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14	Attorneys for Plaintiffs		
15	SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES		
16			
17			
18	PICO NEIGHBORHOOD ASSOCIATION and	CASE NO. BC616804	
19	MARIA LOYA,	DECLARATION OF KEVIN SHENKMAN	
20	Plaintiffs,	IN SUPPORT OF PLAINTIFFS'	
21	V.	OPENING BRIEF REGARDING APPROPRIATE REMEDIES	
22	CITY OF SANTA MONICA, and DOES 1 through 100, inclusive,	Hearing Date: December 7, 2018	
23	Defendants.	Hearing Time: 9:30 a.m.	
24		Dept.: 28	
25		[Assigned to the Honorable Yvette Palazuelos]	
26			
27			
28			

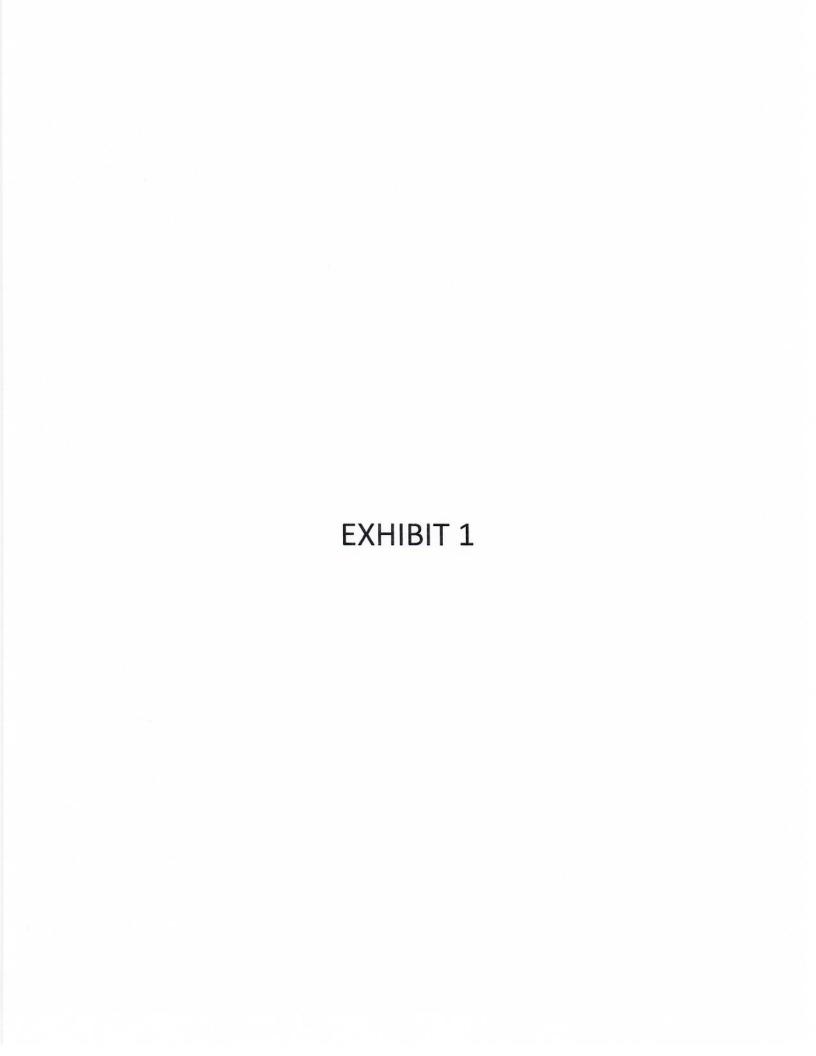
DECLARATION OF KEVIN I. SHENKMAN

- 1. I, Kevin I. Shenkman, declare I am attorney licensed to practice law before all courts of the State of California, and I am a partner at Shenkman & Hughes P.C., attorneys of record for Plaintiffs in this case. The facts set forth in this declaration are within my personal knowledge and, if called upon to testify, I would competently testify as follows:
- 2. Attached hereto as Exhibit 1 is a true and correct copy of an email exchange between me and Khan Scolnick, one of Defendant's attorneys, on November 15 and 16, 2018. In his email, Mr. Scolnick indicates that Defendant intends to continue imposing its at-large election system, which this Court has ruled violates both the California Voting Rights Act and the Equal Protection Clause of the California Constitution, until its not-yet-filed appeals are exhausted.

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

Executed this 19th day of November, 2018, in Thousand Oaks, California.

Kevin Shenkman



RE: Santa Monica 2018 election

From: Scolnick, Kahn A. (KScolnick@gibsondunn.com)

To: shenkman@sbcglobal.net

Cc: mcussimonio@parrislawyers.com; egordon@parrislawyers.com; aalarcon@shenkmanhughes.com;

miltgrim@aol.com; rrparris@parrislawyers.com; robertrubinsf@gmail.com;

ccinnater@parrislawyers.com; THenry@gibsondunn.com; MMcRae@gibsondunn.com; WThomson@gibsondunn.com; avargas@parrislawyers.com; KScolnick@gibsondunn.com

Date: Friday, November 16, 2018 01:05 PM PST

Thanks for reaching out, Kevin. As you know, we have only a tentative ruling from the court that contains no explanation of the bases for that tentative ruling. For all the reasons set forth in our closing brief, we remain of the view that the tentative ruling is incorrect. Moreover, the court has not decided whether there is any other electoral system that would remedy any purported violations of the CVRA or Equal Protection Clause – those issues are now being briefed.

Yesterday, we filed a request for a statement of decision, asking the court to explain the legal and factual bases for the tentative ruling. Once we see the court's explanation for its tentative ruling, we will address that explanation and hope to persuade the trial court that it should change its tentative ruling in the City's favor. If we are unable to do so, and the trial court enters a final ruling in plaintiffs' favor, the City currently plans to appeal from that ruling.

In short, there is not yet a final ruling in plaintiffs' favor. In the absence of a final ruling, the current election system, the one selected by the voters in accordance with the City's charter, remains in place, and the City will proceed as it ordinarily would, based on the election results from the current election system.

Kahn A. Scolnick

GIBSON DUNN

Gibson, Dunn & Crutcher LLP 333 South Grand Avenue, Los Angeles, CA 90071-3197 Tel +1 213.229.7656 • Fax +1 213.229.6656 KScolnick@gibsondunn.com • www.gibsondunn.com From: Kevin Shenkman <shenkman@sbcglobal.net>

Sent: Thursday, November 15, 2018 7:12 PM

To: Scolnick, Kahn A. < KScolnick@gibsondunn.com>; Marci Cussimonio

<mcussimonio@parrislawyers.com>; Ellery Gordon <egordon@parrislawyers.com>; Andrea Alarcon

<aalarcon@shenkmanhughes.com>; Milton Grimes <miltgrim@aol.com>; Rex Parris

<rrparris@parrislawyers.com>; Robert Rubin <robertrubinsf@gmail.com>; Cheryl Cinnater

<ccinnater@parrislawyers.com>; Henry, Tiaunia <THenry@gibsondunn.com>; McRae, Marcellus

<MMcRae@gibsondunn.com>; Thomson, William E. <WThomson@gibsondunn.com>; Anna Vargas

<avargas@parrislawyers.com>

Subject: Santa Monica 2018 election

[External Email]

Counsel,

In light of the Court's ruling finding that Santa Monica's at-large election system violates both the CVRA and the Equal Protection Clause, we should discuss the appropriate treatment of the 2018 election. I haven't seen any statement by the City concerning what it plans to do. Specifically, does the City plan to certify the results of that election and seat the illegally-elected council members in spite of the Court's decision?

Thank you in advance for your prompt response.

-Kevin Shenkman

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

PROOF OF SERVICE 1013A(3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 43364 10th Street West, Lancaster, California 93534.

On November 19, 2018, I served the foregoing document described as **DECLARATION OF KEVING SHENKMAN IN SUPPORT OF PLAINTIFF'S OPENING BRIEF REGARDING APPROPRIATE REMEDIES** as follows:

*** See Attached Service List ***

[x]	BY MAIL as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice is would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Lancaster, California in the ordinary course of business. am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposition affidavit.
	for mailing in affidavit.

[] BY PERSONAL SERVICE as follows:

- [] I delivered such envelope by hand to the addressees at 111 North Hill Street, Los Angeles, CA 90012.
- []_ I caused the foregoing document described hereinabove to be personally delivered by hand by placing it in a sealed envelope or package addressed to the persons at the addresses listed on the attached service list and provided it to a professional messenger service whose name and business address is Team Legal, Inc., 40015 Sierra Highway, Suite B220, Palmdale, CA 93550.
- []__ I caused the foregoing document described hereinabove to be personally delivered by hand by placing it in a sealed envelope or package addressed to the persons at the addresses listed on the attached service list and provided it to a professional messenger service whose name and business address is First Legal Support Services,1511 West Beverly Blvd., Los Angeles, CA 90026.
- [] BY FACSIMILE as follows: I served such document(s) by fax at See Service List to the fax number provided by each of the parties in this litigation at Lancaster, California. I received a confirmation sheet indicating said fax was transmitted completely.
 - BY GOLDEN STATE OVERNIGHT DELIVERY/OVERNIGHT MAIL as follows: I placed such envelope in a Golden State Overnight Delivery Mailer addressed to the above party or parties at the above address(es), with delivery fees fully pre-paid for next-business-day delivery, and delivered it to a Federal Express pick-up driver before 4:00 p.m. on the stated date.

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

Executed on November 19, 2018, at Lancaster, California.

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

Cheryl Cinnater

1	SERVICE LIST Pico Neighborhood Association v. City of Santa Monica, California, et al.	
2	Tico ivergnoor nood its sociation v. City by Si	ana mana mana mana mana mana mana mana
3	Lane Dilg, Esq. Joseph Lawrence, Esq. Susan Y. Cola, Esq.	Attorneys for Defendant City of Santa Monica
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25	Robert Rubin LAW OFFICE OF ROBERT RUBIN 131 Steuart Street, Suite 300 San Francisco, CA 94105	Attorneys for Plaintiffs Pico Neighborhood Association, Maria Loya and Advocates for Malibu Public School
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