

1 MICHAEL N. FEUER, City Attorney (SBN 111529X)
2 TIMOTHY MCWILLIAMS, Assistant City Attorney (SBN 167769)
3 MICHAEL S. KAPLAN, Deputy City Attorney (SBN 127124)
4 701 City Hall East
5 200 North Main Street
6 Los Angeles, California 90012-4130
7 Telephone: (213) 978-8226
8 Facsimile: (213) 978-8090
9 E-mail: michael.kaplan@lacity.org

NO FEE -
GOV'T CODE § 6103

FILED
Superior Court of California
County of Los Angeles

JUL 16 2015

Sherri B. Carter, Executive Officer/Clerk
By Raul Sanchez Deputy

Attorneys for Cross-complainant
CITY OF LOS ANGELES

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SUNSET RANCH HOLLYWOOD STABLES)
INC.)

Case No.: BC 576506

Plaintiffs,

[Case Assigned to Honorable Elizabeth Feffer]

vs.

CITY OF LOS ANGELES; CITY OF LOS)
ANGELES DEPARTMENT OF RECREATION)
AND PARKS; RICHARD J. EVANS AND)
SARA W. EVANS, Trustees of the EVANS)
FAMILY TRUST Dated November 7, 2014;)
CHANEL FARREL; RONALD FARRELL;)
MELANIE FARREL; DAVID J.L. KENT and)
DOES 1 through 10, inclusive)

**CROSS-COMPLAINT FOR DECLARATORY
RELIEF TRESPASS AND PUBLIC
NUISANCE**

Defendants.

CITY OF LOS ANGELES, a municipal)
corporation)

Cross-complainant,

vs.

SUNSET RANCH HOLLYWOOD)
STABLES, INC. and ROES 1-50, inclusive)

Cross-defendants.

1 Cross-complainant City of Los Angeles alleges as follows:

2 1. Cross-complainant City of Los Angeles (hereinafter "Cross-complainant") is a
3 City duly organized under the laws of the State of California and the owner of Griffith Park
4 located at 4732 Crystal Springs Drive, Los Angeles, California.

5
6 2. Cross-complainant is informed and believes and thereon alleges that at all
7 material times, Cross-defendant Sunset Ranch is the owner of a riding stable and horseback
8 riding facility located at 3400 N. Beachwood Drive, Los Angeles, California.

9
10 3. The true names of and capacities of Cross-defendants ROES 1 through 50,
11 inclusive, are unknown to Cross-complainant. Cross-complainant therefore sues these
12 Cross-defendants by fictitious names. Cross-complainant will seek leave of court to amend
13 this Cross-complaint to insert the true names and capacities of the fictitiously named Cross-
14 defendants when they are ascertained. Cross-complainant is informed and believes and
15 thereon alleges that each of the Cross-defendants designated as Roe herein is responsible
16 in some manner for the acts, occurrences, omissions, and liabilities herein charged.

17
18 4. At all times mentioned herein, each Cross-defendant was the agent, servant,
19 and employee of each other Cross-defendant, and the acts of each Cross-defendant were
20 within the course and scope of their agency and employment.

21
22 5. Under Section 594 (c) of the Los Angeles City Charter all lands set apart or
23 dedicated as public land shall remain for the use of the public inviolate.

24
25 6. Sunset Ranch is a two-acre parcel that is completely surrounded by Griffith
26 Park. Cross-complainant is informed and believes and thereon alleges that the portion of
27 Griffith Park that surrounds Cross-defendant's property has been owned by the City for at
28 least the last 48 years.

1 danger of causing a landslide and is therefore an "...an obstruction to the free use of property
2 so as to interfere with the comfortable enjoyment of life or property."

3
4 23. The obstructions to the public's use of Cross-defendant's property constitute a
5 "public nuisance" within the meaning of California Civil Code §3480 in that such conduct
6 "...affects at the same time an entire community or neighborhood or any considerable number
7 of persons..."

8
9 24. Cross-defendants' creation of a public nuisance in making an unsupported and
10 unpermitted cuts of up to 10 to 15 feet in height and 80 to 110 feet in length on bedrock
11 overlain by 2 to 3 feet of loose soil and bedrock and 3-5 feet of moderately weathered bedrock,
12 has removed lateral support from several steep ascending slopes and unless and until
13 enjoined by order of this court will cause great and irreparable injury because it poses a
14 danger of causing earth movement and/or a landslide on park property.

15
16 25. Cross-defendants' creation of a public nuisance by constructing improvements
17 on Cross-complainant's property unless and until enjoined by order of this court will cause
18 great and irreparable injury in that it deprives the public of use of park property which is
19 supposed to remain for the use of the public inviolate under Section 594 (c) of the City
20 Charter.

21
22 26. As a proximate result of Cross-defendants' public nuisance, Cross-complainant
23 has been and will be damaged in an amount that is not easy to ascertain.

24
25 27. Cross-complainant is entitled to a permanent mandatory injunction against
26 Cross-defendants providing for the abatement of the public nuisance caused by the
27 improvements and private property signs placed on park property, as well as the unsupported
28 and unpermitted cut placed on park property.

1 28. As direct and proximate result of the public nuisance created by Cross-
2 defendant, Cross-complainant's property has been damaged. Cross-complainant will be
3 required to repair the damage in order to restore the park. The cost of repairs, corrective
4 action and other work is presently unknown but reasonably believed to be in excess of ten
5 thousand dollars (\$10,000.00). Cross-complainant will seek leave of court to insert the
6 correct amount of damage when that amount is ascertained.

7
8 **WHEREFORE**, Cross-complainant prays for judgment against Cross-defendants and
9 each of them as follows:

10 **ON THE FIRST CAUSE OF ACTION:**

11 1. For a declaration that that Cross-defendants must remove the structures that
12 they have built on Cross-complainant's property, and return the land to its natural state.

13 **ON THE SECOND CAUSE OF ACTION:**

14 2. For a mandatory injunction against Cross-defendants providing for the
15 abatement and/or removal of the excavations, grading and improvements on Cross-
16 complainant's property.

17 3. For general damages according to proof.

18 **ON THE THIRD CAUSE OF ACTION:**

19 4. For a permanent mandatory injunction against Cross-defendants providing for
20 the abatement of the public nuisance caused by the excavations, grading and improvements
21 and restoration of the slopes on Cross-complainant's property.

22 5. For general damages according to proof.

23 Dated: July 16, 2015

Respectfully submitted,

24 **MICHAEL N. FEUER**, City Attorney
25 **TIMOTHY MCWILLIAMS** Assistant City Attorney
26 **MICHAEL S. KAPLAN**, Deputy City Attorney

27 By: 
MICHAEL S. KAPLAN
Deputy City Attorney

28 Attorneys for Cross-complainant
CITY OF LOS ANGELES

m:\real prop_env_land use\real property_environment\michael kaplan\sunset ranch\litigation\sunset ranch cross-complaint.doc

