

OFFICE OF THE LOS ANGELES CITY ATTORNEY
HYDEE FELDSTEIN SOTO, City Attorney (SBN 106866)
VALERIE L. FLORES, Chief Deputy City Attorney (SBN 138572)
JOHN W. HEATH, Chief Assistant City Attorney (SBN 194215)
MEI MEI CHENG, Assistant City Attorney (SBN 210723)
DEBORAH BREITHAAPT, Deputy City Attorney (SBN 170206)
City Hall 200 North Spring Street, 21st Floor
Los Angeles, CA 90012-4130
Tel: (213) 922-8382 / Fax: (213) 978-7957
Email: deborah.breithaupt@lacity.org

Electronically FILED by
Superior Court of California,
County of Los Angeles
7/17/2024 3:00 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Lopez, Deputy Clerk

Attorneys for Respondent
LOS ANGELES HOUSING DEPARTMENT

No Fee Required Gov't Code § 6103

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

Geary J. Johnson,

Petitioner,

vs.

Los Angeles Housing Department,

Respondent.

Hi Point 1522 LLC,

Real Part In Interest.

CASE NO. 23STCP00644

Honorable James C. Chalfant

**RESPONDENT CITY OF LOS ANGELES HOUSING
DEPARTMENT - DECLARATION OF BREITHAAPT
RE: PROPOSED JUDGMENT AND
UNSUCCESSFUL MEET AND CONFER**

(Filed and served concurrently
with Proposed Judgment)

OSC Re Judgment: August 6, 2024

Time: 9:30 a.m.

Dept.: 85

Trial: June 25, 20224

DECLARATION OF DEBORAH BREITHAAPT

I, DEBORAH BREITHAAPT, have personal knowledge of the facts set forth herein and if
called to testify as a witness in the matter of Geary J. Johnson v. Los Angeles Housing
Department, LASC Case No. 23STCP00644, I could and would testify competently thereto as
follows:

1 1. I am an attorney duly admitted to practice law before all of the courts of the State
2 of California and am the attorney responsible for the defense of the above listed action.

3 2. Petitioner's Writ and Supplemental Writ appealed a written statement of decision
4 issued by the Los Angeles Housing Department without a hearing. Judicial Notice is requested
5 under Evidence Code Section 452(d) of the Court records showing that Petitioner's Writ and
6 Supplemental Writ are alleged under CCP Section 1085.

7 3. Judicial notice is requested that on June 25, 2024, a trial was conducted on
8 Petitioner's Writ and Supplemental Writ and civil claims before the Honorable Judge James C.
9 Chalfant in Department 85 of the Los Angeles Superior Court – Central District. In attendance at
10 trial was Petitioner Geary Johnson, in pro per, Respondent City of Los Angeles (Los Angeles
11 Housing Department), represented by myself, and the Real Party in Interest ("RPI") Hi Point
12 1522 LLC, represented by attorney Michael Gerst. The Court, after having read and considered
13 the moving papers, opposition, and reply, and having considered the RPI's joinder, and having
14 heard oral arguments from all parties and RPI's counsel, took the matter under submission.

15 4. The Court issued a Minute Order dated June 28, 2024 denying the Writ and
16 Supplemental Writ and ordering the City's counsel to prepare and serve Petitioner with a
17 proposed judgment for review and approval as to form; wait for ten-days after service of the
18 proposed judgment for any objections; meet and confer over any objections; and then submit the
19 proposed judgment along with a declaration stating the existence/non-existence of any
20 unresolved objections. An OSC re: Judgment is set for August 6, 2024 at 9:30 a.m. before this
21 Honorable Court.

22 5. On July 1, 2024, I served Petitioner Johnson and RPI via United States Mail with a
23 copy of the City's Proposed Judgment which has been concurrently served and filed herewith.

24 6. On July 6, 2024, Petitioner sent me an email re: WHITE TENANTS HEALTH AND
25 SAFETY ENDANGERED AT 1522 HI POINT 90034 and saying he could complete the meet and
26 confer on the City's Proposed Judgment "... by phone on June 10, 11, 12, 2024 at 10:30-10:45
27 am each day..."

28 7. On July 8, 2024, I emailed a Google Meets Proposed Judgment Meet and Confer
call set for July 10, 2024 at 10:30 a.m. to Petitioner Johnson and RPI attorney Michael Gerst to
resolve the language in the City's Proposed Judgment. A copy of the City's Proposed
Judgment was served again on July 8, 2024 in an updated Google Meet link.

1 8. On July 9, 2024, at about 10:12 p.m., Petitioner accepted my Google Meet call
2 invitation and sent me four documents, including:

3 (1) Petitioner's January 22, 2021 Letter to the LA County District Attorney's
4 Office asking him to intervene in a Small Claims Complaint against Hi Point
5 LLC and others due to an alleged false court filing where a pleading was not
6 signed and stating the Court conspired with the Hi Point folks as to "Forging,
7 Stealing, Mutilating, and Falsifying Judicial and Public Records and
8 Documents..."

9 (2) PETITIONER GEARY J. JOHNSON'S OBJECTION TO TENTATIVE
10 DECISION, DECISION, AND PROPOSED ORDER; DECLARATION IN
11 SUPPORT.

12 (3) PETITIONER GEARY J. JOHNSON'S NOTICE OF ERRATA RE
13 ... OBJECTION TO TENTATIVE DECISION, DECISION, AND PROPOSED
14 ORDER.

15 (4) PETITIONER GEARY J. JOHNSON DECLARATION RE: RECIPET OF
16 PROPOSED JUDGMENT AND PETITIONER OBJECTION TO.

17 9. On July 10, 2024, before the Proposed Judgment Meet and Confer call, I scanned
18 Petitioner's letter to the District Attorney and three court filed pleadings (listed above) and noted
19 they were vague and unintelligible as to objecting to the City's Proposed Judgment based on
20 "form" and reflected what seemed to be substantively and procedurally erroneous motions for a
21 new trial, judgment notwithstanding the verdict, motion to vacate judgment, nonsuit motion,
22 and/or motion for directed verdict based on imagined new issues of facts and law. I intended to
23 discuss these documents during our call after the language for the Proposed Judgment was
24 resolved.

25 10. Once everyone dialed into the Google Meets telephone call, we began discussing
26 the Proposed Judgment. I began by acknowledging Petitioner's new court filings and asked for
27 clarification about PETITIONER GEARY J. JOHNSON DECLARATION RE: RECIPET OF
28 PROPOSED JUDGMENT AND PETITIONER OBJECTION TO, specifically paragraph 2 at page
2, stating "I object to the form of the proposed order". Petitioner Johnson essentially responded
with a conclusion that he objected "to the way it is written" but he refused to elaborate.
Petitioner changed topics by stating he wanted the Judgment to be without prejudice which was
flatly rejected as unacceptable. We did all agree, however, that the Court's Decision on the Writ

1 could be attached to the Judgment. When I tried re-focusing Petitioner on discussing his specific
2 objections to the form and language of the City's Proposed Judgment, he stated his new court
3 filings were like a game of chess or checkers, wherein he has filed papers with the Court which
4 now everyone has to serve a response and he announced having to leave the call without
5 explanation.

6 11. The Proposed Judgment Meet and Confer call was scheduled on the date and time
7 that Petitioner suggested. The Meet and Confer call lasted roughly ten (10) minutes when
8 Petitioner announced his time was up and he hung up the phone without offering other times to
9 complete the call nor any explanation why the call must end. Petitioner then emailed me and
10 filed a Declaration Diligence re Meet and Confer stating the call was from 10:00 a.m. to 10:45
11 a.m. but that is actually wrong. Petitioner filed his own proposed judgment as an exhibit to one
12 of his recent filing but were never able to discuss same because he ended the call, warranting
13 striking this pleading with prejudice.

14 12. Petitioner's self-imposed limitation of the Proposed Judgment Meet and Confer call
15 to 10 minutes +/- is facially without substantial justification or good cause especially in light of
16 the trial length and scope of the Court's decision.

17 13. Judicial notice is requested of the contents of Petitioner's above-mentioned court
18 filed documents that level extremely serious, specious and harmful remarks proximately
19 impacting the integrity of this Honorable Court and the judicial process by stating the Court acted
20 with incompetence, bias, and did not uphold the integrity and independence of the judiciary, and
21 claiming the Court failed to exercise ethics in adjudicating his writ and civil claims. See
22 PETITIONER GEARY J. JOHNSON'S OBJECTION TO TENTATIVE DECISION, DECISION,
23 AND PROPOSED ORDER; DECLARATION IN SUPPORT at page 3, lines 2:7-19; page 4, lines
24 3-12; page 8, ¶ 9; page 9, ¶ 13; page 12, ¶ 21; pages 13-14, ¶ 24; pages 14-15, ¶¶ 25-26; page
25 16, ¶ 27. Petitioner also engaged in exceedingly specious and discourteous litigation conduct
26 by stating I seemed "inebriated" during the Meet and Confer Call. See Petitioner's Declaration
27 Diligence Re Meet and Confer at page 3, ¶ 7.

28 14. Petitioner's willful refusal to a complete the Court ordered Proposed Judgment
Meet and Confer warrants adopting the City's Proposed Judgment served and filed herewith.

15. Additionally, Petitioner's arbitrary self-imposed limitation on the Proposed
Judgment Meet and Confer call to ten (10) minutes manifest a judicial finding of a willful refusal

1 to comply with a lawful Court order and lack of reasonable litigation conduct of which an average
2 person would know, all of which rebuttably indicates bad faith. Petitioner's vexatious conduct is
3 made further self-evident by his drawing an outrageous analogy between this Court ordered
4 Meet and Confer legal process and his filing of above-mentioned pleadings to a game of chess
5 or checkers, all of which has caused an inordinate drain of judicial and legal resources for which
6 sanctions and fee recovery should be ordered possible through filing a noticed motion. Counsel
7 for the Real Party in Interest has been similarly impacted because they have been involved in all
8 aspects of these proceedings and are named in the captions of the Writ and Supplemental Writ,
thusly showing they have been dragged into this case and vexatious conduct.

9 16. — Leave is hereby requested to allow for the City's filing of a noticed Motion under
10 CCP Section 177.50 and any other applicable statute for imposition of money sanctions and
11 attorney fee recovery against Petitioner due to his bad faith and vexatious conduct as set forth
12 herein which is rebuttably and facially without good cause or substantial justification, and reflects
13 delay tactics that have interfered with the administration of justice and have been extremely
prejudicial to the City.

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

16 Executed on July 17, 2024, at Los Angeles, California, by

Deborah Breithaupt

DEBORAH BREITHAUPT, Declarant

1 **PROOF OF SERVICE**

2 I, DEBORAH BREITHAUPT, declare as follows:

3 At the time of service, I was over 18 years of age and not a party to this
4 action. My business address is 200 North Spring Street, City Hall, 21st Floor, Los
5 Angeles, CA 90012, which is in the County, City and State where this mailing
6 occurred.

7 On July 17, 2024, I served the document(s) described as RESPONDENT
8 CITY'S DECLARATION OF BREITHAUPT RE: PROPOSED JUDGMENT, on all
9 interested parties in this case:

10 Geary J. Johnson, In Pro Per
11 1522 Hi Point Street, Unit 9
12 Los Angeles, CA 90035
13 Telephone: (323) 807-3099/Fax: (323) 345-5070

14 Michael Gerst
15 11766 Wilshire Blvd., Suite 1470
16 Los Angeles, CA 90025
17 Telephone: (310) 861-2470
18 Email: michael@reederdmccreary.com
19 Attorneys for Real Party In Interest Hi Point 1522 LLC

20 [X] **By UNITED STATES MAIL:** I placed the envelope for collection and
21 mailing, following our ordinary business practices. I am readily familiar
22 with this business' practice for collecting and processing
23 correspondence for mailing. On the same day that correspondence is
24 placed for collection and mailing, it is deposited in the ordinary course
25 of business with the United States Postal Service, in a sealed envelope
26 with postage fully prepaid. I am aware that on motion of the party
27 served, service is presumed invalid if the postal cancellation date or
28 postage meter date is more than one day after date of deposit for
mailing affidavit.

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

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

27 Dated: July 17, 2024

28 DEEBORAH BREITHAUPT
Name of Declarant

/s/ Deborah Breithaupt
Signature of Declarant