

GEARY J. JOHNSON
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Superior Court of California,
County of Los Angeles
10/16/2023 11:30 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Tang, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

GEARY J. JOHNSON,

Petitioner,

vs.

City of Los Angeles,

Respondent,

Hi Point 1522 LLC,

Real Party in Interest

Case No.: **23STCP00644**

PETITIONER GEARY J. JOHNSON'S
NOTICE OF MOTION AND MOTION
TO AUGMENT THE ADMINISTRATIVE
RECORD FOR THE PETITION FOR
WRIT OF MANDATE (CCP § 1085)
(CCP 1084-1097)

Date: **Tuesday, October 24, 2023**
Time: **1:30 P.M.**
Department: **85**

Date Petition Filed: **02/28/2023**

TO THE HON JUDGE JAMES C. CHALFANT AND ALL PARTIES:

1. Please take Notice that Petitioner Geary J. Johnson files this Motion to Augment the Administrative Record ("AR"), Memorandum of Points and Authorities and Declaration in Support. CRC Rule 8.155. CCP section 1094.5(e) to be heard Oct. 24 at 1:30 p.m.

1 2. Petitioner requests that this matter be heard on shortened notice due to the lack of
2 response stated herein from the Respondents and the over 33 attorneys of the City of Los
3 Angeles. Respondent City has not complied with CRC rule 3.2225 which requires the AR be
4 lodged and notice served electronically within 10 days of the filed petition, which Petition was
5 filed 2/28/2023. CRC "Rule 5.94. Order shortening time; other filing requirements; failure to
6 serve request for order".
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9 3. Petitioner requested via email on April 11, 2023 that the administrative record ("AR")
10 be prepared, lodged, and electronically served. It is now six months past that request.
11

12 4. Petitioner requests the Court order the court file to be augmented in accordance with
13 the administrative records ("AR") and documents requested herein. CRC Rule 8.155.
14 Augmenting and correcting the record. CCP section 1094.5(e).
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17 5. Respondent City of Los Angeles has admitted by its conduct that is unable to timely
18 lodge the Administrative Record ("AR"), serve notice of lodging, and serve the Petitioner
19 electronically the AR. thus showing good cause for the Petitioner filing of this motion. See
20 JOHNSON Decl. ¶ 3, 11.
21

22 6. Another good cause for this motion is that City of Los Angeles has failed to "cooperate
23 to ensure timely completion of a record which they (Parties) agree is complete and accurate."
24 Local Rule of Court 3.231(g) "Preparation of the Record". See Johnson Decl. ¶ 1-23.
25

26
27 Date: OCTOBER 16, 2023

RESPECTFULLY

28 By:  
GEARY J. JOHNSON Petitioner, In Pro Per

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 7. This action stems from an administrative decision case CE273371 issued by the City of
4 Los Angeles Housing Department December 28, 2022. Petitioner GEARY J. JOHNSON filed a
5
6 timely Petition for Writ of Mandate February 28, 2023.
7

8 8. Petitioner requests the Court order the court file to be augmented in accordance with
9 the administrative records ("AR") and documents stated herein. CRC Rule 8.155. Augmenting
10 and correcting the record. CCP section 1094.5(e).
11

12 9. At all times herein, Respondent is referred to as "City" and represented by attorney
13 Deborah Breithaupt, Hydee Fedlstein Soto, Denise C. Mills, John W. Heath, Mei-Mei Cheng.
14

15 10. At all times herein, Real Party in Interest is referred to as "Property Owner", and
16 represented by attorney Michael Gerst at Novian & Novian LLP.
17

18 11. At all times herein, communications referred to are by email and to the respective
19 attorneys.
20

21 12. Petitioner Geary J. Johnson objected to the decision ("Notice of Case Closure") on
22 December 29, 2022 via email.
23

24 13. Petitioner filed a public records request for the city case file on 12/29/2022.
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1 14. The City Los Angeles Housing Department (“LAHD”) on January 10, 2023 released
2 to Petitioner a copy of the case file and it numbered 138 pages case CE273371. See JOHNSON
3 Decl. ¶6,8.
4

5 15. On April 11, 2023, via email to the City Attorney Deborah Breithaupt, Petitioner
6 requested the Record. See Johnson Decl. ¶ 3.
7

8 16. The City made a administrative records release on September 7, 2023. By the city’s
9 own words, the documents provided were not complete. See JOHNSON Decl. ¶6.
10

11 17. Petitioner has requested that the City AR include complaint to City CE282421 as it
12 was filed around June 9, 2023. See JOHNSON Decl. ¶21.
13

14 18. The declaration herein of Geary J. Johnson details numerous contacts with the City
15 and the Property Owner to meet and confer and ascertain a complete AR such communications
16 that occur between April 11, 2023 and October 11, 2023. See JOHNSON Decl. ¶1-23.
17

18 19. At any time, Petitioner may motion the court, to order the record augmented to
19 include “any document filed or lodged in the case.” CRC rule 8.155. Petitioner is requesting the
20 court to order the record augmented to reflect the filed documents and lodged documents ordered
21 to be prepared for this case as part of the AR.
22

23 20. Petitioner requests that the Court order the court file to be augmented to include the
24 AR and herein stated relevant documents stated. Authority: CRC Rule 8.155. Augmenting and
25 correcting the record. CRC “Rule 5.94. Order shortening time; other filing requirements; failure
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to serve request for order”. Relevant documents to be included in the AR are requested in
JOHNSON Decl. numbered ¶2,7,12,18,20,21,22.

Date: OCTOBER 16, 2023

RESPECTFULLY

By: 
GEARY J. JOHNSON Petitioner, In Pro Per

**DECLARATION OF GEARY J. JOHNSON IN SUPPORT
OF MOTION TO AUGMENT THE RECORD**

I, GEARY JOHNSON, declare as follows:

1. I make this declaration of my own personal knowledge, except where stated on information and belief, and if called to testify in Court on these matters, I could do so competently.

2. On April 11, 2023, via email to the City Attorney Deborah Breithaupt, Petitioner requested the Record. I stated in pertinent part, "The record on this issue regarding the City of Los Angeles Housing Department decision December 28, 2022 Case CE273371 is hereby requested. The record should include all documents in possession of the city dating back to 2014 regarding the issues of the housing complaint."

3. On or around September 7, 2023, I received a letter and documents from the City Attorneys Office that states in part, "Please find enclosed the pleadings and administrative records compiled so far regarding the above-referenced case. Other documents will be sent to you in the coming weeks...and other documents that have yet to be ascertained".

4. Prior to September 7, 2023, on June 30, 2023, I had written the City an email at 11:26 am verifying documents received by the City case CE282421 that prove the matter is ongoing harm.

5. On August 16, 2023, I wrote Breithaupt via email that there was a dispute over the amount of documents for case CE273371 and that I needed clarification as to why the case file was suddenly "voluminous" according to the City Records Department. I mentioned would the City object to a motion to examine corruption and falsification of the record by the City (and

1 presumably a motion to declare that Mayor Karen Bass cares about housing services). The City
2 initially responded by email August 16, 2023 (Breithaupt) that she did not understand what the
3 dispute is; later she would write that her office would oppose any motion that I file with the
4 Court.
5

6 6. I again wrote the City on September 6, 2023 via email (to Breithaupt, Soto, Mills,
7 Heath and Cheng) and noted the City seemed confused about the court minute order 7/25/23 that
8 all parties should meet and confer to discuss the complete administrative record. I again
9 mentioned falsification of the record and how did a case file go from 138 pages to 342 pages
10 without explanation. This was also faxed to the City attorney's office.
11

12
13 7. The September 7, 2023 release of the AR by the city —other than the July 6 2023
14 supplemental information of the City—does not include any other relevant documents between
15 12-28-22 and 7/6/23 as the Court instructed the record to include documents up to July 6, 2023.
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18 8. On September 7, 2023 at 10:16 am by email I wrote the City Attorney asking how the
19 case file on the RSO complaint has mushroomed from 138 pages to over 800 pages as the City
20 Attorney claims. The attorney has not responded.
21

22 9. On September 8, 2023 I emailed the City and Property Owner. I noted that the CRC
23 rule 3.2225 requires the administrative record be prepared, lodged and notice served 10 days
24 after the Petition is filed yet as of today's date the completed record has not been prepared,
25 lodged, notice served, or served electronically in accordance with CRC rule 3.2225.
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1 10. In the September 8, 2023 email I noted that the “city continues to ignore my request
2 for reasonable housing and modifications, such request directed at the city government as well as
3 the property owner.”
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5 11. On September 11, 2023, I wrote both Respondents, at 10:02 am, “I am preparing a
6 Motion to Augment/Amend the Record. I am obstructed from doing so because you said in your
7 September 7, 2023 letter "other documents will be sent to you in the coming weeks, such as your
8 government, tort claim, the claim denial, and other documents that have yet to be ascertained. I
9 object on the grounds that you have not given any legitimate reason as to why these documents
10 you state here have not already been made a part of the record. And as to why you have not at
11 this late date, "ascertained" where the documents are. Your untimeliness in this matter will be
12 noted in my motion to amend the record.”
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16 12. On September 11, 2023, I wrote both Respondents, at 10:02 am, “The administrative
17 record you are preparing should include the September 23, 2023 email to you at 9:49 am; all
18 submissions I have made to the city clerk as "Public Comments" that have been submitted
19 between September 1, 2022 and September 1, 2023 for city council agenda items or as city clerk
20 Public Records Requests; all code enforcement violation complaints filed by me with the city
21 between 2014 and to date 2023; the minute order issued by the court case 23STCP00644
22 September 7, 2023, the transcript of the September 7, 2023 hearing case 23STCP00644; any and
23 all documents related to city case 50505SM and including documents authored by Petitioner
24 objecting or appealing from the "capital improvements application" and the copy of the decision
25 issued May 8, 2015; and this email herein should be included in the administrative record.”
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1 13. On September 11, 2023, I wrote both Respondents, at 10:02 am, "If not for purposes
2 of delay and falsification and corruption of the record, I refer to your words "other documents
3 will be sent to you in the coming weeks, such as your government, tort claim, the claim denial,
4 and other documents that have yet to be ascertained."; since that (claim for damages) occurred
5 around May 4, 2023, I ask why have you not already included those in the record? It should not
6 take four months to add those to the record."
7

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9 14. On September 11, 2023, I wrote both City and Property Owner, in pertinent part of a
10 three page email, at 10:02 am, "If the RSO case was decided in December 28, 2022, if not for
11 racism, corruption, and falsification of the record, why are there "documents yet to be
12 ascertained" nine months later and a staff of 33 lawyers cannot find the documents?"
13

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15 15. On September 13, 2023, at 10:35 am City Attorney wrote this short email to me: "Mr.
16 Johnson, please be informed that the city will object to any further pleading filing beyond a
17 notice of errata to correct, for example, clerical errors in the Supplemental Writ." At that point,
18 that is the only response I receive from either City or Property Owner.
19

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21 16. On September 21, 2023, I email City of Los Angeles as well as Property Owner, "I
22 remind you that California law recognizes the doctrine of continuing violations."
23

24 17. On September 28, 2023, I email all attorneys, "I request that we meet and confer thru
25 this email process, i.e. via email."
26

27 18. On September 28, 2023, I email all attorneys 2 pages and in pertinent part, " I repeat
28 here records that I previously requested inserted into the administrative record . These documents

1 you already have copies in your possession: 1. All code violation complaints filed with the city
2 between 2014 and August 2023 re subject property 2. All REAP complaints filed with the City
3 between 2024 and August 2023 re subject property 3. Case file Capital Improvements
4 Application and Decision 50505SM. 4. Tenant Habitability Plan Application and Decision-
5 November 13, 2015.”
6

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8 19. On September 28, 2023, I email all attorneys 2 pages and in pertinent part, quoting
9 local rule (g) “Preparation of the Record”, page 80 of 214: “...in cases under Code of Civil
10 Procedure section 1094.6, the local agency must prepare the record. Whichever party prepares
11 the record, the parties must cooperate to ensure timely completion of a record which they agree
12 is complete and accurate.” The City has not cooperated in preparation of the AR.
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15 20. On September 29, 2023, via email one page, in pertinent part, I wrote City as well as
16 Property Owner, “If I do not receive from you the AR in a reasonable amount of time, I will
17 prepare a Motion to Augment the Record to be filed with the Court along the lines of what I am
18 requesting herein.” I also wrote: “I realize that you are still working on compiling the AR. My
19 point here is that the City is the only one who has the case files for the code violation and REAP
20 complaints; I would only have the complaints unless I had requested the case file prior which I
21 did not. The code violation and REAP complaints are mentioned in the files you have already
22 released to me regarding the RSO cases; therefore the code violation and REAP complaints are
23 relevant to the AR. The same with the Tenant Habitability Application and the Capital
24 Improvements 2015 decision; the City is in sole possession of those case files.”
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1 21. On October 5, 2023 I wrote the City only, via email, The Court said that as regards
2 the AR that it should include all documents up to July 6, 2023. That means the AR should
3 include RSO case numbers CE280933 (5/3/23) and case CE282421 (filed 6/6/23). Please include
4 in the AR the city case files and related documents in your possession for the cases CE280933
5 and case CE282421.”
6

7
8 22. On October 11, 2023, I wrote the City and Property Owner, at 10:37 a.m, two pages
9 and in pertinent part, Subject “Failure to cooperate in the completion of the record- Case
10 23STCP00644. I note that the local rule below states that the AR must include "post decision
11 actions" which presumably would include documents after the December 22 2022 RSO decision
12 up to today's date. I have not received any indication from you as to the status of the AR so that I
13 may review it for a possible Motion to Augment the Record. I have not received any word that
14 you plan to include the additional documents I have requested to be included. I have not received
15 from you a draft Table of Contents for the AR. I do not have the record which you have agreed
16 to prepare. You are failing to comply with the local rules below as you are not cooperating in the
17 completion of the record. Some documents I have asked to be included in the record, you have
18 made false statements (corruption) that such records are not in the possession of the City. Under
19 CCP 1094.6 (c), the local agency is liable to provide the record within 190 days. That has not
20 occurred. CCP 1094.6(c) states "The complete record of the proceedings shall be prepared by the
21 local agency or its commission, board, officer, or agent which made the decision and shall be
22 delivered to the petitioner within 190 days after he has filed a written request therefor. The local
23 agency may recover from the petitioner its actual costs for transcribing or otherwise preparing
24 the record. Such record shall include the transcript of the proceedings, all pleadings, all notices
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1 and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits,
2 all rejected exhibits in the possession of the local agency or its commission, board, officer, or
3 agent, all written evidence, and any other papers in the case." A request for the AR was made by
4 myself Petitioner around February 28, 2023. Six months have passed.
5

6
7 23. There is good cause to file this motion on shortened notice because of how many
8 times since September 11, 2023 I have alerted the parties that I would motion to augment the
9 record. Over 30 days have passed since Respondents were notified by email that I would be
10 filing a motion to augment the record.
11

12 I declare under penalty of perjury of the laws of the State of California that the foregoing
13 is true and correct.
14

15 Date: OCTOBER 16, 2023
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17 RESPECTFULLY

18 By: 
19 **GEARY J. JOHNSON** Petitioner, In Pro Per
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PROOF OF SERVICE

I, ERIC BECKWITH, do declare:

I am a resident of the County of Los Angeles; I am over the age of 18 years of age and not a party to be within entitled action; my business address is 1522 Hi Point St. Apt 9, Los Angeles, CA 90035.

On October 16, 2023 I served the within

PETITIONER GEARY J. JOHNSON'S NOTICE OF MOTION AND MOTION TO AUGMENT THE ADMINISTRATIVE RECORD FOR THE PETITION FOR WRIT OF MANDATE (CCP § 1085) (CCP 1084-1097)

(CASE NUMBER 23STCP00644)

on the below listed in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed to the last known address as follows:

Heidi Feldstein Soto
John W. Heath
Deborah Breithaupt
Office of the Los Angeles city attorney
City Hall
200 North Spring St 21st floor
Los Angeles California 90012-4130
Attorney for City of Los Angeles Los Angeles
Via First Class Mail

Michael Gerst
Novian & Novian, LLP
1801 century park east Suite 1201
Los Angeles, CA 90067 – 2314
Attorneys for real party in interest Hi Point 1522 LLC
Via First Class Mail

I declare under penalty of perjury under the laws of THE STATE OF CALIFORNIA that the foregoing is true and correct.

Executed on October 16, 2023, at Los Angeles California.



ERIC BECKWITH