury Trial Demands In The Wake of Monterey Dunes,” City Attorneys’ Association of Los Angeles County Annual Spring Conference, 2000
- Presenter, “How Many Sites Are Legally Sufficient For Your Community?”, Planners Institute, League of California Cities, 2000
- Presenter, “Valuation Issues,” Southern California Chapter of the Appraisal Institute, Annual Litigation Seminar, 1999
- Author, “Smut, Smokes & Spirits: The First Amendment Re-Examined,” *The Urban Lawyer*, Vol. 32, No. 3, Summer 2000
- Author, “Smut, Smokes & Spirits: The First Amendment Re-Examined,” *Southwestern Legal Foundation Proceedings of the Institute on Planning, Zoning, and Eminent Domain*, Rel. 30-10/00 Pub. 631 (2000)
- Presenter, “Smut, Smokes & Spirits: The First Amendment Re-Examined,” Southwestern Legal Foundation Institute on Planning and Eminent Domain, 1999
- Author, “Adult Use Zoning in the 90s,” *CEB Land Use & Environment Forum*, Spring 1994, Vol. 3, No. 2

## Representative Experience

### First Amendment

- *Gish v. Newsom*, *Cross Culture Christian Center v. Newsom*, *Best Supplement Guide v. Newsom*, *County of Yolo*, *Best Supplement Guide v. Newsom/County of San Joaquin*, *Disbar v. Newsom*, *Tuck’s Restaurant v. Newsom*, *RPC Systems v. Amador County*, *Excel Fitness Fair Oaks v. Newsom*, *Abshire v. Newsom*, and *Brookfields v. County of Sacramento*. Defending numerous counties, cities and public officials throughout California in federal and state court litigation challenging Shelter In Place Orders, Public Health Orders and Reopening Plans related to the coronavirus pandemic. Plaintiffs in these cases are single and/or multiple churches, gyms, nail salons, restaurants, wine bars, brew pubs, lodging establishments, and other businesses challenging various restrictions that are placed on the operation of their organizations, as well as individual plaintiffs challenging limitations on travel and assembly rights during the pandemic. These cases also include challenges to enforcement citations and fines that have been issued due to violations of such Orders and Plans, as well as defending local government entities in class actions that request

the refund of business and licensing fees, permits and taxes paid by organizations that are closed or are operating under various restrictions. The issues involve complex constitutional questions regarding local and state governmental powers during public health and safety emergencies intertwined with alleged violations of various rights under the California and U.S. Constitutions, ranging from First Amendment freedoms of expression, religion and assembly to civil rights claims for alleged violations of the due process and equal protection clauses to economic claims under the takings and commerce clauses. Meyers Nave has obtained precedent-setting victories at both the district and appellate court levels. Published decisional victories in these cases include *Gish*, *Cross Culture Christian Center*, *Best Supplement Guide* and *Disbar*. All cases other than *Disbar*, which was voluntarily dismissed after the State and County's victory in defeating a TRO, remain in active litigation at the trial court or appellate court level, including before the Ninth Circuit.

- *Straight Pride Event in City of Modesto*. The National Straight Pride Coalition applied for a permit to hold a rally in the City of Modesto, creating a crisis that caused local controversy, national debate and international news coverage. Over the subsequent weeks and months, provided the City with comprehensive First Amendment legal, regulatory, litigation, public relations, and risk and crisis management advice, often on an urgent basis. Resolution of the matter included drafting an ordinance restricting the weaponization of water bottles, protest signs and the like and imposing further time, place and manner restrictions to forestall the violence that accompanied straight pride events in other cities. Created a daily playbook for how other cities could handle similar situations.
- *California New Business Bureau, Inc. v. County of San Bernardino*. After the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Meyers Nave drafted a constitutionally sound solicitation ordinance for the County. When that ordinance was challenged by CNBB, Meyers Nave obtained a complete victory in court for the County. CNBB brought suit after it received four administrative citations for violating the ordinance by soliciting business on the grounds around the County's Hall of Justice. Meyers Nave successfully argued that the area around the Hall of Justice was not a public forum, and the Superior Court denied CNBB's request for an injunction.
- *Lamar Central Outdoor, LLC. v. City of Los Angeles*. Author of an amicus brief on behalf of the League of California Cities, the California State Association of Counties, and the American Planning Association California Chapter in this digital billboard case. In a landmark decision, the Second Appellate District Court upheld the ability of California cities and counties to continue using the onsite/offsite and commercial/noncommercial distinctions as a regulatory tool in their sign codes.
- *Horizon v. City of Culver City*. Defense of the City in a broad based challenge to the City's sign ordinance and attack on City's prohibition on offsite billboard ban.
- *Davidson I and II v. City of Culver City*. Defense of the City in First Amendment litigation asserting a variety of constitutional challenges to the City's regulations of signs, pennants, and banners in the public right-of-way. And, in an unusual ruling, the Ninth Circuit affirmed the trial court's award of over \$90,000 in attorneys' fees to the City for a frivolous case.

- *Regency Outdoor Advertising v. Community Redevelopment Agency of the City of Los Angeles*. Defense of the Agency and individually named defendants in federal court against claims of inverse condemnation, equal protection, First Amendment violations, and damages in connection with billboard applications in various redevelopment project areas.
- *In Plain Sight v. Community Redevelopment Agency of the City of Los Angeles*. Defense of the CRA/LA in constitutional challenge to sign restrictions in the Hollywood Project Area.
- *City of Chula Vista v. Bay & E, Inc.* In a civil trial representing the City of Chula Vista, obtained a permanent injunction to close a strip club that had violated zoning codes. The case was a complete validation of the constitutionality of the City's adult zoning and licensing regulations which we drafted.
- *BGT Media v. City of Oceanside*. Obtained dismissals of various claims in a dispute regarding the City of Oceanside's rejection of an application submitted by BGT Media to operate a digital billboard on a City right-of-way. Pursuant to an RFP process, BGT was selected to move forward as the proposed operator, the City and BGT negotiated a Property Use Agreement, and public hearings were held to address the Agreement and BGT's CEQA compliance documentation. At the end of the public hearing, the City Council voted to deny approval of BGT's digital billboard project. A year after BGT's application was denied, the City completed a global zoning code amendment that repealed the provision under which BGT had made its application for a permit. As a result of the amendment, the City no longer permitted digital billboards on City property or City rights-of-way. An initial demurrer and an anti-SLAPP motion succeeded in obtaining a full victory for the City and resulted in a judgment for Oceanside with an award of attorneys' fees.
- *Gammoh v. City of La Habra* (9th Cir. 2005) 395 F.3d 1114, *amended* 402 F.3d 875, *cert. denied* 126 S.Ct. 374. Ninth Circuit Court of Appeals affirmed the district court's granting of summary judgment and motion to dismiss, concluding that the City's ordinance requiring adult cabaret dancers to remain two feet away from patrons during performances was carefully tailored to reduce secondary effects. This case serves as the touchstone by which operating standards are judged in the Ninth Circuit and throughout the country.
- *Alameda Books v. City of Los Angeles*. Representing the City of Los Angeles in this seminal case that is now on remand to the district court after a published decision by the United States Supreme Court (see *City of Los Angeles v. Alameda Books*, 535 U.S. 425 (2002)) and the Ninth Circuit (631 F.3d 1031 (9th Cir. 2011)). On remand, the City will need to employ the new framework for adjudicating the constitutionality of the City's 1983 adult use ordinance which will require a wholesale review of the record and marshaling of numerous expert witnesses.
- *Tily B. v. City of Newport Beach*. Authored a Court of Appeal amicus brief on behalf of 73 California cities in support of Newport Beach's adult use restrictions.
- *Gammoh v. City of La Habra*. Defense verdict for the City in a federal court challenge to the City's adult use ordinance and the City's proposed traffic assessment fees of \$250,000.
- *City of La Habra v. Gammoh*. In this companion state nuisance action, obtained successful preliminary injunction and two contempt citations against adult use operators for violating

patron-performer distancing requirements. Defendants were incarcerated for 10 days. Obtained a permanent injunction against the adult facility, had it declared a public nuisance and obtained a seizure order. Case settled resulting in City's purchase of the adult facility and property, and adult operator permanently vacating the property.

- *City of Los Angeles, Venice Boardwalk*. Draft Venice Boardwalk ordinance and successfully defend same to legal challenges by 20 plus plaintiffs/performers. Several plaintiffs also asserted claims that the City violated their First Amendment rights in the enforcement of the Rules of Decorum at City Council meetings.
- *Ms. Teaz v. City of Folsom*. Defense verdict on plaintiff's constitutional challenge to Folsom's restriction precluding sex device stores except in adult zone. Validated Folsom's adoption of a creative approach to regulating sex devices that have no First Amendment protection.
- *City of Encinitas v. F Street*. City filed a complaint to abate a public nuisance regarding the operation of an adult business in violation of City's zoning ordinance. Obtained a permanent injunction against operation of adult facility. Bench trial resulting in a total verdict validating the City's definition of adult retail facility using the legal standard of regular and substantial to define an adult establishment.
- *City of Encinitas v. AASJ, Inc. (Shongirls)*. Successfully obtained a permanent injunction precluding the operation of a topless adult entertainment facility in the wrong zone. The club closed and the site is now home to a sushi restaurant.
- *Lim v. City of Long Beach*. Author of a Ninth Circuit Court of Appeals amicus brief on behalf of 108 cities in support of Long Beach's ordinance and addressing reasonable range of sites, amortization provision and equal protection issues. Author of amicus brief on behalf of 100 cities and counties petitioning for *certiorari* to the U.S. Supreme Court.
- *Imperial Showgirls v. City of Pico Rivera*. Defense of City to civil rights challenge to adult use ordinance. Bench trial before United States District Court Judge Tevrizian on constitutional adequacy of sites. Successfully negotiated consent decree resolving the litigation with sunset provisions on the adult facility's operation.
- *City of Lake Forest v. Library Lounge*. Successful nuisance abatement action prohibiting nude entertainment in wrong zone against adult use operator. Obtained stipulated permanent injunction mandating facility's closure. Handled follow up litigation challenging sham transfer to new adult user. Motion for sanctions against adult operator for violating settlement agreement and court's permanent injunction was granted. Facility is now closed and future home for a mattress store.
- *County of San Bernardino*. Defense of County in four federal civil rights lawsuits challenging the County's adult use ordinance and amortization provision; transactional assistance on applications for amortization extensions.
- *3570 East Foothill Boulevard v. City of Pasadena* (C.D. Cal. 1995) 912 F.Supp. 1257; (C.D. Cal. 1996) 912 F.Supp. 1268; and (C.D. Cal. 1997) 986 F.Supp. 329. Defense of City's adult business regulations, adult use permit requirements and Section 1983 claims.

- *Eldorado Drive v. City of Mesquite, Nevada*. Defense verdict in federal court after civil rights challenge to City's adult business ordinance, review of reasonableness of sites and validity of ordinance.
- *City of Santa Fe Springs v. Foxz Corporation*. Spicy's initial business plan was a Mediterranean restaurant which shortly transformed into a total nude bar with extreme physical lap dancing in the wrong zone. Deborah charted a careful trial strategy supporting the City's actions and establishing that the City has a constitutionally sufficient number of sites for potential location of adult facilities resulting in a complete victory for the City. Trial court Judge Solner ruled for Santa Fe Springs, and the Court of Appeal affirmed in full. Spicy's closed its doors.
- *Smith v. City of Westminster*. Defense of City in constitutional challenge to its moratorium and interim adult business ordinance. Successfully defended City against two separate motions for preliminary injunction and dismissal of damages claim.
- *Santa Fe Springs Realty v. City of Westminster*. Federal court civil rights challenge to City's alleged unwritten policy of precluding adult uses.
- *Massoli v. City of Westminster*. An action contesting the "no tipping" and "no touching" policy. The trial court denied plaintiff's request for preliminary injunction and the action was dismissed.
- *Traora, Inc. v. City of Stanton*. Defense of City's adult use ordinance based on the Ninth Circuit's decision in *Topanga Press*. Adult use operator voluntarily dismissed action.
- *Smith v. City of Stanton*. Federal court challenge to City's adult business ordinance.
- *Shelby v. City of Stanton*. Constitutional challenge to City's denial of a conditional use permit based on First Amendment issues.
- *CR of Rialto v. City of Rialto*. Federal civil rights challenge to adult use moratorium and ordinance.
- *Associated Systems v. City of Pleasant Hill*. Challenge to the constitutionality of the City's adult use ordinance and amortization provisions. Settled via consent decree with agreed to move out date for adult bookstore.
- *Flamingo Theatres v. City of Huntington Beach*. Successfully defeated action in federal trial court and Ninth Circuit Court of Appeals challenging the City's off-stage no-touch provision. This resulted in a dismissal of the case and the adult facility closed and is now the site of a car dealership.
- *Roma Court v. City of Torrance*. Successful writ decision in City's favor resulting in the confirmation of the City's revocation of a conditional use permit for this alcohol facility.
- *BLU Media v. Community Redevelopment Agency of the City of Los Angeles*. Defense of billboard prohibition in various project areas resulting in dismissal with prejudice.
- *Zuwich v. City of Los Angeles*. Successfully defended the City against a group of five plaintiffs who wanted to vend items on the Venice Boardwalk and also claimed that their artistic expression was unconstitutionally restricted. The plaintiffs raised numerous constitutional

challenges to the City's boardwalk ordinance and sought millions of dollars in damages. We prevailed on summary judgment and the Ninth Circuit affirmed in full.

- *Cities of Arcadia, Benicia, La Habra, Pleasant Hill, Santa Fe Springs, Ventura, Vista and others.* Provide legal advice on global revisions to City's adult use provisions, including urgency ordinances and potential moratorium ordinances.
- *City of Los Angeles and Other Jurisdictions.* Provide legal advice regarding the Occupy Movement and various First Amendment constraints.
- *City of Culver City.* Legal advice on master sign program and onsite, offsite provisions and signage issues regarding Westfield shopping mall. Draft free speech policy guidelines and adult use provisions.
- *CRA/LA and Culver City.* Advise on billboard restrictions and permissibility of revenue sharing.
- *City of Riverside.* Draft public protest and permitting provisions.
- *City of Pittsburg.* Advise on potential restrictions of gang colors and apparel at public festival.
- *Cities of El Monte, La Habra, and San Leandro.* Legal advice regarding application for religious institution and review of zoning ordinance as to compliance with RLUIPA.
- *Moreno Valley and San Diego Port.* Legal advice and draft news rack ordinance.

## Land Use

- *County of Los Angeles Correctional Facility Projects.* Served as counsel in the environmental review process for two major detention projects: (1) the \$2.2 billion Consolidated Correctional Treatment Facility to replace the Men's Central Jail in downtown Los Angeles (Los Angeles County Board of Supervisors approved the project's budget and certified its environmental impact report in June 2018) and (2) the \$137 million Mira Loma Women's Detention Facility in Lancaster to replace the Century Regional Detention Facility in Lynwood (Los Angeles County Board of Supervisors approved the project's budget and certified its environmental impact report in October 2016).
- *County of Los Angeles and People of the State of California v. Fishback and ABC Waste Management.* Achieved a closely watched victory for the County of Los Angeles in a final ruling that awarded \$6.6 million in attorneys' fees, sanctions and civil penalties plus permanent injunctive relief in a case that involved the illegal transport and dumping of concrete and other construction debris in an ecologically sensitive region in the Santa Susana Mountains. Relying on drone surveillance and more than 500 exhibits, Meyers Nave initially obtained a preliminary injunction banning all Class 6 trucks and higher from the illegal waste disposal operation, along with additional restrictions including requiring defendant to post No Dumping signs and submit a conditional use permit and engineered grading application to address hillside stability issues. After granting our motion for summary judgment, the Court ordered briefing on the appropriate remedies. The Court's subsequent ruling granted a permanent injunction banning Class 6 and higher trucks, the most effective deterrent for the



County to halt the dumping and parades of trucks through the canyon. Civil penalties and attorneys' fees were awarded in the amount of \$6,638,192.33. For violating the County's Zoning, Grading, and Building Codes, the Court assessed civil penalties of \$4,893,000. For violating the state Unfair Competition Law, the Court assessed an additional penalty of \$800,000. The Court also awarded the County \$945,192.33 in attorneys' fees.

- *Los Angeles County Metropolitan Transportation Authority (MTA)*. Successfully negotiated an advanced utilities agreement while concurrently proactively drafting a writ action and researching critical preemption issues regarding MTA's permit applications with the City of Beverly Hills. MTA — operator of the nation's third-largest transit system by ridership — sought to build a tunnel under the Beverly Hills High School for part of the Westside Subway Extension Project (Purple Line).
- *County of Los Angeles v. Southern California Edison (Porter Ranch)*. Deborah assisted the County of Los Angeles regarding the largest methane gas release in U.S. history. Deborah's team parachuted in, consulted with the public health department and quickly assessed the legal landscape, and successfully obtained a temporary restraining order and permanent injunction allowing the 3,000 relocated families to remain in safe alternative housing.
- *NextG Networks of California v. County of Los Angeles*. NextG, a provider of telecommunications services, filed a complaint in federal court asserting preemption and challenging the County's land use process for locating cell antennas in the public right-of-way. The case resolved via settlement after a preliminary injunction hearing. Several months later, the underlying case law was reconsidered by the Ninth Circuit and validated the County's prior arguments on preemption.
- *City of Palmdale v. California High Speed Rail Authority*. This strategic action was brought by Palmdale against the High Speed Rail Authority in order to preserve the selected Antelope Valley/Palmdale alignment that was the subject of prior joint EIR/EIS process. This required a detailed analysis of various regulations impacting the Federal Railroad Administration along with the review of grant documents, prior environmental analysis and funding restrictions.
- *Zubarau v. City of Palmdale*. Successfully defended decision by the Palmdale City Council to revoke a permit for an amateur radio tower and a challenge to the City of Palmdale's ordinance regulating amateur radio antennas. The published decision found that cities may properly utilize their land use authorities to restrict and even ban large amateur radio antennas in dense suburban neighborhoods. The court also found that such regulations are not preempted by state and federal law.
- *Malibu Canyon LP v. Los Angeles County*. Plaintiff asserted that County actions in refusing to recognize certain development moratoria and in not issuing a vesting tentative map from 1989 caused \$80 million in damages to plaintiff's proposed development. The trial court denied the writ in part as to processing delays equating to development moratoria but ordered the County to accept the final tract map without the requisite Regional Board dredge and fill permit. The developer dismissed its \$80 million damage claim.

- *Palmdale Water District v. City of Palmdale*. Palmdale Water District filed a petition for writ of mandate that alleged that the City of Palmdale had violated the duplication of services law to decide which entity would provide recycled water.
- *International Church of Foursquare Gospel v. City of San Leandro*, 632 F.Supp.2d 925 (N.D. Cal. 2008), *rev'd*. 634 F.3d 1037 (9th Cir. 2011); *amended and rehearing denied*, 2011 U.S. App. LEXIS 8505 (9th Cir. April 22, 2010); *cert. denied* 2011 U.S. LEXIS 5458 (Oct. 3. 2011). Represented San Leandro in the evolving area of Religious Land Use and Institutionalized Persons Act (“RLUIPA”) addressing a mega church within its community. The matter was resolved through federal mediation and settled.
- *Rickley v. County of Los Angeles*. Defended the County in a series of lawsuits in federal and state courts asserting a series of land use, takings, and First Amendment retaliatory claims based on a vocal homeowner’s criticism of various of the County of Los Angeles’ staff members.
- *Homes by Polygon v. City of Glendale*. The case arose out of Glendale’s adoption in March 1993 of a comprehensive revision of its hillside ordinance, and its February 1993 denial of a developer’s request for a tentative map on a 29-acre ridgeline property. The developer sued Glendale for writ of mandate, takings (under the state and federal constitutions), and denial of equal protection under 42 U.S.C. § 1983. The writ of mandate against the project’s denial was successfully defeated by the City and the remaining causes of action were settled.
- *Eliopoulos v. City of Palmdale*. Successfully obtained a writ upholding the City’s rejection of a proposed apartment project under a development agreement. Also successfully dismissed all remaining breach of contract and civil rights claims at the demurrer stage. Dismissal of individual developer was garnered through summary judgment. Confirmed in full on appeal and the City was awarded \$100,000-plus in attorneys’ fees against developer per development agreement.
- *Palmer v. Community Redevelopment Agency of the City of Los Angeles*. Civil rights challenge by a developer whose project was delayed due to need for environmental review. Also alleged various Section 1983 claims including equal protection violations. Obtained ruling on summary judgment in federal court rejecting the due process and other civil rights challenges resulting from the Agency’s requirements that an environmental document be completed on an historic structure. Matter was successfully settled resulting in a phased mixed use project.
- *Regency Outdoor Advertising v. Community Redevelopment Agency of the City of Los Angeles*. Defense of the Agency against claims of inverse condemnation, First Amendment violation of civil rights under 42 U.S.C. § 1983 and damages in connection with billboard applications.
- *Land Use Preservation Defense Fund v. County of Los Angeles* and *Park Lands Ranch v. County of Los Angeles*. Defense of writ challenge to County’s ridgeline ordinance and asserted general plan deficiencies. Writ denied in full in both matters preserving the County’s newly enacted environmental preservation ordinance. Court of Appeal affirmed in full in both cases.
- *Vadnais v. Cambria Community Services District*. Civil rights and inverse condemnation challenge to the District’s allocation of water allotments for multi-family units. Successfully demurred to the second amended complaint and motion to strike under the anti-SLAPP statute.

- *Long v. City of Rialto*. Complex civil rights challenges including Fifth Amendment and Fourth Amendment issues seeking damages for actions in connection with abatement of junkyard property as a public nuisance.
- *Citizens for Responsible Government v. County of Los Angeles*. Defeated coalition's request for temporary restraining order and preliminary injunction relating to the County's adoption of a hillside ordinance. The case was then dismissed by the plaintiff.
- *City of Oceanside v. Cadillac Fairview*. Represent Mello-Roos District in foreclosure action against property owners for failure to pay special taxes.
- *Hensler v. City of Glendale*. Successfully defended Glendale in challenge to hillside ordinance and tentative tract map approval which set aside a portion of the parcel as open space.
- *County of Los Angeles v. Sahag-Mesrob Armenian Christian School*. Provide trial and legal oversight in RLUIPA suit.

### **California Environmental Quality Act ("CEQA")**

- *County of Los Angeles Correctional Facility Projects*. Served as counsel in the environmental review process for two major detention projects: (1) the \$2.2 billion Consolidated Correctional Treatment Facility to replace the Men's Central Jail in downtown Los Angeles (Los Angeles County Board of Supervisors approved the project's budget and certified its environmental impact report in June 2018) and (2) the \$137 million Mira Loma Women's Detention Facility in Lancaster to replace the Century Regional Detention Facility in Lynwood (Los Angeles County Board of Supervisors approved the project's budget and certified its environmental impact report in October 2016).
- *Kinkisharyo Light Rail Vehicle Project, City of Palmdale*. Represented City in administrative processing of approval of light rail vehicle manufacturing and assembly facility for Los Angeles County Metropolitan Transportation Authority. Addressed various CEQA and state and local planning concerns.
- *Cemex v. County of Los Angeles*. Complex civil rights challenge intertwined with issues of preemption on NEPA and CEQA environmental compliance over the County's rejection of a federally funded sand and gravel mining project. The Department of Justice intervened as a plaintiff and the matter was mediated for over a year with a resulting Consent Decree.
- *Cities of Cerritos, Downey and Signal Hills v. Water Replenishment District of Southern California ("WRD"), et al.* Joint defense of WRD, the Long Beach Water Department and the cities of Lakewood, Compton, Vernon, Huntington Park on a CEQA challenge contending that the parties' stipulation to amend a 1965 prior water rights judgment adjudicating pumping rights in one of California's largest water basins was a "project" requiring CEQA review. The Court held that the stipulation simply means that respondents were advocates of the motion to amend, and therefore respondents did not approve the groundwater storage proposal.
- *Hunt v. Los Angeles Local Agency Formation Commission*. Defend LAFCO's environmental documentation in connection with San Fernando Valley secession efforts.

- *City of Santa Clarita v. County of Los Angeles*. CEQA challenge to the Cemex mining project and County's environmental impact report and land use entitlements. U.S. District Judge Matz ruled in the County's favor finding the County's environmental review legally adequate and awarding in excess of \$500,000 in attorneys' fees.
- *City of Whittier - Nelles Facility*. Advise the City of Whittier in connection with the review under the California Environmental Quality Act of the siting of a State Department of Corrections facility within Whittier including coordination of opposition to any Environmental Impact Report including the menu of alternative sites obtaining environmental analysis by the federally appointed receiver.
- *Monterey Hills Investors v. City of Los Angeles*. Defending the City in a CEQA takings challenge where Los Angeles required the developer to prepare a Supplemental Environmental Impact Report.
- *Palmdale Water District v. City of Palmdale*. The Water District filed a petition for writ of mandate and complaint for injunctive relief based on violations of the California Environmental Quality Act and lack of necessary environmental review for a project that involves the installation of a 900-foot 24-inch water pipeline to deliver recycled water for irrigating landscaping at the William J. McAdam Park. Petitioner sought a TRO which was defeated and the entire case dismissed.
- *City of Palmdale v. Palmdale Water District*. The City filed a petition for writ of mandate and complaint for declaratory and injunctive relief against the Water District seeking a peremptory writ of mandate, to vacate and set aside the Water District's approval of the proposed use of water in violation of the constitutional prohibitions on water waste and unreasonable use without CEQA compliance. The City prevailed on its CEQA claim resulting in a stipulated judgment and attorneys' fees payment to the City.
- *County of Los Angeles v. County of Ventura*. Successfully represented County of Los Angeles in CEQA challenge to Ahmanson Ranch Project hazardous waste issues.
- *City of Bakersfield v. Garriott Crop Dusting Co.* State court challenge to contamination of City's airpark parcel resulting from adjacent pesticide user.
- *Southern Insurance Co. v. Garriott Crop Dusting Co.* Declaratory relief action against 20+ insurance carriers and three public entities as to insurance coverage for pesticide contamination.
- *Concerned Citizens of Carlson Park v. City of Culver City*. Represented the City in a citizen suit to stop the conversion of vehicle service bays to a car wash.
- *Palmdale Service Station dba Arco v. City of Palmdale*. Successfully defeated writ petition arising from petitioner's proposed addition of a car wash to its legal non-conforming gas station and convenience store selling alcohol. Petitioner did not file any application for a CUP, site plan review, minor modification or any other application. The City's motion for judgment on the writ was granted. Petitioner failed to exhaust its administrative remedies, failed to demonstrate irreparable harm, and failed to allege a justiciable controversy that is ripe for review.

- *Monreal dba El Dorado Restaurant Bar & Dancing v. City of Palmdale*. Petitioner filed a writ and civil rights challenge over the revocation of certain permits in connection with their restaurant and bar. The El Dorado Club was a legal non-conforming use unless they substantially changed the mode or character of its operation. El Dorado was issued a cease and desist letter as they changed the use to a nightclub. The City successfully defended this action resulting in a dismissal of all claims.
- *Placerita Canyon Property Owners v. Tenneco*. Represented City of Santa Clarita in challenge to County's adoption of negative declaration on cogeneration facility.
- *City of Orange*. Advised City on environmental analysis of roadway extension and EIR certification.
- *Sand Creek v. City of Bakersfield*. Defended the City on challenge to its project rejection and denial of EIR certification.
- *La Cienega Shopping Center v. City of Inglewood*. Defense on a challenge to the denial and environmental analysis of a proposed strip commercial center.

### **Public Records Act, Brown Act and Various Election Matters**

- *Daly v. Board of Supervisors*. Represent the County of San Bernardino in a matter involving the need to employ quo warranto and its companion procedural steps when a challenge is made to the County Board of Supervisors decision on filling a vacant Board seat and related Brown Act issues. In this matter, the County had thirty days over the end-of-year holidays to fill a seat after the prior supervisor was elected to the State Assembly. A politically motivated union challenged the appointment process under the Ralph M. Brown Act via a writ proceeding. On February 19, 2020, the California Supreme Court accepted the County's petition for review. The Court's much-anticipated decision is being closely watched by government entities throughout California that face similar situations and are looking for guidance relating to the Brown Act and the scope of quo warranto proceedings.
- *County of Los Angeles: LA Clippers Arena Litigation*. Represented the Consolidated Oversight Board of the Second District of Los Angeles County, which includes the Inglewood Successor Agency of the Redevelopment Agency, in litigation relating to a dispute over a potential new home for the Los Angeles Clippers. Madison Square Garden Co. (MSG), which owns the Forum, alleged that the City of Inglewood and its mayor tricked MSG into giving up its long-term lease and purchase option on 15 acres of parking space near the Forum because the City and the mayor were allegedly secretly negotiating with the Clippers to build a new and competing arena on that land less than 1.5 miles from the Forum. The lawsuits alleged violations of the Brown Act and the California Environmental Quality Act. The litigation was dismissed when Clippers owner Steve Ballmer completed his \$400-million purchase of the Forum from MSG, thus ending a dispute that started when the Clippers announced their arena project.
- *City of Walnut Creek/SB 1421*. Represented the City of Walnut Creek in one of the first cases involving the question of whether SB 1421, which became effective Jan. 1, 2019, applies to

peace officer personnel records created prior to that date or only to such records created after that date. The City of Walnut Creek received PRA requests from the ACLU and a media coalition that included a request for records created prior to Jan. 1, 2019. The City determined that it should produce the records but the Police Officers Association filed suit to prevent the release of pre-Jan. 1, 2019 records. The trial court's ruling and the appellate court's ruling on a writ of supersedeas found that records created prior to Jan. 1, 2019 are subject to disclosure under the PRA. Meyers Nave positioned the City to avoid potential attorneys' fees relating to the underlying PRA action through a litigation strategy in which the City's legal position was that it had decided to produce the records but was stayed from doing so by the courts. Once the trial court and appellate court stays were lifted, the City began producing records.

- *Moreno Valley Corruption Investigation*. Deborah led the Meyers Nave team that assisted the City in this major government corruption investigation of the Mayor and every member of the City Council. The investigation was conducted by a joint federal and state task force involving the FBI, the IRS criminal investigative division, and the District Attorney's office. This involved use of e-discovery to cull through 500,000+ pages of documents from City departments, councilmembers' email accounts, and various City defendants.
- *Los Angeles Times v. Los Angeles Memorial Coliseum Commission*. Successfully defended the Los Angeles Memorial Coliseum and its Commission in high-profile litigation alleging Brown Act and California Public Records Act violations related in part to the Commission's negotiations with the University of Southern California over a long-term lease for the Coliseum.
- *AES Redondo Beach, LLC v. City of Redondo Beach, et al.* AES, a multi-national power company, challenged the language of the City's Ballot Measure UU and the City Attorney's Impartial Analysis, and the Argument in Favor of the Measure. Measure UU sought voter approval to amend the existing Telephone, Gas, Electricity, Water, and Video Users' Tax ("UUT") to eliminate the UUT exclusion for natural gas used in conducting the business of a utility.
- *City of Bell v. Robert Rizzo et al.* Deborah oversaw and coordinated various defense cases and pursued the cross-complaint claims against former CEO Robert Rizzo based on causes of action for intentional misrepresentation, breach of the covenant of good faith and fair dealing, violation of Government Code § 1090, rescission and restitution of money wrongfully obtained. She also headed the effort to coordinate the electronic data sought by a number of investigative agencies including the IRS, SEC, District Attorney and State Controller, and others.
- *Rogers v. Superior Court (City of Burbank)*. Successfully defended Public Records Act challenge by local newspaper columnist's request for cellular telephone bills of various councilmembers resulting in a published decision.
- *City of Rancho Santa Margarita v. County of Orange*. Represent the newly incorporated City in a dispute as to the County's failure to transfer over 400 acres of the Chiquita Ridge as required under the LAFCO terms of incorporation.
- *Arnel Retail Group v. City of Huntington Beach*. Challenge to the validity of a voter initiative seeking to preclude a Wal-Mart on surplus school site.

- *Vezie v. City of Oceanside*. Represented the City in challenge to placing referendum petition on the ballot.
- *City of Santa Fe Springs*. Represented the City in an election contest challenging the sufficiency of absentee ballots.
- *Riverside Tomorrow v. City of Riverside*. Defense of City's rejection of referendum petition.

## **Housing Elements/Growth Management and Other Housing Issues**

- *Negotiations with Department of Finance (DOF)*. Deborah headed the team of attorneys at Meyers Nave enlisted to address the myriad of issues in the demise of redevelopment agencies. She established an enviable record of saving successor agencies more than \$50 million in a wide range of complex matters, including the enforceability of contracts, the distribution of agency funds, and the future of properties owned by RDAs. The relationship she cultivated with the head of the legal team at DOF was invaluable at resolving these matters without the need for litigation.
- *Fair Housing Issues*. Provide legal guidance to the County of San Bernardino on sober living facilities including drafting zoning provisions and evaluating potential code enforcement actions against variety of facilities licensed and unlicensed.
- *Leonard Woods, etc. v. Alexandria Housing Partners, et al.* Represented the Community Redevelopment Agency of the City of Los Angeles ("CRA/LA") in a federal court action relating to an "in place" rehabilitation of a residential hotel that housed low income and disabled tenants. Deborah brokered a comprehensive settlement resulting in completion of the project adding valuable housing stock to the core downtown project area.
- *JSM Rivara v. Community Redevelopment Agency of Los Angeles*. Writ petition and complaint for declaratory relief, denial of due process, inverse condemnation and denial of equal protection relating to adoption of Design Guidelines and global attack on powers of RDA and density bonus provisions. The Court of Appeal, in a published opinion affirmed the trial court in full. The landmark case clarified the extent of redevelopment agencies' authority to impose design and development controls, as well as the application of state density bonus requirements in redevelopment areas.
- *Signal Landmark, Inc. v. City of Escondido*. Challenge to Escondido's interim growth ordinance, inverse claims, and related issues on validity of development agreements.
- *College Park v. City of Palmdale*. Provide legal advice and CEQA review relating to revisions of the zoning and Specific Plan for the College Park area of the City. Includes review of the General Plan, zoning and environmental analysis for new land use menu after expiration of a moratorium and defense of writ and takings challenges from a failed Specific Plan.
- *Chino Lamplighter v. City of Chino*. Defend City in a civil rights and takings challenge to a mobile home park that is predominately low income. Plaintiff seeks to convert this "for rent" park into "for sale" lots.

- *Building Industry Association of San Diego v. Superior Court (City of Oceanside)* (1989) 211 Cal.App.3d 277; *Ivey Ranch Technology Park, Inc. v. City of Oceanside*; *Lemont Financial Corporation v. City of Oceanside*; *Ranch Development Corp. v. City of Oceanside*; *Del Oro Hills v. City of Oceanside* (trial court cases). Defense of City's managed growth ordinance initiative.
- *Long Beach Equities v. County of Ventura (City of Simi Valley)* (1991) 231 Cal.App.3d 1016; *CoastFed v. City of Simi Valley*; and *Griffin Homes, Inc. v. City of Simi Valley*. Challenges to City's growth management measure.
- *CoastFed v. City of Simi Valley*. Defense of Simi Valley's growth management measure.
- *City of Garden Grove v. City of Anaheim*. Represented Garden Grove in challenge to specific plan, environmental analysis, and regional general welfare.
- *City of Rancho Mirage v. County of Riverside*. Represented City in two separate challenges to the County's environmental analysis and challenge on its failure to accommodate regional needs on two major commercial projects.
- *Garat v. City of Riverside* (1991) 2 Cal.App.4th 259. Handled the seminal case involving state planning law and dictates of internal consistency as to Riverside's General Plan.

## Coastal Issues and Sensitive Lands

- *Hagopian v. California Coastal Commission*. Successfully defended Los Angeles County on a complex coastal issue in the Santa Monica Mountains. The landowners built numerous structures without coastal development permits (cdp). Challenge to the proper permit-enforcement agency, and the need to complete and certify a Local Coastal Program, or LCP.
- *Malibu Canyon Continental Communities, L.P. v. County of Los Angeles*. Successful defense of writ and inverse action over rejected development project in sensitive ecological area that serves as the gateway to Calabasas area in Santa Monica Mountains. Summary adjudication successfully defeated takings claim; writ ruling in County's favor resulted in total victory for the County. Affirmed in full by the Court of Appeal.
- *Building a Better Redondo v. City of Redondo Beach*. The City of Redondo Beach approved a coastal zone ordinance intended to be part of the local coastal program, which involved intensive commercial and condominium development. A charter amendment was enacted requiring any "major change in allowable land use" to be approved by City voters. The City contended that the local coastal program was inapplicable since it predated the charter amendment.
- *County of Los Angeles*. Legal review and drafting of amendment to the County's Santa Monica Mountains Plan (ridgeline ordinance) and successful defense of same in resulting legal challenges.
- *Gregg Development, Inc., Oakmont View, LLC v. City of Glendale, Glendale City Council*. Legal defense of the City's EIR alleging that the environmental analysis must be completed within one year. Successful settlement with preservation of extensive lands within the Verdugo Mountains.



- *Project Planners v. City of Oceanside*. Settled lawsuit relating to hillside residential development through mediation.
- *Homes by Polygon v. City of Glendale*. Regulatory inverse condemnation action involving City's adoption of hillside ordinance. Successfully obtained rulings on summary judgment and various motions in limine. Plaintiff sought review of pre-trial motions to California Supreme Court in the wake of the *Monterey Dunes* decision. City prevailed and case then settled.
- *Keyoto-Morro Bay, Inc. v. City of Morro Bay*. State and federal court challenges involving interim urgency ordinances and amendments to the City's Local Coastal Plan.
- *City of Duarte*. Drafted a ballot measure providing for a special tax to provide for the preservation of hillside properties.

### **Direct and Inverse Condemnation Actions**

- *City of Glendale, Municipal Transit District*. Assistance on a multi-faceted Transit Center Project. Handled numerous eminent domain matters involving 20 plus parcels with 30 plus businesses. Assisted in pre-litigation settlements, advice on relocation plan, guidelines and environmental analysis, and handled litigation including goodwill valuation trial.
- *County of Santa Barbara: Thomas Fire and Montecito Debris Flow Litigation*. Currently represent the County of Santa Barbara in a dispute with Southern California Edison (SCE) regarding potential liability for the 2017 Thomas Fire and subsequent Montecito debris flow. In a Master Cross Complaint, SCE sued various public entities, including the County of Santa Barbara, alleging that "negligent acts and omissions of the public entities" contributed to or exacerbated the injuries, deaths and multi-million dollar losses incurred by plaintiffs that are suing SCE for causing the fire. The matter includes 200 lawsuits, 3000 plaintiffs, and 70 plaintiff law firms asserting billions of dollars of liability against the County.
- *Celebron v. City of Palmdale, et al., Simmons v. Palmdale, and Faulk v. Palmdale*. Defending the City of Palmdale in an action brought by more than 30 plaintiffs as a result of a storm in the Fall of 2015 that caused substantial flash flooding damage. The storm was rated to have a "return frequency" of 1000 years and simply overwhelmed the City's public improvements. Successfully negotiated the dismissal of Palmdale from the *Simmons* case prior to filing a demurrer, and filed a dispositive motion seeking the dismissal of the City based on the magnitude of this epic storm and a separate motion for summary judgment asserting the storm was an intervening factor that broke the causal chain for liability.
- *Vadnais v. Cambria Community Services District*. Civil rights and inverse challenge to the District's allocation of water allotments for multi-family units. Successfully demurred to the second amended complaint and motion to strike under the anti-SLAPP statute.
- *City of Santa Ana v. Koh; Koh v. City of Santa Ana*. Direct and inverse condemnation actions on billboard taking for street widening project.
- *Burbank Redevelopment Agency*. Represented Agency in several condemnation actions involving the direct take of parking rights and miscellaneous lease agreements.

- *City of Alhambra v. Southern Pacific Transportation Co.* Consolidated six-week condemnation trial on valuation of temporary damages in connection with railroad separation project and road widening.
- *Baldwin Park and Alhambra Redevelopment Agencies.* Advised and assisted in 50+ condemnation actions.
- *Baldwin Park Redevelopment Agency v. Thrifty Oil.* Condemnation of service station with leaking underground storage tanks. Valuation issues on necessary soil remediation.
- *Malibu Canyon Continental Communities, L.P. v. County of Los Angeles.* Successful defense of writ and inverse action over rejected development project in sensitive ecological area that serves as the gateway to Calabasas area in Santa Monica Mountains. Affirmed in full by the Court of Appeal.
- *City of Glendale v. Superior Court (Giovannetto Enterprises).* Direct condemnation action with cross-complaint for breach of lease. Successful writ action precluding contract damages in condemnation action.
- *Angeleno-Golden Mall Associates v. City of Burbank.* Defended City/ Agency on inverse and related constitutional challenges from a failed redevelopment project.
- *Stayden v. City of Burbank.* Defense from failed redevelopment project and claimed Klopping damages.
- *Lion's Lair v. County of Riverside.* Complex inverse case contending the County's secondary fire access requirement was invalid.
- *City of Santa Ana v. Chief Auto Parts.* Direct condemnation action on billboard taking for street widening project.
- *City of Santa Ana v. Kassabian.* Direct condemnation action on billboard taking for street widening project.
- *City of Camarillo v. Southern Pacific Industrial Development Co.* Three-week trial of a consolidated direct and inverse condemnation action. Successfully obtained a judgment notwithstanding the verdict.
- *T&W Converters v. City of Glendale.* Represented the City in an inverse condemnation by a tenant arising out of Municipal Transit Center Project.
- *Baker v. County of Los Angeles.* Federal court action involving a myriad of civil rights and takings challenges from a suspension of a plot plan in the Santa Monica Mountains area. Case also includes 12 individually named defendants and assertions of improper delay resulting in a temporary taking.
- *Tensor Group, Ltd. v. City of Glendale.* Successfully defended City in temporary takings challenge alleging adoption of illegal moratorium.
- *Stayden v. City of Burbank.* Represented the City and its Agency on *Klopping* challenge involving a failed disposition and development agreement.

- *Jeffrey Forward and Elisabeth Howard v. Los Angeles County, et al.* Defended the County against complaints of negligence, nuisance, infliction of emotional distress, interference with prospective economic advantage and inverse condemnation. The plaintiffs, who lost their theater arts property due to a foreclosure, sought over \$12.5 million in damages. On behalf of the County, we filed a demurrer, which was sustained by a trial court and affirmed in its entirety by the Court of Appeal.
- *Colusa Riverbend Estates, L.P. v. City of Colusa, et al.* Defending the City of Colusa in a lawsuit involving violation of civil rights for procedural due process and inverse condemnation while working with the developer to achieve a settlement that allows the City to re-consider the project. After the City of Colusa certified a Master Environmental Impact Report and General Plan Update, developer Riverbend Estates applied for a planned development of single family and multi-family homes. The City prepared a mitigated negative declaration for the project. The Planning Commission recommended the City Council reject the application. After public hearings, the City Council adopted a motion requiring an Environmental Impact Report on the project and rejecting the mitigated negative declaration, based on concerns regarding water quality and drainage/seepage issues. Riverbend Estates filed a petition for writ of mandate to have the project proceed pursuant to the mitigated declaration.

## **Post-Redevelopment**

- *City of Moreno Valley v. California Department of Finance.* Represented the City and its Successor Agency in a petition for writ of mandate relating to an affordable housing project. The Department of Finance recognized the \$3.6 million obligation.
- *City of Moreno Valley v. March Air Force Base.* Represent the City and its Successor Agency in a petition for writ of mandate relating to a Joint Powers Authority agreement to reuse the former March Air Force Base as a medical facility.
- *City of National City.* Represented the City and its Successor Agency in negotiations with the Department of Finance's demand for \$6.1 million relating to the low and moderate DDR review. DOF accepted a final payment of \$572,000.
- *City of Vista.* Represented the City and its Successor Agency in negotiating a settlement with the Department of Finance relating to the Other Funds and Accounts Due Diligence Review. This negotiation concluded with a reduced demand by \$21.4 million.
- *El Cerrito v. California Department of Finance (El Cerrito II).* Represent the City and its Successor Agency in a petition for writ of mandate relating to a Cooperation Agreement entered into regarding \$156 million in redevelopment projects including transfers of cash and real property assets.
- *City of Livingston v. California Department of Finance.* Represent the City and its Successor Agency in a petition for writ of mandate arising from loan agreements from 1985 and future loan obligations.

- *City of Union City v. California Department of Finance*. Represent the City and its Successor Agency in a petition for writ of mandate relating to 2011 Bond proceeds, major infrastructure projects and reentered agreements.
- *City of Petaluma v. California Department of Finance (Petaluma I)*. Represent the City and its Successor Agency in a petition for writ of mandate relating to 2011 Bond proceeds, Old Redwood Highway and East Washington highway projects.
- *City of Petaluma v. California Department of Finance (Petaluma II)*. Represent the City and its Successor Agency in a petition for writ of mandate relating to 2011 Bond proceeds and a Rainier Highway project.
- *City of Pinole v. California Department of Finance*. Represent the City and its Successor Agency in a petition for writ mandate arising out of issues relating to transfer of non-housing properties and a subsequent validation action.
- *City of San Leandro v. California Department of Finance (San Leandro I)*. Represent the City and its Successor Agency in a petition for writ mandate arising out of disputed true up payments.
- *City of San Leandro v. California Department of Finance (San Leandro II)*. Represented the City and its Successor Agency in a petition for writ mandate arising out of low and moderate housing project subject to an OPA and loan agreement totaling \$11 million. Successfully negotiated a Settlement Agreement with the DOF.
- *City of San Leandro California Department of Finance (San Leandro III)*. Represent the City and its Successor Agency in a petition for writ mandate arising out of DOF's demand to reverse transactions (loan payments) and reentered agreements.
- *City of Fresno v. Oversight Board*. Represented the City of Fresno in a suit filed against the Oversight Board for the Successor Agency of the Redevelopment Agency of the City of Fresno. Obtained a writ of mandate clarifying the appointment of oversight board membership.

## Employment

- *Mark Uffer v. County of San Bernardino, et al.* Obtained a favorable settlement on behalf of the County in an employee termination lawsuit regarding the County's highest paid unelected position, the County Administrative Officer. The plaintiff held the position for approximately five years and reported directly to the County's Board of Supervisors. The Board voted to terminate the plaintiff's employment and plaintiff asserted various whistleblower related claims that the County fired him because he had disclosed to a grand jury information that he believed revealed a violation of state law (Brown Act) in the conduct of County business. The County asserted that the plaintiff was released as a high-level, at-will employee on a "no cause" basis pursuant to the County's procedures.
- *Multi-Practice Specialty Medical Group*. Currently defending a multi-practice specialty medical group in Contra Costa County Superior Court in litigation filed by a former Human Resources Director alleging retaliation, failure to prevent retaliation, violation of Labor Code sections

1102.5 and 6310, and adverse employment action in violation of public policy. The one-year employee claims unlawfully termination relating to complaining about violations of labor laws, hostile work environment, suspicious financial documents, employee drug use, supervisors violating HIPAA, and unsafe work environment.

## **Americans with Disabilities Act**

- *SG v. City of Los Angeles*. Defending the City of Los Angeles in a purported class action litigation relating to a mixed-use land development project adjacent to an elementary school. The case involves claims of civil rights violations regarding discrimination under the ADA and Section 1983 for children attending the elementary school, including a significant hearing-impaired student population.
- *Evans v. Bird Rides, et al.* and *Machowski v. Bird Rides, et al.* Represented the City of Walnut Creek and the City of Riverside in federal ADA class action litigation regarding shared mobility devices (electric scooters and electric bicycles) in public rights of way. Plaintiffs alleged that shared mobility device users ride too fast and improperly park or ride the devices in the public pedestrian rights of way, and that shared mobility devices obstruct access on sidewalks, crosswalks and curb ramps. Successfully obtained dismissals of both public entities at the early stage of these federal proceedings through motions to dismiss filed in the Northern and Central Districts. Also advised the City of Riverside on its pilot ordinance regarding shared mobility devices.
- *Betsworth v. County of San Bernardino*. Represented the County in federal court litigation involving the ADA, and specifically the issue of whether County Hospital medical personnel provided effective communication to hearing impaired individuals who were treated at the Hospital. Settled the case, with the plaintiff and with the Department of Justice, on terms beneficial to the County.
- *Munson v. San Bernardino County*. Plaintiff, a paraplegic, alleges in a federal action that he was denied on-street parking accessibility to a store because the County failed to install an angled parking space and curb ramp that would enable him to access the store. Settled the case to the benefit of the County.
- *Willits, et al. v. City of Los Angeles*. Represented the City of Los Angeles in one of the largest class action disability lawsuits in the state. Plaintiffs filed several lawsuits seeking to compel the City to install curb cuts and undertake sidewalk repairs throughout the City. The case also involved substantial motion practice, roughly two dozen depositions and two appeals before the Ninth Circuit.

## **Joint Powers Insurance**

- *City of Laguna Hills v. Southern California Joint Powers Insurance Authority*. Obtained judgment of \$800,000 and affirmed by the Court of Appeal against a joint powers pooling entity for recovery of the City's fees in major land use dispute with the Mission Viejo Company.

- *City of South El Monte v. Southern California Joint Powers Insurance Authority*. Authored an amicus brief filed on behalf of several cities explaining the contractual relationship between the joint powers insurance authorities and their member cities.

### **Fees, Taxes and Licensing**

- *Sipple v. City of Alameda*. Represented six California cities that (among over 100 other cities and counties) were sued for a refund of taxes by several individuals and New Cingular Wireless on behalf of individual Internet service users. New Cingular, which for several years had erroneously charged its customers taxes on Internet access and passed the proceeds onto the defendant local agencies, later filed administrative claims to have the taxes refunded. After the plaintiffs sued, several test demurrers were filed on the grounds that New Cingular and the individual plaintiffs lacked standing to litigate the matter. The trial court granted the cities' demurrer, without leave to amend, as to all plaintiffs. On appeal, the appellate court affirmed the trial court's ruling as to the individual plaintiffs, but reversed and remanded the matter as to New Cingular. Our clients were the Cities of Desert Hot Springs, Downey, El Cerrito, Pasadena, Pinole and San Leandro.

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