

GEARY J. JOHNSON  
1522 HI POINT ST UNIT 9  
LOS ANGELES CA 90035  
Petitioner, In Pro Per  
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Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
5/28/2024 10:49 PM  
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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.: <b>23STCP00644</b>  PETITIONER GEARY J. JOHNSON'S REPLY BRIEF IN SUPPORT OF OPENING BRIEF (CCP § 1085) (CCP 1084-1097)  Trial Date: June 25, 2024 Time: 9:30 a.m. Dept.: 85  Writ Petition Filed: <b>02/28/2023</b>
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1 TO THE HON JUDGE JAMES C. CHALFANT AND ALL PARTIES:  
2  
3

- 4 1. "We hereby order your intercom in your unit to be repaired or replaced today."  
5 "We today provide you with a cell phone and WiFi to use the Akuvox system."  
6 "You are now assigned to tandem parking stall number ( )." Reasonable.  
7  
8 2. In the world population, 61 million people died in 2023. Those who are reading  
9 this will die one day. The Petitioner will die one day. That does not change the facts  
10 of who the Respondent and the Real Party in Interest are, and the injustices they  
11 partake against the Petitioner.  
12  
13 3. Two tenants died at this subject address 1522 Hi Point St. in the last few years. The  
14 intercom system needed to be functional for all tenants, not just a privileged few, in  
15 order to prevent one of those deaths.  
16  
17 4. The building intercom—similar to thousands of those across the city—and the  
18 tandem parking—similar to onsite parking at thousands of buildings across the  
19 city—are for purposes of health and safety. An intercom assists tenants to screen  
20 out unwanted and possibly harmful visitors. A (gated) assigned tandem parking  
21 area (such as this address) allows tenants to maintain a safe living environment  
22 free from assaults, robberies, break-ins, and even death. An intercom and tandem  
23 parking help assure peaceful enjoyment and prolong the lives of all tenants, until  
24 they die.  
25  
26 5. In 2010, the petitioner and roommate moved into the subject address, making  
27 them the most knowledgeable and trustworthy sources regarding the tenancy.  
28

- 1 6. Only the petitioner and roommate have provided witness statements under penalty  
2 of perjury regarding the intercom and tandem parking. (AR 284-285. AR 308-311.  
3 AR 1650.)  
4
- 5 7. The Respondent, City of Los Angeles, fights to deny full and equal housing services  
6 to the Petitioner, creating a conflict with the City laws and legal obligations.  
7
- 8 8. During the pendency of this action, petitioner continues to be a tenant tortured by  
9 the denial of the services requested. Petitioner continues to be denied peaceful  
10 enjoyment of the premises. (AR 676).  
11
- 12 9. There are a total of 18 one bedroom units in the Petitioner's building.  
13
- 14 10. Housing services at the petitioner's premises are "including, but not limited to the  
15 furniture, furnishings, fixtures, appliances, and equipment provided by the owner  
16 and set out in section M, windows, doors, plumbing and electrical facilities, hot  
17 and cold water supply, building grounds and appurtenances." Rental agreement  
18 2010 ( and current). (AR 172-178). The meaning of APPURTENANCE is accessory  
19 objects.  
20
- 21 11. "Housing services are services that are connected with the use or occupancy of a  
22 rental unit including, but not limited to, utilities (including light, heat, water and  
23 telephone), ordinary repairs or replacement, and maintenance including painting.  
24 The term also includes the provision of elevator service, laundry facilities and  
25 privileges, common recreational facilities, janitor service, resident manager, refuse  
26 removal, furnishings, food service, parking and any other benefits, privileges or  
27  
28

1 facilities. (LAMC Sec. 151.02, Definition of Housing Services).” (emphasis added).  
2 (AR 717, AR 717-720).

- 3  
4 12. Petitioner is a tenant who is Ham-Jew-DNA-Kushite/Black male American, aged  
5 over 45, with disabilities, entitled to all privileges and rights under the State Unruh  
6 Act, CC 51,52 as well as City housing ordinances. The Unruh Act states in part,  
7 “All persons within the jurisdiction of this state are free and equal, and no matter  
8 what their sex, race, color, religion, ancestry, national origin, disability, medical  
9 condition, genetic information, marital status, sexual orientation, citizenship,  
10 primary language, or immigration status are entitled to the full and equal  
11 accommodations, advantages, facilities, privileges, or services in all business  
12 establishments of every kind whatsoever.”  
13  
14 13. Petitioner is a “person” defined under the CC 51, 52, and a person that the act is  
15 intended to protect. (AR2183-2190. AR 2184. AR 2185. AR2191-2198).  
16  
17 14. An individual does not need to identify as a member of a class or a group to be  
18 entitled to equal protection. For the purposes of equal protection clause analysis, a  
19 class can consist of a single member. This “class of one” doctrine protects  
20 individuals from wholly arbitrary acts of state governments.  
21  
22 15. 42 U.S. Code § 2000a (a) EQUAL ACCESS “All persons shall be entitled to the full  
23 and equal enjoyment of the goods, services, facilities, privileges, advantages, and  
24 accommodations of any place of public accommodation, as defined in this section,  
25 without discrimination or segregation on the ground of race, color, religion, or  
26 national origin.”  
27  
28



- 1 16. 42 USC 1981 states: (a)Statement of equal rights. All persons within the  
2 jurisdiction of the United States shall have the same right in every State and  
3 Territory to make and enforce contracts, to sue, be parties, give evidence, and to  
4 the full and equal benefit of all laws and proceedings for the security of persons  
5 and property as is enjoyed by white citizens, and shall be subject to like  
6 punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no  
7 other. (b)“Make and enforce contracts” defined. For purposes of this section, the  
8 term “**make and enforce contracts**” includes the making, performance,  
9 modification, and termination of contracts, and the enjoyment of all benefits,  
10 privileges, terms, and conditions of the contractual relationship. (c)Protection  
11 against impairment. The rights protected by this section are protected against  
12 impairment by nongovernmental discrimination and impairment under color of  
13 State law.”  
14  
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17  
18 17. The preponderance of the evidence is that Petitioner, as a tenant, is entitled to  
19 maintenance, maintenance of the intercom and tandem parking, entitled to a  
20 working intercom in his unit, and entitled to a tandem parking stall.  
21  
22 18. The owner of the property, as well as the City of Los Angeles ordinances, have  
23 indicated Petitioner is entitled to maintenance, entitled to a working intercom in  
24 his unit, and entitled to a tandem parking stall.  
25  
26 19. Nevertheless, as of the date of this writing, the City and the Owner have made no  
27 indication as to what date Petitioner will be provided with the requested housing  
28 services.

- 1 20. The Court is being asked to reverse the decisions of the City RSO, on the grounds  
2 that doing so would be in compliance with the intent of the City laws and owner  
3 obligations to assure that Petitioner is provided with the housing services  
4 requested.  
5
- 6 21. Jimmie Grimaldi's Mom lives in unit #4. His Mom is white. She gets a tandem  
7 parking stall and working intercom upon inception of tenancy in year September  
8 2022. ( Her name has been changed for this narrative). Jimmie Grimaldi's Mom  
9 does not have to wait nine years for housing services, like the Petitioner is waiting.  
10 In a similar scenario, a few years back, a white female tenant asked for her single  
11 parking stall to be lengthened into a tandem parking stall and the request was  
12 granted. Petitioner's requests for equal treatment were denied.  
13
- 14 22. Assigned tandem parking is included in the rental agreement under "parking".  
15 Tandem parking is proven as "available" at the inception of tenancy of petitioner  
16 based on the COO for the building which dates back to 1973. Pictures supplied by  
17 Petitioner prove tandem parking as available in 2010 at subject address. The 2014  
18 "change in terms of tenancy" by owner admits to the availability of tandem  
19 parking, and signed by the Petitioner in 2021. Petitioner continues to be first come  
20 first served, and continues to pay the \$50.00 per month included in rent, for the  
21 tandem parking, but has not received the tandem parking stall.  
22
- 23 23. As told to the owner and city, continuing obligations and ongoing harm, the  
24 intercom in Petitioner unit continues to be non-functioning while fifteen other  
25 tenants have working intercoms in their unit (as of April 2023). Additionally,  
26  
27  
28

Petitioner continues not to be given the owner supplied smartphone and Wi-fi to operate the Akuvox door entry system, much like the owner supplied clicker to use the owner supplied parking lot entry gate. (AR 691).

24. Bill Gates has said that the world population contains too many people. This means a mandate issued to exterminate as many people as possible by denying health care, denying housing services, etc. Adolf Hitler was a government official. “Historians estimate that around 1,1 million people perished in Auschwitz during the less than 5 years of its existence. The majority, around 1 million people, were Jews. The second most numerous group, from 70 to 75 thousand, was the Poles, and the third most numerous, about 20 thousand, the Roma. About 15 thousand Soviet POWs and 10 to 15 thousand prisoners of other ethnic backgrounds (including Czechs, Belorussians, Yugoslavians, French, Germans, and Austrians) also died there. <https://www.auschwitz.org/en/history/auschwitz-and-shoah/the-number-of-victims/> . In view of the role that it played in the realization of the Nazi extermination plans, Auschwitz is known around the world as a symbol of genocide perpetrated by Nazi Germany, and especially of the destruction of the Jews. “When the Nazis came to power in 1933, there were several thousand Black people living in Germany. The Nazi regime harassed and persecuted them because the Nazis viewed Black people as racially inferior. While there was no centralized, systematic program targeting Black people for murder, many Black people were imprisoned, forcibly sterilized, and murdered by the Nazis.” <https://encyclopedia.ushmm.org/content/en/article/afro-germans-during-the-holocaust> . The Respondent City of Los

Angeles, are government officials much like Adolf Hitler was. Bull Conner, Lester Maddox, George Wallace, were government officials.

25. Respondent CITY OF LOS ANGELES has filed Requests for Judicial Notice. Requests for Judicial Notice only pertain to motions. There is no motion under court review. Petitioner objects to the RJN on the grounds they are an abuse of the judicial process. Respondent—supported by the Real Party in Interest Hi Point 1522, Power Property Management Inc., and its attorneys Reeder McCreary LLP—maintain that an Opposition Trial Brief can be supported by RJN. However, under “Rule 8.252. Judicial notice; findings and evidence on appeal (a) Judicial notice (1) To obtain judicial notice by a reviewing court under Evidence Code section 459, a party must serve and file a separate motion with a proposed order.” Neither the Respondent or Real Party in Interest has filed a separate motion requesting judicial notice. “Rule 5.115. Judicial notice. A party requesting judicial notice of material under Evidence Code section 452 or 453 must provide the court and each party with a copy of the material. If the material is part of a file in the court in which the matter is being heard, the party must specify in writing the part of the court file sought to be judicially noticed and make arrangements with the clerk to have the file in the courtroom at the time of the hearing.” If the Court is to examine the RJN, in terms of the numerous RSO cases before the court, there is no evidence that any of the RSO decisions were arrived at using any prior court documents or cases.
26. The arguments in the Opposition Brief of the City of Los Angeles—and as supported by the property owner Real Party in Interest, are biased, discriminatory,

1 frivolous, illegal, arbitrary, capricious, unjust, and without merit. The Respondent  
2 and Real Party in Interest in support should face sanctions for filing such a frivolous  
3 and outrageous document.  
4

5 27. Real Party in Interest thru agent Power Property Management, Inc. in Los Angeles  
6 Superior Court case 19STSC14394, counter sued Petitioner for \$10,000 presumably  
7 in retaliation against Petitioner. The Court 7/2/2021 denied the relief requested.  
8 Case filed 9/9/2020. In a confusing array of decisions, the 19STC14394 court  
9 claimed Hi Point Apts LLC (former owner) did not owe plaintiff (Petitioner) any  
10 money but the case was dismissed without prejudice; the court made a separate  
11 order dismissing Power Property Management Inc. without prejudice; on the cross  
12 complaint, the Court also dismissed the cross complaint without prejudice and did  
13 not award the Owner any money from the tenant (petitioner). The need and  
14 request for repairs was not addressed by the Court. Dated 7/2/2021. In court  
15 again, in 2022, since the previous case was dismissed without prejudice, the Court  
16 admits in case 21STSC04819 that the time period in the two cases was different,  
17 and the court claims 6/30/2022, that "the majority of claims were previously ruled  
18 on in case" ending 4394, claiming that the Judge entered judgement for the  
19 defendants (Hi Point 1522 LLC and Power Property Management Inc). The  
20 Judgement in case 4394 says, "the court orders Power etc. dismissed without  
21 prejudice" which means Power Property Management Inc. (and a new owner) can  
22 be sued again; the Court orders judgement on the Defendants claims: "Geary  
23 Johnson does not owe the defendants any money on the defendants claim."  
24  
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1 Presumably this is also dismissed without prejudice, a victory for Petitioner. But the  
2 court 6/30/2022 order claims that the Court had entered judgment for the  
3 defendants and that the matter was ruled by Res Judicata; this is incorrect since  
4 there was no judgment on repairs requested and no judgment on the merits of the  
5 case. The Court claims the 6/30/2022 is barred by res judicata which is a  
6 contradiction to the 7/6/2021 ruling that the case was dismissed without  
7 prejudice. The Court admits that the two cases are for damages that occur in two  
8 different time periods, i.e. new damages, i.e. res judicata does not apply.  
9

- 10  
11 28. On 2/16/2022, filed 12/3/2021 Los Angeles Superior Court case 21STSC04574, a  
12 court ruled in favor of the Petitioner GEARY J. JOHNSON and granted damages  
13 because of a non-working intercom and denial of tandem parking. Similar facts  
14 (intercom and tandem parking) different (owner) defendants, same management  
15 company Power Property Management Inc. as currently. Prorated, the \$569.99 (3  
16 month period) amount of damages awarded would be \$2276 per twelve month  
17 period. The granting of court damages is akin to the City Housing RSO division  
18 granting a reduction in rent for the continued reduction in services that is the  
19 subject of this proceeding. The Court in case 4574 recognized Petitioner had  
20 suffered a reduction in services.  
21  
22 29. Res judicata does not apply where there are continuing damages, ongoing harm,  
23 new facts or circumstances, and different parties. New evidence for example, in this  
24 case, is that the Petitioner continues to pay monthly rent thus renewing the  
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obligations of the city housing department, the Property Owner, and thus renewing  
Petitioner's entitlement to full and equal housing services.

30. The City and the Real Party in Interest will probably not in any of their legal papers  
reveal to the court that by letter 10/4/2023 from Michael Gerst, and followed up  
by email from Michael Gerst dated 11/22/2023, the Real Party in Interest HI  
POINT 1522 LLC (Todd Jacobs) — also as told to the City via email and US mail  
—stated that the Petitioner is entitled to a working intercom and entitled to a  
tandem parking stall. (See Petitioner Opening Brief, page 16.) This contradicts the  
position of the City of Los Angeles, in its opposition brief.

31. The City code enforcement division says, "Any and all units are subject to the same  
uniform compliance throughout the premises."

32. This Court said at the June 9, 2024 hearing that the trial decision on June 25,  
2024, will be based on the record and on the papers presented by the parties, that  
there will be no oral testimony. Petitioner requests the Court grant the relief  
requested in the Petition for Writ of Mandate and in the PETITIONER GEARY J.  
JOHNSON'S SUPPLEMENTAL PETITION IN SUPPORT OF PETITION FOR WRIT OF  
MANDATE (CCP § 1085) (CCP 1084-1097). (AR 7-8, AR 223-241, AR 223-672, AR  
676).

Date: MAY 28, 2024

RESPECTFULLY

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

## CERTIFICATE OF COMPLIANCE

Counsel of record hereby certifies that pursuant to rules 8.204(c)(1) and 8.486(a)(6) of the California Rules of Court, the

PETITIONER GEARY J. JOHNSON'S REPLY BRIEF IN SUPPORT OF OPENING BRIEF (CCP § 1085) (CCP 1084-1097)

contains 2354 words (10 pages), not including the tables of contents and authorities, the caption page, the verification page, signature blocks, or this certification page.

DATED: May 28, 2024

Geary J. Johnson

A handwritten signature in black ink, appearing to read "Geary J. Johnson", with a small mark above the "y" in "Johnson".



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 May 28, 2024 I served the within

PETITIONER GEARY J. JOHNSON'S REPLY BRIEF IN SUPPORT OF OPENING BRIEF

(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:

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

Executed on May 28, 2024, at Los Angeles California.



ERIC BECKWITH