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16 Attorneys for Defendant,  
CITY OF SANTA MONICA

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF LOS ANGELES**

19 PICO NEIGHBORHOOD ASSOCIATION and  
20 MARIA LOYA;

21 Plaintiffs,

22 v.

23 CITY OF SANTA MONICA; and DOES 1-100, in-  
24 clusive,

25 Defendants.

CASE NO. BC616804

**DECLARATION OF DANIEL R. ADLER IN  
SUPPORT OF THE CITY OF SANTA MON-  
ICA'S REPLY IN SUPPORT OF ITS MO-  
TION FOR SUMMARY JUDGMENT**

Complaint Filed: April 12, 2016  
Hearing Date: June 14, 2018, 8:45 am  
Reservation ID: 170614226861  
Trial Date: July 30, 2018

*Assigned to Judge Yvette Palazuelos, Dep't 28*

28  
**DEFENDANT CITY OF SANTA MONICA'S REPLY IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT**

1  
2 **DECLARATION OF DANIEL R. ADLER**

3 I, Daniel R. Adler, declare as follows:

4 1. I am an attorney duly admitted to practice law before all Courts of the State of Califor-  
5 nia. I am an associate at Gibson, Dunn & Crutcher LLP and counsel for the City of Santa Monica.  
6 Unless otherwise stated, I have personal knowledge of the matters stated in this Declaration, about  
7 which I could and would testify competently if called as a witness. I make this declaration in support  
8 of the City of Santa Monica's Reply in Support of its Motion for Summary Judgment.

9 2. Attached as Exhibit A is a true and correct copy of the June 7, 2018, Declaration of  
10 Peter Morrison.


11 3. Attached as Exhibit B is an email sent by my secretary, Cynthia Britt, to counsel for  
12 plaintiffs (Kevin Shenkman, Mary Hughes, John Jones, R. Rex Parris, Jonathan Douglass, Milton  
13 Grimes, and Robert Rubin) at 2:32 PM on March 29, 2018. Attached to this email were true and correct  
14 copies of the City's Notice of Motion and Motion for Summary Judgment; an accompanying Memo-  
15 randum of Points and Authorities; the City's Separate Statement of Undisputed Material Facts; and the  
16 City's Request for Judicial Notice, along with my accompanying March 29, 2018, Declaration.

17 4. Attached as Exhibit C is a second email sent by Ms. Britt to counsel for plaintiffs (Kevin  
18 Shenkman, Mary Hughes, John Jones, R. Rex Parris, Jonathan Douglass, Milton Grimes, and Robert  
19 Rubin) at 3:09 PM on March 29, 2018. Attached to this email was a true and correct copy of the March  
20 28, 2018, Declaration of Peter Morrison.

21 5. Attached as Exhibit D is a true and correct copy of an email sent by Tiaunia Henry, an  
22 associate at Gibson, Dunn & Crutcher LLP and counsel for the City of Santa Monica, to counsel for  
23 plaintiffs (Kevin Shenkman, Milton Grimes, Jonathan Douglass, R. Rex Parris, and Robert Rubin) at  
24 9:45 PM on March 29, 2018. Attached to this email were conformed copies of the City's Notice of  
25 Motion and Motion for Summary Judgment; an accompanying Memorandum of Points and Authori-  
26 ties; the City's Separate Statement of Undisputed Material Facts; the City's Request for Judicial Notice,  
27 along with my accompanying March 29, 2018, Declaration; and the March 28, 2018, Declaration of  
28 Peter Morrison.

1 Monica's Second Supplemental Responses to Plaintiff Maria Loya's Special Interrogatories (Set One),  
2 including the City's Response to Special Interrogatory Number 18, which is cited in the City's Reply.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct. Executed this 7th day of June, 2017, in Los Angeles, California.

5  
6   
7 \_\_\_\_\_  
8 Daniel R. Adler

# **EXHIBIT A**

## DECLARATION OF PETER MORRISON

I, Peter Morrison, hereby declare under penalty of perjury that the following is true and correct:

1. I am over 18 years of age. I submit this declaration in support of Defendant City of Santa Monica's Motion for Summary Judgment. I either have personal knowledge of the matters set forth in this declaration, or the information is readily available and commonly used and relied upon by experts in my field of expertise. If called as a witness, I could and would competently testify to the matters set forth in this declaration.

2. My March 28, 2018 declaration presented analyses and supporting data derived from the 2015 5-year American Community Survey (ACS) data files, published by the US Census Bureau. I referred to this as the "2013" pair of bars in Figure 1 of my original declaration, because 2013 is the midpoint of all five years of data collected during calendar years 2011 through 2015.

3. The Census Bureau publishes 5-year ACS estimates expressly for the purpose of estimating the population of eligible voters for small areas within cities. Each 5-year estimate is based upon the continuous collection of data over a 5-year period. It takes 5 successive years of data to derive statistically stable estimates for small areas within cities the size of Santa Monica. That is why I based my original declaration on the 2015 5-year estimates.

4. The Census Bureau has also issued the latest 2016 5-year estimates, which are based upon all five years of data collected during calendar years 2012 through 2016. I only became aware of this newly-released file after my declaration had been filed on March 28, 2018. These newly-updated estimates slide the available 5-year window of data collection forward by a single year. That is, the data that were collected during 2011 are deleted, and the data newly

collected during 2016 are added in. Replacing the former data with the latter data effectively shifts the data collection ahead by one year. That is why the Census Bureau refers to these as its "2016 5-year estimates." The newly-issued estimates refer to Santa Monica, observed *during* 2012-2016, whereas the 2015 5-year data shown in my original declaration refer to Santa Monica, observed *during* 2011-2015.

5. I respectfully submit this declaration, which reflects my review of the most recent ACS 2016 5-year estimates.

6. I have compared each and every newly-updated 2016 5-year estimated number or percentage with the 2015 5-year counterpart number or percentage it replaced. Based upon my review, none of the most recent 2016 data differ meaningfully from the 2015 data they replace; for example, the Hispanic share of the CVAP is 13.6% (2016 5-year estimate) vs. 13.3% (2015 5-year estimate), an insignificant difference. None of the updated data causes me to change any of my conclusions stated in my previous declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct on June 7, 2018.



---

Peter Morrison

# **EXHIBIT B**

**From:** [Britt, Cynthia](#)  
**To:** [shenkman@sbcglobal.net](mailto:shenkman@sbcglobal.net); [mrhughes@shenkmanhughes.com](mailto:mrhughes@shenkmanhughes.com); [jjones@shenkmanhughes.com](mailto:jjones@shenkmanhughes.com); [rrparris@parrislawyers.com](mailto:rrparris@parrislawyers.com); [jdouglass@parrislawyers.com](mailto:jdouglass@parrislawyers.com); [miltgrim@aol.com](mailto:miltgrim@aol.com); [robertrubinsf@gmail.com](mailto:robertrubinsf@gmail.com)  
**Subject:** Re Pico Neighborhood Association, et cl. v. City of Santa Monica  
**Date:** Thursday, March 29, 2018 2:32:01 PM  
**Attachments:** [MSJ.PDF](#)  
[RJN.PDF](#)  
[Separate Statement.pdf](#)

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Attached are documents filed today in Los Angeles Superior Court in the Pico Neighborhood Association, et al. v. City of Santa Monica matter, Case No. BC616804.

Cindy Britt  
Legal Secretary

GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue, Los Angeles, CA 90071-3197  
Tel +1 213.229.7413 • Fax +1 213.229.7520  
<<mailto:CBritt@gibsondunn.com>> [CBritt@gibsondunn.com](mailto:CBritt@gibsondunn.com) • <<http://www.gibsondunn.com/>>  
[www.gibsondunn.com](http://www.gibsondunn.com)



# **EXHIBIT C**

**From:** Britt, Cynthia  
**To:** [shenkman@sbcglobal.net](mailto:shenkman@sbcglobal.net); [mrhughes@shenkmanhughes.com](mailto:mrhughes@shenkmanhughes.com); [fjones@shenkmanhughes.com](mailto:fjones@shenkmanhughes.com); [rrparris@parrislawyers.com](mailto:rrparris@parrislawyers.com); [jdouglass@parrislawyers.com](mailto:jdouglass@parrislawyers.com); [miltgrim@aol.com](mailto:miltgrim@aol.com); [robertrubinsf@gmail.com](mailto:robertrubinsf@gmail.com)  
**Subject:** Re Pico Neighborhood Association, et al. v. City of Santa Monica  
**Date:** Thursday, March 29, 2018 3:08:51 PM  
**Attachments:** [Ex. A A Morrison Declaration.pdf](#)

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Attached is our expert's declaration that was also filed today in Los Angeles Superior Court in the Pico Neighborhood Association, et al. v. City of Santa Monica matter, Case No. BC616804.

**Cindy Britt**  
Legal Secretary

## GIBSON DUNN

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# **EXHIBIT D**

**From:** [Henry, Tiaunia](#)  
**To:** [shenkman@sbcglobal.net](mailto:shenkman@sbcglobal.net); [kshenkman@shenkmanhughes.com](mailto:kshenkman@shenkmanhughes.com); [miltgrim@aol.com](mailto:miltgrim@aol.com);  
[jdouglass@parrislawyers.com](mailto:jdouglass@parrislawyers.com); [rrparris@rrexparris.com](mailto:rrparris@rrexparris.com); [rrparris@parrislawyers.com](mailto:rrparris@parrislawyers.com); [robertrubinsf@gmail.com](mailto:robertrubinsf@gmail.com)  
**Cc:** [Thomson, William E.](#); [McRae, Marcellus](#); [Scolnick, Kahn A.](#)  
**Subject:** Pico Neighborhood Association v. City of Santa Monica  
**Date:** Thursday, March 29, 2018 9:45:08 PM  
**Attachments:** [MSJ.PDF](#)  
[Separate Statement.pdf](#)  
[RJN + Expert Declaration.pdf](#)

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Counsel,

Please find attached the City's Motion for Summary Judgment and supporting documents that were filed today.

**Tiaunia N. Henry**

**GIBSON DUNN**

Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue, Los Angeles, CA 90071-3197  
Tel +1 213.229.7705 • Fax +1 213.229.6705  
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# **EXHIBIT E**

1 MARSHA JONES MOUTRIE  
City Attorney  
2 JOSEPH LAWRENCE (SBN 99039)  
Assistant City Attorney  
3 JEANETTE SCHACHTNER (SBN 116671)  
Chief Deputy City Attorney  
4 SUSAN Y COLA (SBN 178360)  
Deputy City Attorney  
5 susan.cola@smgov.net  
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6 Santa Monica, California 90401  
Telephone: (310) 458-8336  
7 Facsimile: (310) 395-6727  
  
8 THEODORE J. BOUTROUS JR., (SBN 132099)  
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9 GEORGE H. BROWN, (SBN 138590)  
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10 WILLIAM E. THOMSON, (SBN 187912)  
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11 THEANE EVANGELIS, (SBN 243570)  
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12 TIAUNIA N. BEDELL, (SBN 254323)  
GIBSON, DUNN & CRUTCHER LLP  
13 333 South Grand Avenue  
Los Angeles, CA 90071  
14 Telephone: (213) 229-7000  
Facsimile: (213) 229-7520  
15  
16 Attorneys for Defendant  
CITY OF SANTA MONICA

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **FOR THE COUNTY OF LOS ANGELES**

19  
20 PICO NEIGHBORHOOD ASSOCIATION;  
MARIA LOYA; and ADVOCATES FOR  
21 MALIBU PUBLIC SCHOOLS,

22 Plaintiffs,

23 v.

24 CITY OF SANTA MONICA; and DOES 1-100,  
inclusive,

25 Defendants.  
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CASE NO.: BC 616804

**DEFENDANT CITY OF SANTA  
MONICA'S SECOND SUPPLEMENTAL  
RESPONSES TO PLAINTIFF MARIA  
LOYA'S SPECIAL INTERROGATORIES  
(SET ONE)**

Assigned to Hon. Yvette M. Palazuelos

1 **RESPONSE TO SPECIAL INTERROGATORY 17:**

2 City refers to and incorporates its Preliminary Statement and General Objections as though  
3 set forth fully in this Response. Subject to and without waiving the foregoing objections, City  
4 responds as follows:

5 248 24<sup>th</sup> Street, Santa Monica, CA 90402 (all candidacies).

6 **SPECIAL INTERROGATORY NO.18**

7 IDENTIFY THE RESIDENCE ADDRESS of Tony Vazquez

8 **RESPONSE TO SPECIAL INTERROGATORY 18:**

9 City refers to and incorporates its Preliminary Statement and General Objections as though  
10 set forth fully in this Response. Subject to and without waiving the foregoing objections, City  
11 responds as follows:

12 1630 Bryn Mawr Ave, Santa Monica, CA 90405 (all candidacies).

13 **SPECIAL INTERROGATORY NO. 19**

14 IDENTIFY THE RESIDENCE ADDRESS of Shari Davis

15 **RESPONSE TO SPECIAL INTERROGATORY 19:**

16 City refers to and incorporates its Preliminary Statement and General Objections as though  
17 set forth fully in this Response. Subject to and without waiving the foregoing objections, City  
18 responds as follows:

19 348 14<sup>th</sup> Street, Santa Monica, CA 90402, 2012 election (all candidacies).

20 **SPECIAL INTERROGATORY NO. 20**

21 IDENTIFY THE RESIDENCE ADDRESS of Richard McKinnon

22 **RESPONSE TO SPECIAL INTERROGATORY 20:**

23 City refers to and incorporates its Preliminary Statement and General Objections as though  
24 set forth fully in this Response. Subject to and without waiving the foregoing objections, City  
25 responds as follows:

26 1007 5<sup>th</sup> Street, Santa Monica CA 90403 (all candidacies).

27 **SPECIAL INTERROGATORY NO. 21**

28 IDENTIFY THE RESIDENCE ADDRESS of John Cyrus Smith

1 waiving the foregoing objections, City responds as follows:

2 1223 Wilshire Boulevard #425, Santa Monica, CA 90403, 1992 and 1996 elections.

3 **SPECIAL INTERROGATORY NO. 128**

4 IDENTIFY THE RESIDENCE ADDRESS of Paul Rosenstein

5 **RESPONSE TO SPECIAL INTERROGATORY 128:**

6 City refers to and incorporates its Preliminary Statement and General Objections as though  
7 set forth fully in this Response. City further objects to the extent this Interrogatory is unduly  
8 burdensome and seeks information that is equally available to plaintiffs. Subject to and without  
9 waiving the foregoing objections, City responds as follows:

10 1518 Yale Street #6, Santa Monica, CA 90404, 1988, 1992, and 1996 elections.

11 **SPECIAL INTERROGATORY NO. 129**

12 IDENTIFY THE RESIDENCE ADDRESS of Ruth Ebner

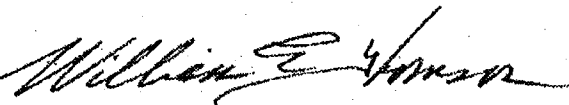
13 **RESPONSE TO SPECIAL INTERROGATORY 129:**

14 City refers to and incorporates its Preliminary Statement and General Objections as though  
15 set forth fully in this Response. City further objects to the extent this Interrogatory is unduly  
16 burdensome and seeks information that is equally available to plaintiffs. Subject to and without  
17 waiving the foregoing objections, City responds as follows:

18 1325 Arizona #302, Santa Monica, CA 90404, 1994 election.

19  
20 DATED: August 1, 2016

GIBSON DUNN & CRUTCHER LLP

21  
22 

23 By: \_\_\_\_\_  
WILLIAM E. THOMSON

24  
25 Attorney for Plaintiff  
City of Santa Monica



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**VERIFICATION**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing Defendant City of Santa Monica's Second Supplemental Objections and Responses to Plaintiff Maria Loya's Special Interrogatories (Set One) and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and to those matters I believe them to be true.

I am  an officer  a partner  an agent of the City of Santa Monica, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for \_\_\_\_\_, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on July 29, 2016 at Santa Monica, California.

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

DENISE ANDERSON-WARREN

*Denise Anderson-Warren*

Type or Print Name

Signature

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I, Tiaunia Bedell, declare:

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

7 On August 1, 2016 I served the document(s) described as **PLAINTIFF CITY OF SANTA**  
8 **MONICA'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF MARIA LOYA'S**  
9 **SPECIAL INTERROGATORIES (SET ONE)** on the interested parties in this action by delivering the  
10 above document(s) as follows:

11 **Kevin I. Shenkman, Esq.**  
12 **Mary R. Hughes, Esq.**  
13 **John L. Jones, Esq.**  
14 **SHENKMAN & HUGHES PC**  
15 **28905 Wight Road**  
16 **Malibu, California 90265**  
17 **Telephone: (310) 457-0970**

18 **R. Rex Parris**  
19 **Jonathan Douglass**  
20 **R. REX PARRIS LAW FIRM**  
21 **43364 10th Street West**  
22 **Lancaster, California 93534**  
23 **Telephone: (661) 949-2595**  
24 **Facsimile: (661) 949-7524**

25 **Milton Grimes**  
26 **LAW OFFICES OF MILTON C. GRIMES**  
27 **3774 West 54th Street**  
28 **Los Angeles, California 90043**  
**Telephone: (323) 295-3023**

**Robert Rubin**  
**LAW OFFICE OF ROBERT RUBIN**  
**131 Steuart Street, Suite 300**  
**San Francisco, California 94105**  
**Telephone: (415) 625-8454**

18  BY MAIL: I am "readily familiar" with this firm's practice for the collection and the  
19 processing of correspondence for mailing with the United States Postal Service. In the  
20 ordinary course of business, the correspondence would be deposited with the United States  
21 Postal Service at 2029 Century Park East, Los Angeles, California 90067, with postage  
22 thereon fully prepaid the same day on which the correspondence was placed for collection  
and mailing at the firm. Following ordinary business practices, I placed for collection and  
mailing with the United States Postal Service such envelope at 2029 Century Park East, Los  
Angeles, California 90067.

23  BY ELECTRONIC SERVICE: As a courtesy, I caused the documents to be sent to the  
24 person(s) at the electronic services address(es) listed above.

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

27 Executed on August 1, 2016, at Santa Monica, California.

*Tiaunia Bedell*

28 Tiaunia Bedell

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**PROOF OF SERVICE**

I, Cynthia Britt, 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 7, 2018, I served the Declaration of Daniel R. Adler in Support of the City's Reply in Support of its Motion for Summary Judgment on the interested parties in this action by causing the service delivery of the above document as follows:

Kevin I. Shenkman, Esq.  
Mary R. Hughes, Esq.  
John L. Jones, Esq.  
SHENKMAN & HUGHES PC  
28905 Wight Road  
Malibu, California 90265  
[shenkman@sbcglobal.net](mailto:shenkman@sbcglobal.net)  
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R. Rex Parris  
Robert Parris  
Jonathan Douglass  
PARRIS LAW FIRM  
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Lancaster, California 93534  
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LAW OFFICE OF ROBERT RUBIN  
131 Steuart Street, Suite 300  
San Francisco, California 94105  
[robertrubinsf@gmail.com](mailto:robertrubinsf@gmail.com)

- BY MESSENGER SERVICE:** A true and correct copy of the above document was provided to a professional messenger service for delivery to Kevin Shenkman and R. Rex Parris before 5:00 PM on June 7, 2018.
- BY OVERNIGHT MAIL:** On the above-mentioned date, I enclosed the documents in envelopes provided by an overnight delivery carrier and addressed to Milton Grimes and Robert Rubin at the addresses shown above. I placed the envelopes 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.
- BY ELECTRONIC SERVICE:** As a courtesy, I caused the documents to be emailed to the persons at the electronic service addresses listed above.

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

Executed on June 7, 2018, in Los Angeles, California.

  
\_\_\_\_\_  
Cynthia Britt