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15 Attorneys for Plaintiffs

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF LOS ANGELES**

18 PICO NEIGHBORHOOD ASSOCIATION and
19 MARIA LOYA,

20 Plaintiffs,

21 v.

22 CITY OF SANTA MONICA, and DOES 1
through 100, inclusive,

23 Defendants.
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CASE NO. BC616804

CORRECTED [PROPOSED] JUDGMENT

Dept.: 28

[Assigned to the Honorable Yvette Palazuelos]

1 This cause came on for trial pursuant to notice and order of the Court on August 1, 2018, in
2 Department 28 of the Los Angeles Superior Court, Hon. Yvette M. Palazuelos, judge presiding. The
3 trial concluded on September 13, 2013. Plaintiffs, Maria Loya and Pico Neighborhood Association,
4 appeared through their attorneys of record: Kevin I. Shenkman and Andrea Alarcon of Shenkman &
5 Hughes PC; R. Rex Parris and Ellery Gordon of the Parris Law Firm; Milton Grimes and Robert
6 Rubin. Defendant, City of Santa Monica, California, appeared through its attorneys of record:
7 Marcellus McRae, Kahn Scolnick, Tiaunia Henry, Daniel Adler and Michelle Maryott of Gibson
8 Dunn & Crutcher LLP and George Cardona of the Santa Monica City Attorney’s Office.

9 At the conclusion of the trial on September 13, 2018, the parties submitted briefing in lieu of
10 closing statements. On November 8, 2018, this Court issued its Tentative Decision, finding in favor
11 of Plaintiffs on both of their causes of action: 1) violation of the California Voting Rights Act of 2001
12 (“CVRA”); and 2) violation of the Equal Protection Clause of the California Constitution. Defendant
13 requested a Statement of Decision on November 15, 2018. On November 8, 2018, this Court also
14 ordered the parties to address proposed remedies through briefing and at a hearing on December 7,
15 2018. At that hearing, in addition to the counsel who appeared at the August 1 – September 13, 2018
16 trial, Theodore Boutrous of Gibson Dunn & Crucher LLP appeared on behalf of Defendant. On
17 December 12, 2018, this Court issued a First Amended Tentative Decision, prohibiting Defendant
18 from employing any further at-large elections for any seats on its city council and ordered that all
19 future elections for any seats on Defendant’s city council shall be district-based elections (as defined
20 by the CVRA) in accordance with the map attached thereto. On December 12, 2018 this Court also
21 directed Plaintiffs to prepare a proposed judgment for this Court. On January 2, 2019, this Court
22 provided further clarification of its First Amended Tentative Decision, specifically regarding the
23 selection of appropriate remedies.

24 After hearing and considering all of the testimony, evidence and arguments presented, and
25 having issued its Statement of Decision, the Court now enters its Judgment in the above-captioned
26 case.

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1 The Court finds as follows:

2 1. Plaintiff Maria Loya is registered to vote, and resides within the City of Santa Monica,
3 California. She is a member of a “protected class” as that term is defined in California Elections
4 Code Section 14026. Plaintiff, Pico Neighborhood Association is an organization with members
5 who, like Maria Loya, reside in Santa Monica, are registered to vote, and are members of a protected
6 class. Plaintiff Pico Neighborhood Association’s organizational mission is germane to the subject of
7 this case – namely, advocating for the interests of Pico Neighborhood residents, including to the city
8 government, where Latinos are concentrated in Santa Monica.

9 2. Defendant is a political subdivision as that term is defined in California Elections Code
10 Section 14026. The governing body of Defendant is the City Council of Santa Monica, California.
11 The City Council of Santa Monica, California is elected by an “at large method of election” as that
12 term is defined in California Elections Code Section 14026.

13 3. Plaintiffs have demonstrated that elections in Santa Monica, namely elections for
14 Defendant’s city council involving at least one Latino candidate, are consistently and significantly
15 characterized by “racially-polarized voting” as that term is defined in California Elections Code
16 Section 14026.

17 • Analyzing elections over the past twenty-four years, a consistent pattern of racially-
18 polarized voting emerges. In most elections where the choice is available, Latino voters strongly
19 prefer a Latino candidate running for Defendant’s city council, but, despite that support, the preferred
20 Latino candidate loses. As a result, though Latino candidates are generally preferred by the Latino
21 electorate in Santa Monica, only one Latino has been elected to the Santa Monica City Council in the
22 72 years of the current election system – 1 out of 71 to serve on the city council.

23 • Though not necessary to show a CVRA violation, Plaintiffs have also demonstrated
24 other factors supporting the finding of a violation of the CVRA, pursuant to Elections Code section
25 14028(e), including a history of discrimination in Santa Monica; the use of electoral devices or other
26 voting practices or procedures that may enhance the dilutive effects of at-large elections; that Latinos
27 in Santa Monica bear the effects of past discrimination in areas such as education, employment, and
28 health, which hinder their ability to participate effectively in the political process; the use of overt or

1 subtle racial appeals in political campaigns; and a lack of responsiveness by the Santa Monica city
2 government to the Latino community concentrated in the Pico Neighborhood.

3 4. In the face of racially polarized voting patterns of the Santa Monica electorate, Defendant
4 has imposed an at-large method of election in a manner that impairs the ability of Latinos to elect
5 candidates of their choice or influence the outcome of elections, as a result of the dilution or the
6 abridgment of the rights of Latino voters.

7 5. The City of Santa Monica amended its charter in 1946, adopting its current council-
8 manager form government and current at-large election system. The precise terms of that charter
9 amendment, and specifically the form of elections to be employed, were decided upon by a Board of
10 Freeholders. In 1992, Defendant's city council rejected the recommendation of the Charter Review
11 Committee to scrap the at-large election system. In each instance, the adoption and/or maintenance
12 of at-large elections was done with a discriminatory purpose, and has had a discriminatory impact.

13 6. The CVRA does not require the imposition of district-based elections. The Court
14 considered cumulative voting, limited voting and ranked choice voting as potential remedies to
15 Defendant's violation of the CVRA. Plaintiffs presented these at-large alternatives for the Court's
16 consideration, but both Plaintiffs and Defendant agreed that the most appropriate remedy would
17 indeed be a district-based remedy. While the Court finds that each of these alternatives would
18 improve Latino voting power in Santa Monica, the Court finds that the imposition of district-based
19 elections is an appropriate remedy to address the effects of the established history of racially-
20 polarized voting.

21 7. During the trial, Plaintiffs' expert presented a district plan. That district plan included a
22 district principally composed of the Pico Neighborhood, where Santa Monica's Latino community is
23 concentrated. Districts drawn to remedy a violation of the CVRA should be nearly equal in
24 population, and should not be drawn in a manner that may violate the federal Voting Rights Act.
25 Other factors may also be considered -- the topography, geography and communities of interest of the
26 city should be respected, and the districts should be cohesive, contiguous and compact. *See* Elections
27 Code Section 21620. Districts drawn to remedy a violation of the CVRA should not be drawn to
28 protect current incumbents. Incumbency protection is generally disfavored in California. (*See*

1 California Constitution Art. XXI Section 2(e)). The place of residence of incumbents or political
2 candidates is not one of the considerations listed in Section 21620 of the Elections Code. Race
3 should not be a predominant consideration in drawing districts unless necessary to remedy past
4 violation of voting rights. The district plan presented by Plaintiffs' expert properly takes into
5 consideration the factors of topography, geography, cohesiveness, contiguity and compactness of
6 territory, and community of interest of the districts, and race was not a predominant consideration.

7 8. The current members of the Santa Monica City Council were elected through unlawful
8 elections. The residents of the City of Santa Monica deserve to have a lawfully elected city council
9 as soon as is practical. The residents of the City of Santa Monica are entitled to have a council that
10 truly represents all members of the community. Latino residents of Santa Monica, like all other
11 residents of Santa Monica, deserve to have their voices heard in the operation of their city. This can
12 only be accomplished if all members of the city council are lawfully elected. To permit some
13 members of the council to remain who obtained their office through an unlawful election may be a
14 necessary and appropriate interim remedy but will not cure the clear violation of the CVRA and
15 Equal Protection Clause.

16 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
17 Defendant has violated the California Voting Rights Act (California Elections Code Sections 14025 –
18 14032).

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant's plurality
20 at-large elections for its City Council violate Elections Code Sections 14027 and 14028.

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant has violated
22 the Equal Protection Clause of the California Constitution (California Constitution, Article I Section
23 7).

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant's plurality
25 at-large elections for its City Council violate the Equal Protection Clause of the California
26 Constitution.

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1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant is
2 permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any further at-
3 large elections, and/or the results thereof, for any positions on its City Council.

4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant is
5 permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any elections,
6 and/or the results thereof, for any positions on its City Council, except an election in conformity with
7 this judgment.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all further elections,
9 from the date of entry of this judgment for any seats on the Santa Monica City Council, shall be
10 district-based elections, as defined by the California Voting Rights Act, in accordance with the map
11 attached hereto as Exhibit A. The metes and bounds of each district, as depicted in the map attached
12 as Exhibit A, are described using TIGER line segments (used to define census block geography) as
13 follows:

14 District #1

15 The region bounded and described as follows:

16 Beginning at the point of intersection of Alley between Princeton and Harvard and Broadway, and
17 proceeding southerly along Alley between Princeton and Harvard to Colorado Ave, and proceeding
18 easterly along Colorado Ave to Stewart St, and proceeding southerly along Stewart St to Olympic
19 Blvd, and proceeding southerly along Olympic Blvd to the eastern City Boundary, and proceeding
20 southerly along the eastern City Boundary to Pico Blvd, and proceeding westerly along Pico Blvd to
21 22nd St, and proceeding southerly along 22nd St to Pico Place South, and proceeding westerly along
22 Pico Place South to 20th St, and proceeding northerly along 20th St to Pico Blvd, and proceeding
23 westerly along Pico Blvd to Lincoln Blvd, and proceeding northerly along Lincoln Blvd to
24 Broadway, and proceeding easterly along Broadway to 9th Court, and proceeding northerly along 9th
25 Court to Santa Monica Blvd, and proceeding easterly along Santa Monica Blvd to 16th St, and
26 proceeding southerly along 16th St to Broadway, and proceeding easterly along Broadway to 17th
27 Court, and proceeding southerly along 17th Court to Colorado Ave, and proceeding easterly along

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1 Colorado Ave to 19th Court, and proceeding northerly along 19th Court to Broadway, and
2 proceeding easterly along Broadway to the point of beginning.

3 District #2

4 The region bounded and described as follows:

5 Beginning at the point of intersection of eastern City Boundary and Pico Blvd, and proceeding
6 southerly along eastern City Boundary to the southern City Boundary, and proceeding westerly along
7 the southern City Boundary to 11th St, and proceeding northerly along 11th St to Marine Place North,
8 and proceeding westerly along Marine Place North to Alley east of Lincoln Blvd, and proceeding
9 westerly along Alley east of Lincoln Blvd to Pier Ave, and proceeding northerly along Pier Ave to
10 Lincoln Blvd, and proceeding northerly along Lincoln Blvd to Hill Place North, and proceeding
11 easterly along Hill Place North to 11th St, and proceeding northerly along 11th St to Pico Blvd, and
12 proceeding easterly along Pico Blvd to 20th St, and proceeding southerly along 20th St to Pico Place
13 South, and proceeding easterly along Pico Place South to 22nd St, and proceeding northerly along
14 22nd St to Pico Blvd, and proceeding easterly along Pico Blvd to the point of beginning.

15 District #3

16 The region bounded and described as follows:

17 Beginning at the northernmost point of City Boundary, and proceeding southeasterly along City
18 Boundary to Montana Ave, and proceeding westerly along Montana Ave to 20th St, and proceeding
19 southerly along 20th St to Idaho Ave, and proceeding westerly along Idaho Ave to 9th St, and
20 proceeding northerly along 9th St to Montana Ave, and proceeding westerly along Montana Ave to
21 Montana Ave Extension (the line reflecting an extension of Montana Avenue to the western City
22 Boundary), and proceeding westerly along Montana Ave Extension to the western City Boundary,
23 and proceeding northerly along the western City Boundary to the northern City Boundary, and
24 proceeding easterly along the northern City Boundary to the point of beginning.

25 District #4

26 The region bounded and described as follows:

27 Beginning at the City Boundary at the intersection of Montana Ave and 26th St, and proceeding
28 easterly along the northern City Boundary to the eastern City Boundary, and proceeding southerly

1 along the eastern City Boundary to Olympic Blvd, and proceeding westerly along Olympic Blvd to
2 Stewart St, and proceeding northerly along Stewart St to Colorado Ave, and proceeding westerly
3 along Colorado Ave to Alley between Princeton and Harvard, and proceeding northerly along Alley
4 between Princeton and Harvard to Broadway, and proceeding westerly along Broadway to Princeton
5 St, and proceeding northerly along Princeton St to Santa Monica Blvd, and proceeding westerly along
6 Santa Monica Blvd to Chelsea Ave, and proceeding northerly along Chelsea Ave to Wilshire Blvd,
7 and proceeding westerly along Wilshire Blvd to 17th St, and proceeding northerly along 17th St to
8 Idaho Ave, and proceeding easterly along Idaho Ave to 20th St, and proceeding northerly along 20th
9 St to Montana Ave, and proceeding easterly along Montana Ave to the point of beginning.

10 District #5

11 The region bounded and described as follows:

12 Beginning at the point of intersection of Chelsea Ave and Wilshire Blvd, and proceeding southerly
13 along Chelsea Ave to Santa Monica Blvd, and proceeding easterly along Santa Monica Blvd to
14 Princeton St, and proceeding southerly along Princeton St to Broadway, and proceeding westerly
15 along Broadway to 19th Court, and proceeding southerly along 19th Court to Colorado Ave, and
16 proceeding westerly along Colorado Ave to 17th Court, and proceeding northerly along 17th Court to
17 Broadway, and proceeding westerly along Broadway to 16th St, and proceeding westerly along 16th
18 St to Santa Monica Blvd, and proceeding westerly along Santa Monica Blvd to 9th Court, and
19 proceeding southerly along 9th Court to Broadway, and proceeding westerly along Broadway to 7th
20 St, and proceeding northerly along 7th St to Wilshire Blvd, and proceeding easterly along Wilshire
21 Blvd to Lincoln Blvd, and proceeding northerly along Lincoln Blvd to Montana Ave, and proceeding
22 easterly along Montana Ave to 9th St, and proceeding southerly along 9th St to Idaho Ave, and
23 proceeding easterly along Idaho Ave to 17th St, and proceeding southerly along 17th St to Wilshire
24 Blvd, and proceeding easterly along Wilshire Blvd to the point of beginning.

25 District #6

26 The region bounded and described as follows:

27 Beginning at the point of intersection of Lincoln Blvd and Montana Ave, and proceeding southerly
28 along Lincoln Blvd to Wilshire Blvd, and proceeding westerly along Wilshire Blvd to 7th St, and

1 proceeding southerly along 7th St to Broadway, and proceeding easterly along Broadway to Lincoln
2 Blvd, and proceeding southerly along Lincoln Blvd to Bay St, and proceeding westerly along Bay St
3 to 6th St, and proceeding northerly along 6th St. to Bay St, and proceeding westerly along Bay St to
4 Ocean Front Walk, and proceeding northerly along Ocean Front Walk to Pico Blvd Extension (the
5 line reflecting an extension of Pico Blvd to the western City Boundary), and proceeding westerly
6 along Pico Blvd Extension to the western City Boundary, and proceeding northerly along the western
7 City Boundary to Montana Ave Extension (the line reflecting an extension of Montana Ave to the
8 western City Boundary), and proceeding easterly along Montana Ave Extension to Montana Ave, and
9 proceeding easterly along Montana Ave to the point of beginning.

10 District #7

11 The region bounded and described as follows:

12 Beginning at the point of intersection of 11th St and Pico Blvd, and proceeding southerly along 11th
13 St to Hill Place North, and proceeding westerly along Hill Place North to Lincoln Blvd, and
14 proceeding southerly along Lincoln Blvd to Pier Ave, and proceeding easterly along Pier Ave to
15 Alley east of Lincoln Blvd, and proceeding southerly along Alley east of Lincoln Blvd to Marine
16 Place North, and proceeding easterly along Marine Place North to 11th St, and proceeding southerly
17 along 11th St to the southern City Boundary, and proceeding westerly along the southern City
18 Boundary to the western City Boundary, and proceeding northerly along the western City Boundary
19 to Pico Blvd Extension (the line reflecting an extension of Pico Blvd to the western City Boundary),
20 and proceeding easterly along Pico Blvd Extension to Ocean Front Walk, and proceeding southerly
21 along Ocean Front Walk to Bay St, and proceeding easterly along Bay St to 6th St, and proceeding
22 southerly along 6th St to Bay St, and proceeding easterly along Bay St to Lincoln Blvd, and
23 proceeding northerly along Lincoln Blvd to Pico Blvd, and proceeding easterly along Pico Blvd to
24 the point of beginning.

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall hold a
26 district-based special election, consistent with the district map attached as Exhibit A, on July 2, 2019
27 for each of the seven seats on the Santa Monica City Council, and the results of said special election
28 shall be tabulated and certified in compliance with applicable sections of the Elections Code.

1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any person, other than
2 a person who has been duly elected to the Santa Monica City Council through a district-based
3 election in conformity with this judgment, is prohibited from serving on the Santa Monica City
4 Council after August 15, 2019.

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Court retains
6 jurisdiction to interpret and enforce this judgment and to adjudicate any disputes regarding
7 implementation or interpretation of this judgment.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to Elections
9 Code Section 14030 and Code of Civil Procedure Section 1021.5, Plaintiffs are the prevailing and
10 successful parties and are entitled to recover reasonable attorneys' fees and costs, including expert
11 witness fees and expenses, in an amount to be determined by noticed motion for an award of
12 attorneys' fees and a memorandum of costs for an award of costs, including expert witness fees and
13 expenses.

14
15 The Clerk is directed to enter this Judgment.

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17 Dated: _____

18 _____
19 Hon. Yvette M. Palazuelos
 Judge of the Los Angeles Superior Court

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1 [X] **BY ELECTRONIC SERVICE as follows:** Based on a court order, or an
2 agreement of the parties to accept service by electronic transmission, I caused the
3 documents to be sent to the persons at the electronic notification addressed listed
4 on the attached Service List.

Executed on January 25, 2019, at Lancaster, California.

5 X (State) I declare under penalty of perjury under the laws of the State of California
6 that the above is true and correct.



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8 Cheryl Cinnater

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1 **SERVICE LIST**

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