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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By A. Lopez, Deputy Clerk

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27 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
28 **COUNTY OF LOS ANGELES**

29 PICO NEIGHBORHOOD ASSOCIATION and
30 MARIA LOYA,

31 Plaintiffs,

32 v.

33 CITY OF SANTA MONICA, and DOES 1
34 through 100, inclusive,

35 Defendants.

CASE NO. BC616804

**SUPPLEMENTAL DECLARATION OF
KEVIN SHENKMAN IN SUPPORT OF
MOTION TO RE-ISSUE JUDGMENT
CONSISTENT WITH GUIDANCE FROM
THE CALIFORNIA SUPREME COURT**

Date: August 8, 2024

Time: 8:30 a.m.

Dept.: 71

1 I, Kevin I. Shenkman, declare as follows:

2 1. I am an attorney duly licensed to practice law before all courts of the State
3 of California and I am a principal of Shenkman & Hughes PC, attorneys of record for
4 Plaintiffs in the above-captioned case. The facts set forth in this declaration are within
5 my personal knowledge and, if called as a witness, I could and would competently testify
6 as follows:

7 2. On March 8, 2019, Defendant filed a petition for writ of supersedeas,
8 seeking a stay of enforcement of paragraph 9 of the Judgment entered by this Court on
9 February 13, 2019. Paragraph 9 of the Judgment provided “any person, other than a
10 person who has been duly elected to the Santa Monica City Council through a district-
11 based election in conformity with this judgment, is prohibited from serving on the Santa
12 Monica City Council after August 15, 2019.” Plaintiffs opposed the supersedeas petition
13 on March 21, 2019 and Defendant filed its reply on March 25, 2019. The petition,
14 opposition and reply were all focused on paragraph 9 of the Judgment, not the Judgment
15 as a whole.

16 3. On March 27, 2019, the Court of Appeal granted the supersedeas petition.
17 Its order, like the parties’ briefing, was limited to paragraph 9 of the Judgment.
18 Specifically, the Court of Appeal, in a short order (a true and correct copy of which is
19 attached hereto as **Exhibit G**, ruled “The petition for writ of supersedeas is granted.
20 Paragraph 9 of the judgment entered on February 13, 2019 operates as an automatic stay
21 pending the disposition of this appeal.” The Court of Appeal did not address the
22 prohibitory/mandatory character of any other portion of the Judgment.

23
24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 Executed this 1st day of August 2024, at Malibu, California.

27
28 /s/Kevin Shenkman

Kevin I. Shenkman

EXHIBIT G

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

COURT OF APPEAL – SECOND DIST.

FILED

ELECTRONICALLY

Mar 27, 2019

DANIEL P. POTTER, Clerk

KRLEWIS Deputy Clerk

PICO NEIGHBORHOOD ASSOC. et
al.,

Respondents,

v.

CITY OF SANTA MONICA,

Appellant.

B295935

(Super. Ct. No. BC616804)

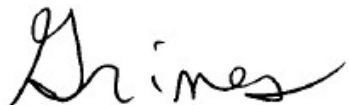
(Yvette M. Palazuelos, Judge)

STAY ORDER

We have read and considered the petition for writ of supersedeas filed on March 8, 2019. We have also read and considered the opposition and motion to strike, both filed on March 21, 2019, and the reply and opposition to motion to strike filed on March 25, 2019.

The motion to strike is denied.

The petition for writ of supersedeas is granted. Paragraph 9 of the judgment entered on February 13, 2019 operates as an automatic stay pending the disposition of this appeal.



GRIMES, Acting P.J.



STRATTON, J.



WILEY, J.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 28905 Wight Rd., Malibu, California 90265.

On August 1, 2024, I served true copies of the following document(s) described as
SUPPLEMENTAL SHENKMAN DECLARATION

on the interested parties in this action as follows:

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SANTA MONICA CITY ATTORNEY
1685 Main Street, Room 310
Santa Monica, CA 90401
Tel: (310) 458-8336

Theodore Boutrous, Marcellus McRae, Kahn Scolnick,
Michelle Maryott, Tiaunia Henry, Helen Galloway, William
Thomson
GIBSON DUNN & CRUTCHER
333 S. Grand Ave.
Los Angeles, CA 90071

BY ELECTRONIC SERVICE: I caused the document(s) in .pdf format to be delivered electronically to the persons listed in the Service List by email(s).

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

Executed on August 1, 2024 at Malibu, California.

/s/Kevin Shenkman
Kevin Shenkman