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Gov. Code, § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION and MARIA LOYA,

Plaintiffs,

v.

CITY OF SANTA MONICA,

Defendants.

CASE NO. BC 616804

DEFENDANT CITY OF SANTA MONICA'S REPLY IN SUPPORT OF ITS MOTION TO STRIKE OR, IN THE ALTERNATIVE, TO TAX COSTS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

Complaint Filed:	Apr. 12, 2016
Trial Date:	Aug. 1, 2018
Hearing Date:	June 25, 2019
Hearing Time:	9:30 a.m.
Dep't:	44
Reservation ID:	064970161404

Assigned for all purposes through judgment to Hon. Yvette M. Palazuelos

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Throughout this litigation, whenever it suited their litigation position, plaintiffs have invoked the importance of following the rules whenever it suited their litigation position. (See Mot. at p. 5, fn. 1.) Now, however, faced with their own glaring failure to meet Rule 3.1700's *mandatory* 15-day deadline, plaintiffs abandon their refrain that "rules are rules" and instead ask this Court to ignore the plain text of the rules, rewrite the case's procedural history, and accept their baseless excuses. Specifically, in an effort to save an untimely costs memorandum, plaintiffs (1) argue that the Court's order expressly entitled "NOTICE OF ENTRY OF JUDGMENT" somehow did not, in fact, constitute a notice of entry of judgment; (2) contend that the clerk's mailing of that "NOTICE OF ENTRY OF JUDGMENT" pursuant to the Court's written instructions did not trigger the statutory 15-day deadline; (3) assume they are retroactively entitled to an extension from this Court without ever requesting one and without any showing of good cause; (4) presume the Court should grant them relief under section 473(b) of the Code of Civil Procedure in the absence of a noticed motion or a valid basis for granting such relief; (5) seek to render the Rules of Court meaningless by declaring that their costs can be swept up in their later-filed request for attorneys' fees, despite separate procedures and deadlines for each; and (6) misstate that the CVRA grants them the right to recover "all" expenses from the City, in spite of the actual language of the statute.

The issue here is not whether the case was "hard-fought"—it is simply whether plaintiffs' claimed expenses were timely sought, statutorily permissible, and reasonably necessary to the conduct of the litigation. If not, the costs are not recoverable from the City. The Court should not reward plaintiffs' unapologetic effort to circumvent rules and procedure; it should instead strike the Memorandum of Costs in its entirety. If the Court is persuaded otherwise, it should nevertheless tax plaintiffs' costs, many of which plaintiffs fail to justify (or even attempt to justify) as reasonable.

A. Plaintiffs failed to timely file and serve their Memorandum of Costs

The Court should strike plaintiffs' Memorandum of Costs because plaintiffs failed to file and serve it within Rule 3.1700(a)'s 15-day deadline after "service of notice of entry of judgment."

Plaintiffs' argument—that the clerk's service of the February 13, 2019 order, entitled "NOTICE OF ENTRY OF JUDGMENT," was not actually a notice of entry of judgment triggering the

15-day deadline—rests on a misunderstanding of *Van Beurden Ins. Servs., Inc. v. Customized World-wide Weather Ins. Agency, Inc.* (1997) 15 Cal.4th 51, 54. There, the clerk had served a file-stamped copy of the judgment—but, critically, never served a separate document entitled "notice of entry" of judgment. In resolving the question of when, if ever, the clerk's mailing of the judgment itself can constitute "notice of entry" of that judgment pursuant to CCP 664.5, the Court held that the answer "depend[ed] on whether the clerk of the court mailed notice of entry of judgment *upon order by the superior court*." (15 Cal.4th at p. 53, italics added.) The trial court had stated during a hearing that, "[a]t this point I think I'll take the matter under submission and give you my decision as soon as I can." The Court determined that these "remarks were insufficient to constitute an order" directing the clerk to give notice of entry of the judgment (*id.* at pp. 54, 62) and emphasized that "[t]here was no express order directing the clerk to mail 'notice of entry' of judgment. Nor did the clerk indicate that the file-stamped copy [of the judgment] constituted such 'notice of entry' of judgment 'pursuant to section 664.5' or 'upon order of the court." (*Id*. at p. 65.) Thus, under *Van Beurden*, in order for service of the judgment itself (without a separate "notice of entry") to trigger the statutory post-judgment deadlines, there must be an order directing the clerk to serve that judgment, and a clear indication that this service was meant to constitute "notice of entry"—in so holding, the Court sought to avoid the need to "engage in 'guesswork' concerning whether the trial court actually ordered the clerk to mail notice of entry of judgment." (*Id.* at p. 62.)

Here, no "guesswork" is needed. Unlike *Van Beurden*, the clerk here did not just serve a file-stamped copy of the judgment. Instead, the Court issued a Minute Order entitled: "NOTICE OF ENTRY OF JUDGMENT; STATEMENT OF DECISION IS ENTERED." (Scolnick Decl., Ex. B.) In that document, the Court ordered the clerk to "give notice" of, among other things, the filing of the Judgment, the filing of the Statement of Decision, and the Notice of Entry of Judgment. (*Ibid.*) The Clerk then served the Final Judgment, the Notice of Entry of Judgment, the Statement of Decision, and a Certificate of Mailing on the parties on February 13, 2019. There was never any mystery as to whether the Court intended for the clerk to give notice not only of the judgment itself, but also of the *entry* of that judgment—the February 13 Minute Order said so expressly.

Plaintiffs nonetheless suggest that service of the "notice of entry" of judgment was insufficient because it did not contain a specific reference to section 664.5 or the words "upon order of the court." (Opp. at p. 3.) But this is a misreading of *Van Beurden*. As explained above, the only time a specific reference to 664.5 or the language "upon order of the court" would be needed is when a clerk mails nothing more than a file-stamped copy of the judgment—in that scenario, it might be unclear whether the mailing was intended to serve as notice of entry under 664.5, that is, whether it was being done "upon order of the court," or whether it was simply a courtesy.[1] Here, there is no such ambiguity—the Court expressly instructed the clerk to serve *both* the file-stamped judgment *and* the separate "NOTICE OF ENTRY" of that judgment, which the clerk indisputably did.

Plaintiffs also attempt to distinguish three cases cited by the City: *Hydratec, Inc. v. Sun Valley 260 Orchard & Vineyard Co.* (1990) 223 Cal.App.3d 924, *Davis Lumber Co. v. Hubbell* (1955) 137 Cal.App.2d 148, and *Sanabria v. Embrey* (2001) 92 Cal.App.4th 422. (Opp. at p. 5.) But plaintiffs do not and cannot contest the propositions for which the City cited those cases: Rule 3.1700(a)'s 15-day deadline is "mandatory" (*Hydratec*); failure to timely file and serve a memorandum of costs constitutes waiver (*Davis*); and untimely memoranda may be stricken (*Sanabria*).

B. Rule 3.1700(b) does not entitle plaintiffs to a retroactive extension

Relying on Rule 3.1700(b)(3), which provides that "the court may extend the times for serving and filing the cost memorandum or the notice of motion to strike or tax costs for a period not to exceed 30 days," plaintiffs argue that this "extension brings the deadline to April 4, 2019," making their memorandum timely. (Opp. at p. 4.)

Plaintiffs overlook that they never requested any extension—either before or after the 15-day deadline expired—and that such an extension would be *discretionary* in any event. Plaintiffs incorrectly assume their entitlement to an "automatic" extension, relying on *Cardinal Health 301, Inc. v. Tyco Elecs. Corp.* (2008) 169 Cal.App.4th 116, 155, for the proposition that a court "should extend the deadline to file a costs memorandum on its own motion where there is any confusion regarding

[1] In *Van Beurden*, the Court explained that historically, clerks would mail the file-stamped copy to parties as a courtesy, but that such mailing had no practical significance—only notice by a party would trigger the post-trial deadlines. (15 Cal.4th at p. 65.) Section 664.5 was amended to provide for service of a document called "notice of entry of judgment" by *either* a party or the clerk.

the event triggering the time to file the costs memorandum." (Opp. at p. 4.) But *Cardinal Health* stands for no such thing. The Court of Appeal there had no occasion to address the issue of an extension—the issue of timeliness was never challenged below and was thus waived on appeal. The court merely inferred that the trial court must have granted an extension. (169 Cal.App.4th at p. 155.)

Even if plaintiffs were right (and they are not), this case is devoid of the "confusion" that abounded in *Cardinal Health*, where the trial court served a notice of an order granting a nonsuit during trial against one defendant, but then entered judgment against the other defendants via a separate notice of judgment two weeks later. (*Id.* at p. 155.) Here, because the clerk served only one "notice of entry of judgment," there is no need to resolve any "complicated issue of which event triggered the deadline" that might warrant an extension, had one ever even been requested. (Opp. at p. 5.)

C. Plaintiffs have not met the high bar for relief under CCP section 473

Plaintiffs next contend that their "tardiness should be excused pursuant to Section 473." (Opp. at p. 6.) This is inappropriate and procedurally improper. If plaintiffs felt their failure to adhere to the 15-day deadline was due to "mistake, inadvertence, surprise, or excusable neglect" that would excuse their untimely filing, they could have brought a properly noticed "application" or motion seeking such relief. (Code Civ. Proc., § 473(b).) Plaintiffs have not sought relief under section 473, nor have they not attempted to make the requisite showing, so they are entitled to no relief. They also contend that the City would suffer no prejudice from allowing their untimely filing, which is not the relevant inquiry under section 473—and in any event, the City *would* be prejudiced by an untimely costs submission because it would unfairly resurrect defaulted claims to monetary payment.

D. Plaintiffs' request for attorneys' fees under the CVRA does not excuse their untimeliness, nor does it entitle them to recover statutorily disallowed costs

Plaintiffs insist that because they filed a motion for attorneys' fees under the CVRA after their costs memorandum, this both (i) excuses their untimeliness and (ii) allows them to recover any and all costs—even those statutorily disallowed under section 1033.5. Plaintiffs' position is meritless.

Plaintiffs cannot wipe away their failure to comply with Rule 3.1700 by wrongly equating the "costs" sought in their untimely bill of costs with the "attorneys' fees" they later requested under the CVRA in their June 3, 2019 fee motion. (Opp. at p. 7.) To begin, plaintiffs admit that even under the

authority they rely on, *Anthony v. City of Los Angeles* (2008) 166 Cal.App 4th 1011, the 15-day deadline "applies . . . to the items 'allowable as costs' that are listed in subdivision (a) of section 1033.5." (Opp. at p. 7.) Plaintiffs contend that *Anthony* nevertheless exempts any and all other costs (i.e., those not mentioned in section 1033.5(a)) from the timing requirements of Rule 3.1700. This is incorrect. At best, *Anthony* recognizes that a party may not be required to claim expert fees within the 15-day costs deadline where a separate statute specifically provides for an award of expert fees, as the CVRA does here. (166 Cal.App 4th at p. 1016.) Nothing in *Anthony* stands for the proposition that the trial court has carte blanche to award any and all costs identified in a fee motion regardless of whether those costs were timely sought under Rule 3.1700, simply because the case involves a statute, such as the CVRA, that awards the prevailing party the costs of experts.

Further, plaintiffs' position ignores that both the CVRA and the rules of court draw a distinction between costs and attorneys' fees. (See Elec. Code, § 14030 [providing that "the court shall allow the prevailing party" to recover "reasonable attorneys' fees" and "litigation expenses including, but not limited to, expert witness fees and expenses *as part of the costs*."], italics added.) This matters because the rules of court involve specific procedures for seeking each. Rule 3.1700(a)(1) provides that "[a] prevailing party who claims costs *must* serve and file a memorandum of costs within 15 days after the date of service of the notice of entry of judgment." (Italics added.) In contrast, Rule 3.1702(b)(1) states that "a notice of motion to claim attorney's fees . . . must be served and filed within the time for filing a notice of appeal." Were plaintiffs permitted to seek any and all costs through a fee motion, it would render the distinction in the CVRA and the separate procedures in the court rules meaningless. Thus, apart from plaintiffs' expert fees (which should be taxed for separate reasons discussed below), the Court should strike all of plaintiffs' costs as untimely.

Similarly, plaintiffs' expansive interpretation of Elections Code section 14030 to allow the recovery of any and "all" expenses—even those specifically barred by 1033.5—finds no support in the law. (Opp. at p. 8.) First, contrary to plaintiffs' assertion, nothing in the CVRA—including its assurance that a plaintiff may recover expert fees as costs—"expressly authoriz[es]" the recovery of any and all costs, including those that are "not allowable" under subdivision (b) of section 1033.5. Plaintiffs misleadingly assert that *Anthony* "confirm[s] . . . that the CVRA allows for the recovery of

all litigation expenses even if not allowable under Section 1033.5." (Opp. at p. 9.) But *Anthony* solely involves the Fair Employment and Housing Act—it does not even mention, let alone purport to interpret, the CVRA. Moreover, the opinion addresses only the award of expert fees, not any other type of costs. Nor is there any basis to conclude that the CVRA implicitly allows recovery of such costs, which would require this Court to hold (as a matter of first impression) that section 14030 partially repeals or modifies section 1033.5. Plaintiffs have pointed nothing—in the history of the CVRA or otherwise—indicating a clear legislative intent to repeal section 1033.5 in enacting section 14030. (*Sutter's Place Inc. v. Superior Court* (2008) 161 Cal.App.4th 1370, 1382 ["The law shuns repeal by implication and, if possible, courts must maintain the integrity of both provisions."].)

E. Plaintiffs have failed to address the unreasonableness of their costs

Rather than offer any substance in defense of their costs, plaintiffs largely resort to misdirection about this case being "contentious" or "hard-fought." That is beside the point. The CVRA does not entitle plaintiffs to recover unreasonable costs or costs that are not "proper." (*Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 131.) And while the CVRA may provide an incentive to private attorneys to bring suit, it does not permit a windfall to plaintiffs by somehow allowing a multiplier on costs, which plaintiffs also seek. (Opp. at p. 11 n. 9.) If the Court considers plaintiffs' untimely request for costs, the Court should nevertheless (1) tax expense categories that are disallowed by statute; and (2) tax expenses that were not "reasonably necessary to the conduct of the litigation."

1. Plaintiffs effectively that concede that many of their costs are improper

Plaintiffs have entirely failed to address a number of costs the City challenged as unreasonable, and thus have waived their right to recovery of those costs. This includes $1,028.10 for the mileage of attorney Wesley Ouchi, who never once appeared at trial (or any other Court proceeding) or at the offices of the discovery referee, and who appeared at only one deposition. (See Mot. at p. 10.) Similarly, beyond clarifying her work experience (Opp. at p. 14, fn. 11), Plaintiffs make no effort to justify the $2,339.95 for Mary Hughes' travel (much of which predated the complaint), nor the travel charges ($699.79) for an unnamed "Intern" to attend trial (Mot. at pp. 22–24), as "reasonably necessary to the conduct of the litigation." Plaintiffs also fail to justify their requested reporter and transcript fees of $54,008.77. (See Opp. at p. 10, fn. 7.) As the City explained in its Motion, the parties

split reporting costs evenly during the trial, with a total of $23,675 paid by the City that plaintiffs should not recover. (Mot. at p. 8.) By failing to address these issues, plaintiffs have effectively conceded the Court should tax their costs in the amount that the City seeks.

2. Many of plaintiffs' costs are not recoverable by statute.

Other than stating incorrectly that the CVRA entitles them to any and all costs (Opp. at p. 10), plaintiffs also do not defend the costs related to copying, postage and overnight delivery ($7,215.44), photographer and Dropbox ($432.89), conference call service ($40.57), and research costs associated with the use of Westlaw ($8,825.00). None of these costs are recoverable under section 1033.5. (E.g., *Ladas v. California State Auto. Ass'n* (1993) 19 Cal.App.4th 761, 776 ["subdivision (b)(2) of section 1033.5 plainly bars recovery of '[i]nvestigation expenses in preparing the case for trial.'"]; *El Dorado Meat Co. v. Yosemite Meat & Locker Serv., Inc.* (2007) 150 Cal.App.4th 612, 618 [same].)

3. Plaintiffs cannot recover costs incurred for the sake of convenience

The Court should also reduce all of plaintiffs' costs (even those allowable by right) that they have not shown were reasonable in amount or reasonably necessary to the litigation. (Code Civ. Proc., § 1033.5, subd. (c)(2)-(3); see *Charton v. Harkey* (2016) 247 Cal.App.4th 730, 743.) The larger issue here is not, as plaintiffs suggest, whether a specific attorney had a visible role at trial. Rather, it is simply whether claimed travel and other expenses are reasonably necessary to advance the litigation—in the way that travel to a deposition or a court hearing would generally be. Plaintiffs fail to address the basic issue that many of their costs were incurred for the sake of convenience only.

a. Costs relating to exhibits not used at trial. Plaintiffs ignore the on-point authority holding that costs should not be awarded for unused exhibits. (See *Ladas*, *supra*, 19 Cal.App.4th at p. 775; see also *Seever v. Copley Press, Inc.* (2006) 141 Cal.App.4th 1550, 1557–58 ["statutory language excludes as a permissible item of costs exhibits not used at trial, which obviously could not have assisted the trier of fact"].) Plaintiffs used only approximately thirty-nine percent of their exhibits. (Scolnick Decl., Ex. E & ¶ 6.) The Court should therefore tax plaintiffs' exhibit-related costs by sixty-one percent, in the amount of $5,036.31.

b. Lodging, travel, mileage, and parking unrelated to depositions. Plaintiffs concede that their original request for lodging costs was unreasonable and, accordingly,

they have reduced that claim to $24,219.00. (Opp. at p. 14.) They also acknowledged erroneously including $981.41 in travel expenses from another case. (*Id.* at p. 13.) The City objects to the remaining $44,594.48 in lodging and travel costs for several reasons.

First, only deposition-related travel and lodging costs are recoverable by right. (*Gorman v. Tassajara Dev. Corp.* (2009) 178 Cal.App.4th 44, 72–73; see also *Ladas*, *supra*, 19 Cal.App.4th at pp. 775–776.) Yet plaintiffs' counsel included countless travel entries for other purposes: e.g., travel for "meeting with expert[s]," "meeting with co-counsel," travel for a "Voice of America" filming, and a "photographic tour of Santa Monica." (Shenkman Decl., Ex. M; Grimes Decl., Ex. A.) The Court should tax all costs other than those related to depositions. (*Ladas*, *supra*, 19 Cal.App.4th at p. 776 [reversing trial court's allowance of "'Local Travel Expenses' unrelated to depositions . . . includ[ing] parking fees, cab fares and 'mileage/parking' fees for attorneys and paralegals"].) These claimed travel costs are not recoverable because, at best, they were "merely convenient or beneficial." (Code Civ. Proc., § 1033.5, subd. (c)(2); see also *Ladas*, 19 Cal.App.4th at p. 761.)[2]

Second, plaintiffs again confuse what is convenient or beneficial versus what is "reasonably necessary" to the litigation when it comes to the costs incurred for travel to Lancaster for depositions. The question is not one of courtesy, or what is the maximum distance permitted by the Code of Civil Procedure. Rather, the question is whether plaintiffs' choice of this location for depositions—which required plaintiffs' attorneys to travel there—was reasonably necessary to the conduct of litigation. Because it was not, any costs incurred as a result of this decision are not recoverable.

Third, despite plaintiffs' attempt to opt for a higher nightly rate for their lodging (Opp. at p. 14), the cost of plaintiffs' counsel's lodging during trial should still be taxed by $10,384.56 (not $5,702.02 as plaintiffs propose), which amounts to the difference between plaintiffs' lodging and the charges that they would have incurred at an equally desirable but substantially cheaper hotel.

c. Meals. Plaintiffs acknowledge that meals are not a "necessary expense

[2] The parking and mileage costs in large part do not appear to have been necessary to the litigation or reasonable in amount. At the very least, the Court should require more detail regarding these charges to provide a basis for determining whether they meet the requirements of subdivision (c) of section 1033.5 and should disallow the costs until such detail is provided.

in some cases," yet they claim they are still entitled to $7,455.38 for meals because this case is special. (Opp. at p. 14.) For example, plaintiffs' counsel supposedly needed thousands of dollars in meals "to get witnesses to talk." (*Ibid.*) Yet plaintiffs' own entries belie this proposition, as their counsel charged meals for countless reasons, including "meeting with experts," "working meals" in 2017, "meeting with O. de la Torre [who is the head of plaintiff PNA and married to plaintiff Loya]," and "meeting with Malibu council members." (Shenkman Decl., Ex. O.) While treating witnesses and experts to meals may be beneficial to plaintiffs' counsel and building relationships with their clients, such charges are not reasonably necessary to the conduction of litigation.

d. Use of a war room, meals, and copying. Plaintiffs ignore that they cannot recover for photocopying services except in connection with exhibits, and they separately identified all exhibit-related expenses elsewhere in the Memorandum. (See Mot. at p. 15.) Thus, photocopying costs attributable to Personal Court Reporters are not recoverable. In any event, apart from claiming that their "War Room" was "indispensable" and noting the City's counsel happened to have offices near the courthouse, plaintiffs do not justify these expenses. (Mem. at p. 35.) Plaintiffs' request for $4,562.61 in expenses for these items is unnecessary and unreasonable in amount.[3]

F. This Court should tax the more than $600,000 in expert fees.

Plaintiffs' costs memorandum provided only a single line entry listing an amount for each expert, with no detailed backup or other support. The City was therefore unable to address the reasonableness of these fees in its Motion, and plaintiffs now have the burden to justify them. (See *Jones v. Dumrichob* (1998) 63 Cal.App.4th 1258, 1266-1268 [once objected to, the party claiming expert fees must "produce[] sufficient documentation" enabling the "determin[ation of] the necessity" of expert fees]; see also *Levy v. Toyota Motor Sales* (1992) 4 Cal.App.4th 807, 816 [affirming taxation of costs where claiming party "offered no substantiation of the challenged" raised in motion to tax].)

Plaintiffs have presented invoices from their experts, but the reasonableness of the requested amounts remains far from justified. (Shenkman Decl., Ex. L.) First, the timesheets of Dr. Morgan

[3] The same is true of the $5,256.00 for deposition summaries, which were "merely convenient or beneficial," and not "necessary to the conduct of the litigation." (Code Civ. Proc., § 1033.5(c)(2).)

Kousser, Jonathan Brown, and David Ely reflect billing at quarter-hour increments, a practice that results in overbilling and alone warrants reduction. (See *Welch v. Metro. Life Ins. Co.* (9th Cir. 2007) 480 F.3d 942, 948 [affirming a "20 percent across-the-board reduction on . . requested hours" due to "bill[ing] in quarter-hour increments."].) Second, many entries in the experts' invoices and timesheets are vague to the point where it impossible to assess their reasonableness. For instance, plaintiffs present one invoice for expert Jonathan Brown in the amount of $17,250 for a survey of voters, but no further explanation is provided. (Shenkman Decl., Ex. L.) Many of Dr. Kousser's entries offer only a few words for days of works, i.e., explaining his work as "calls with plaintiffs' attorney" for days, or billing several hours for "conversations with lawyers." (*Ibid.*) He also bills for 8 hours of "trial" on August 7 and 8, 2019, when Court was in session only approximately 5 and 4 hours on those days, respectively. (Scolnick Decl., Ex. K & ¶¶ 1, 2.) Similarly, Mr. Ely's timesheets contain more than 30 hours of entries over the course of two months described only as "Meeting with J. Jones." Because plaintiffs' experts' use of block-billing and vague descriptions do not provide the detail required to assess the reasonableness of the claimed fees, the Court should tax all expert costs by no less than twenty percent. Courts routinely reduce attorneys' fees for this reason, and there is no reason to treat expert fees any differently. (*Christian Research Inst. v. Alnor* (2008) 165 Cal.App.4th 1315, 1325 [affirming reduction of attorney fees from over $250,000 to $21,300 due to block-billing and vagueness]; *Bell v. Vista Unified Sch. Dist.* (2000) 82 Cal.App.4th 672, 689 ["blocked-billing entries render it virtually impossible to break down hours on a task-by-task basis."].)

CONCLUSION

For these reasons, the Court should strike plaintiffs' Memorandum of Costs as untimely filed. In the alternative, the Court should tax plaintiffs' costs by at least $100,899.60, and should tax all of the expert expenses by no less than 20% (at least $122,775.05) due to a lack of sufficient detail.

DATED: June 18, 2019

Respectfully submitted,

GIBSON DUNN & CRUTCHER LLP

By: _____
Kahn A. Scolnick

Attorneys for Defendant,
City of Santa Monica

PROOF OF SERVICE

I, Veronica Guerrero, declare:

I am employed in the County of Los Angeles, State of California. My business address is 333 South Grand Avenue, Los Angeles, California 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On **June 18, 2019**, I served the following:

DEFENDANT CITY OF SANTA MONICA'S REPLY IN SUPPORT OF ITS MOTION TO STRIKE OR, IN THE ALTERNATIVE, TO TAX COSTS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

on the interested parties in this action by causing the service delivery of the above document as follows:

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☑ **BY PERSONAL SERVICE:** I placed a true copy of the above-titled document in a sealed envelope addressed to R. Rex Parris and gave the same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.

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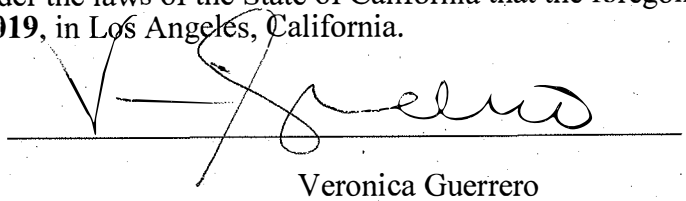
☑ **BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier with delivery fees paid or provided for.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **June 18, 2019**, in Los Angeles, California.



Veronica Guerrero