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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 Party In Interest.

CASE NO. 23STCP00644
Honorable James C. Chalfant

**RESPONDENT CITY OF LOS ANGELES
HOUSING DEPARTMENT'S**

- 1. OBJECTION AND OPPOSITION TO ALL
PETITIONER'S EXTRANEIOUS POST TRIAL
FILINGS.**
- 2. MEMORANDUM OF POINTS AND
AUTHORITES IN RESPONSE AND
OBJECTION TO PETITIONER'S OBJECTION
TO TENTATIVE DECISION, DECISION,
PROPOSED ORDER, AND DECLARATION IN
SUPPORT.**

OSC Re Judgment: August 6, 2024
Time: 9:30 a.m.
Dept.: 85

Trial: June 25, 20224

1 **TO THE COURT, ALL PARTIES, AND REAL PARTY IN INTEREST:**

2 Respondent City of Los Angeles Housing Department hereby objects and opposes all of
3 Petitioner's post-trial filings, including:

- 4 (1) Petitioner's January 22, 2021 Letter to the LA County District Attorney's
5 Office asking him to intervene in a Small Claims Complaint against Hi Point
6 LLC and others due to an alleged false court filing where a pleading was not
7 signed and stating the Court conspired with the Hi Point folks as to "Forging,
8 Stealing, Mutilating, and Falsifying Judicial and Public Records and
9 Documents..."
- 10 (2) PETITIONER GEARY J. JOHNSON'S OBJECTION TO TENTATIVE
11 DECISION, DECISION, AND PROPOSED ORDER; DECLARATION IN
12 SUPPORT.
- 13 (3) PETITIONER GEARY J. JOHNSON'S NOTICE OF ERRATA RE
14 ... OBJECTION TO TENTATIVE DECISION, DECISION, AND PROPOSED
15 ORDER.
- 16 (4) PETITIONER GEARY J. JOHNSON DECLARATION RE: RECIPET OF
17 PROPOSED JUDGMENT AND PETITIONER OBJECTION TO.

18 Respondent City (LAHD) objects to each of Petitioner's above listed filings as being a
19 disguised and improperly noticed motion for reconsideration (CCP § 629) and/or motion to
20 vacate judgment (CCP § 663) and/or faulty motion to correct judicial errors (CCP § 473) which
21 does not conform with the applicable code of civil procedure statutes; these filings consist of
22 improper opinion testimony (Evidence Code § 400 to § 405, § 800 to § 802) that is lacking in
23 foundation (Evidence Code § 400, § 403) and constitutes inadmissible hearsay without an
24 exception (Evidence Code § 1200 and § 1220 *et seq.*). PETITIONER GEARY J. JOHNSON'S
25 OBJECTION TO TENTATIVE DECISION, DECISION, AND PROPOSED ORDER;
26 DECLARATION IN SUPPORT exceeds the fifteen (15) page limit for Motion under Rule 3.113(d)
27 of the California Rules of Court ("CRC") warranting, at a minimum, striking pages 16 to 19 of the
28 Objection with prejudice for all purposes.

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MEMORANDUM OF POINTS AND AUTHORITES

Respondent City, on behalf of the Los Angeles Housing Department, hereby responds to, opposes and objects paragraph-by-paragraph to PETITIONER GEARY J. JOHNSON'S OBJECTION TO TENTATIVE DECISION, DECISION, AND PROPOSED ORDER; DECLARATION IN SUPPORT.

1. The trial in this matter was on June 25, 2024.

2. The Court issued a twenty (20) page trial Tentative Decision on June 25, 2024 that was adopted as the Court's final Statement of Decision (hereinafter "SD") on June 28, 2024.

3. Judicial notice is requested under Evid. Code § 452(d), (g) and (h), that neither party requested issuance of a written statement of decision as per Cal. Rule of Court ("CRC") 3.1590(d), (n) and that right has been waived. Accordingly, the Court's Statement of Decision stands as the final decision.

4. On July 2, 2024, Petitioner filed a nineteen (19) page document entitled PETITIONER GEARY J. JOHNSON'S OBJECTION TO TENTATIVE DECISION, DECISION, AND PROPOSED ORDER; DECLARATION IN SUPPORT (hereinafter "Petitioner's Objection") that is not supported by a concise statement of accurate facts or pin-point citations to the SD, Administrative Record or Supplemental Record, and requires the reader to hunt-n-peck for evidence supporting the veracity of the Petitioner's Objections [See *Huong Que, Inc. v. Luu*, 150 Cal. App. 4th 400, 409 (2007) stating court not required to go "backwards and forwards to try to figure out how the law applies to the facts"], all of which warrants denying all objections on the merits.

5. Under Evidence Code § 452 (a), judicial notice may be taken of the public statutory law. Under Evidence Code § 452 (h), judicial notice may be taken facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Evidence Code § 453 states "The trial court must take judicial notice of any matter specified in § 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, ... to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter." A judge is not bound to accept testimony that is inherently improbable. *Neblett v Elliott*, 46 Cal. App. 2d 294, 305 (1941). An inference may not be

1 illogically or unreasonably drawn, nor can an inference be based on mere "possibility, suspicion,
2 imagination, speculation, supposition, surmise, conjecture or guesswork." *Kidron v. Movie*
3 *Acquisition Corp.*, 40 Cal. App. 4th 1571, 1580 (1995).

4 6. Plaintiff has the burden as to alleging the preliminary foundational facts supporting the
5 Motion. Evidence Code § 400, § 403, § 500 Questions of law are decided by the Court.
6 Evidence Code § 310.

7 7. Under the above authority, judicial notice is requested that Petitioner's Objection to
8 the SD consists mostly of irrelevant (Evidence Code § 210), erroneous and inadmissible extra
9 record hearsay (Evidence Code § 1200) without an exception, and assert conclusions lacking in
10 foundation (Evidence Code § 400, § 402, § 403) and constitutes improper opinion testimony
11 (Evidence Code § 805) that unsupported by competent evidence or a corroborating declaration
12 of affidavit from a witness or party, and the Petitioner's Objection fails to identify what law was
13 supposedly misapplied or has caused a miscarriage of justice which warrants denying all
Objections¹ as follows:

- 14 a. page 2, lines 1-28 to page 3, lines 1-12 asks for the SD to state the Court did not
15 uphold judicial integrity and independence, had an appearance of impropriety, and
16 engaged in unethical extrajudicial activities due to not listing the pleadings the
17 Court did not consider during the trial. Petitioner ignores that the SD states at page
18 5 in ¶ 3 that "No administrative record is required for traditional mandamus..."; at
19 page 5, footnote 3 that the remedy for an inadequate AR was to file a Motion to
20 Augment which Petitioner did twice resulting in the Supplemental Record; and that
21 the records in CCP Sec. 1094.6(c) refers to agency records meaning there is no
22 legal need to list pleadings. Petitioner's pro per status does not mitigate the
23 outrageousness of these requested additions to the SD and is direct evidence that
24 Petitioner has abused the legal process for the unfounded and improper purposes
25 of causing delays which has also unnecessarily and without substantial justification
or good cause increased the trial court and litigation costs and caused vexation.

26 ¹ Each of Respondent's objections listed herein are incorporated into each of its responses and
27 objections to Petitioner's Objections.

- 1 b. page 4, lines 5-8 asking the SD to cite to extra-record hearsay lacks foundation as
2 to an unspecified police department notice having nothing to do with this Writ and
3 civil claims, and waived for failure of proof.
- 4 c. ¶ 3 at page 4 asks the SD to state that the Court read Petitioner's Supplemental
5 Writ which the Court already stated that it did at pages 2 – 3 of the Statement of
6 Decision, including "On August 23, 2023, Johnson filed the Supplemental Petition
7 against the City. The Supplemental Petition alleges in pertinent part as follows...
(etc)".
- 8 d. ¶ 4 at pages 4-5 asking for the SD to include inadmissible and irrelevant hearsay
9 from the Real Party in Interest's (RPI) attorney even though the RPI is not a party
10 and stated "My client did not own the building at that time." Petitioner argues for
11 inclusion in the SD supposition about the RPI's attorney 'failure to deny' that the
12 prior owner promised Petitioner tandem parking as a reasonable accommodation
13 which is irrelevant, multi-layer hearsay without an exception and calls for
conjecture.
- 14 e. ¶ 5 at page 5 asking for the SD to state ".. what the judge said..." re: the intercom
15 and tandem parking as being potential housing services but this subject matter has
16 been exhaustively covered in the SD at page 7, subsection b and pages 14-15,
17 subsection 4 of the Statement of Decision.
- 18 f. ¶¶ 6, 7 at pages 5-7 asking the SD to state the Court was biased because
19 supposedly Petitioner's "rent agreement includes all utilities paid in the rent and
20 parking paid in the rent (no separate charges)..." which contradicts the Court's
21 findings of fact (See Statement of Decision, page 7, Subsection b - Reduction in
22 Housing Services and footnote 12 at page 17) and is objectionable as mere
23 argument that constitutes inadmissible hearsay (Evidence Code § 1200) without an
24 exception and lacks foundation as the Court found, and the evidence showed, that
25 the landlord charges \$50 per month for tandem parking (SD at page 9, last ¶).
- 26 g. ¶ 8 at page 8, asking for the SD to list what Petitioner's lease agreement does not
27 state which calls for conjecture, lacks foundation, and fails to identify a deficiency
28 in the Statement of Decision or prejudice related thereto.

- 1 h. ¶ 9 at page 8 asking for the SD to state the Court's decision "has no legal weight
2 ..." because the Court failed to comply the Code of Judicial Ethics, which should
3 be stricken as lacking foundation, constituting improper opinion testimony
4 unsupported by a declaration, constituting inadmissible hearsay, and warrants
5 imposition of an OSC Sanctions for interposing such a weighty statement about
6 judicial ethical violations without conforming with applicable rules and procedures,
7 and evidentiary standards.
- 8 i. ¶ 10 at page 8 asking for the SD to say Petitioner is entitled to maintenance and
9 repairs in his rental unit which is beyond the scope of this case and not ripe for
10 review and asking the SD to state the Court's bias prevented it from stating same,
11 all of which ignores that the SD states at page 7, ¶ 3, that rental housing services
12 include ordinary repairs and maintenance warranting, all of which warrants
13 imposition of an OSC Sanctions for interposing a specious Objection that
14 contradicts the SD.
- 15 j. ¶ 11 at page 8 asking for the SD to state "Johnson's complaint joined..." the LAHD
16 rent and code divisions and "REAL Division" which are unintelligible requests that
17 lack foundation, incorrectly states "REAL" which should be "REAP", fails to cite to
18 the AR and Supplemental Record, and contradicts the SD which states the trial
19 only concerned RSO Rent Complaint No. 273371 at page 10. See a/so SD page
20 15, last ¶ adjudging Petitioner Johnson's Three Prior Complaints for reduction in
21 housing services were against the prior owner involving the intercom and tandem
22 parking which were not Health and Safety habitability issues (Statement of
23 Decision, page 12, ¶ 5) making this Objection and request for insertion of
24 information about code complaints irrelevant, meritless, and for which no prejudice
25 is identified.
- 26 k. ¶ 12 at pages 8-12 asking that the SD include unintelligible legal arguments about
27 furnishings, food service and parking which lacks foundation, is irrelevant, and for
28 which no prejudice is identified, and was in any case waived.
- l. ¶ 13 at page 9 asking for the SD to say Petitioner has a right to fair and equal
housing services which is not a legal objection.

- 1 m. ¶ 14 at page 9 disagreeing that there was a Joint AR even though pre-trial the
2 parties agreed upon the AR. Petitioner's Objection omits he was given leave to file
3 extra-record Supplemental Records which makes this objection lacking in
4 foundation. To the extent that any documents were omitted at trial, which is not
5 conceded, Petitioner waived his right to complain because he had burden of proof
6 and persuasion under Evidence Code §§ 110, 115, 412, 413, 500, 550
- 7 n. ¶ 15 at page 10 asking for the SD to include inadmissible hearsay that interprets
8 Petitioner's rent payments which was never in issue nor raised at trial, and
9 consequently has been waived, lacks foundation, constitutes inadmissible hearsay,
10 and lacks relevance.
- 11 o. ¶ 16 at page 10 asking for a discussion about Petitioner's disability discrimination
12 claims which the SD does recite (SD page 1, ¶ 5, last sentence; page 9, ¶ 7
13 [interactive process]) but which were not proven at trial by Petitioner who had the
14 burden of proof, all resulting in either a waiver of rights and/or adverse judgment.
15 The SD at page 10 under Other Cases also discusses Petitioner's DFEH and
16 California Civil Rights Division claims involving his non-working intercom and lack
17 of tandem parking but Petitioner's total absence of proof is why his discrimination
18 claim lack a lengthy discussion in the SD.
- 19 p. ¶ 17 at page 10 asking for the SD to recite information about non-parties from
20 Petitioner's old Small Claims Complaint which calls for inadmissible hearsay,
21 invites judicial error, violates Evidence Code § 356 (Entire Act), lacks relevance,
22 calls for speculation, would necessitate an investigation that would be improper
23 and unduly prejudicial and cause a violation of Respondent's due process rights,
24 and is cumulative with the SD discussions at pages 10 to 12.
- 25 q. ¶ 18 at pages 10-11 asking for the SD to discuss Petitioner's version of what
26 happened during his irrelevant Small Claims Complaint which was covered in the
27 SD at page 9 in ¶¶ 4-6, page 18, ¶ 7, and page 19, ¶ 2 wherein the Court noted
28 Petitioner is not the most reliable witness stating "Not everything Johnson says
about the intercom is accurate...Khammer never said at a court hearing that
Johnson was entitled to a working intercom...", all warranting disregarding this

Objection and request on waiver grounds, lacking in foundation, separation of powers between different judicial branches, constituting inadmissible hearsay, and lacking relevance as to Petitioner's rights in issue.

- r. ¶ 19 at page 11 erroneously asking the SD to contradict the Court's accurate description of the Lease at AR page 146 which states in part TENANT CONSENT TO EXTENSION OF RENEWAL OF LEASE as stated in the SD warning denying this Objection.
- s. ¶ 20 at pages 11-12 asking for the SD to recite the "true nature" of Petitioner's 2015 Prior RSO Complaints which are time barred, vague and unintelligible, because the Prior RSO Complaints were afforded no res judicata or collateral estoppel effect (SD at pages 11-12); and is irrelevant Court's determination on the LAHD Notice of Case Closure dated July 6, 2023.
- t. ¶ 21 at page 12 asking for the SD to state the Court had bias by supposedly not reading every page of the "2278-page Administrative Record" which is not legally required (See SD pg. 11, ftnt. 6), lacks foundation, constitutes improper opinion testimony that is unsupported by a declaration, and constitutes inadmissible hearsay.
- u. ¶ 22 at page 12 disputing the Court's fact finding and weight afforded to the witness declarations submitted to LAHD. Post-trial, Petitioner impermissibly and without legal support offers contentions contradicting the SD as to matters that were either not raised, were overruled, or waived at trial, and which, accordingly lacks foundation and citation to competent evidence and is nevertheless amply discussed in the SD at page 19, ¶¶ 5-7 warranting denying this Objection.
- v. ¶ 23 at page 13 asking for the inclusion in the SD that Petitioner has appealed the California Civil Rights' Department's dismissal of his complaint which lacks relevance, foundation, is inadmissible hearsay, lack of prejudice or miscarriage of justice, and was waived warranting denial of this Objection.
- w. ¶ 24 at page 13 asking for the SD to agree or disagree with Petitioner's claimed entitlements under the Unruh Act and stating the Court "participates in denial of reasonable accommodation to the Petitioner" all of which is inflammatory rhetoric

lacking in foundation, calls for an advisory legal opinion that is totally irrelevant to this Writ, fails to cite to supporting evidence, warranting denying this Objection.

- x. ¶ 25 at pages 14-15 asking the SD to state the Court had bias by not characterizing Petitioner's RSO Housing Services Complaint as to his non-working intercom and lack of tandem parking assignment as habitability violations which does not conform to the proof (SR page 1, ¶ 7), reflects arguments that were waived or inadequately briefed, lacks foundation, constitutes inadmissible hearsay; and reflects new conjecture without citation to the evidence warranting denying this Objection.
- y. ¶ 26 at page 15 asks for the SD to state without foundation the conclusion that "...city employees tortured Black tenants" and the Court found that housing services have to be written into a lease, all of which contradicts the SD findings at pages 15-16 that the intercom and tandem parking items may be housing services if these services were provided at tenancy inception (which is not the case here) warranting denying this Objection.
- z. ¶ 27 at pages 16-17 sets forth an unintelligible discourse that ignores the Court's twenty-page, single-spaced decision and disputes the Court's findings of fact without citation to supporting evidence as to the evidentiary weight the Court afforded to the non-party current landlord's rent advertisements and ignores the finding that Petitioner did not accurately portray the terms of his rental agreement, warranting overruling this Objection as erroneous and for failure of proof. Petitioner's Objection ignores that the inception of tenancy standard under RAC Regulation 410.03 (AR 717) was briefed, argued, and uncontroverted at the SD pages 6-8 (RAC Authority and Regulations) and SD at pages 9-10 (City's Evidence). Petitioner's Objection about his course of dealings with different landlords at the apartment was thoroughly presented at trial (SD pages 8-9) and not afforded the weight that Petitioner desired. There being no statement of prejudice or error, nor contrary evidence that was overlooked by the Court, warrants overruling this Objection.

- 1 aa. ¶ 28 at page 18 does not state a legal objection but rather takes issue about the
2 legal conclusion of a statute of limitations bar as to Petitioner's various 2015
3 Complaints filed with the LAHD which is fully within the Court's purview under
4 Evidence Code § 310 and was discussed in the SD at pages 10, 13-14 warranting
5 overruling this objection.
- 6 bb. ¶ 29 at page 18 challenges without citation to legal authority or competent
7 evidence the Court's determination of the issue of law that LAHD has the legal
8 authority as a municipal entity to enforce its TAHO ordinance, warranting
9 overruling this meritless Objection.
- 10 cc. ¶ 30 at page 18 offers the argument that Petitioner's "intercom has to be
11 functioning or operational to be a housing service" at the inception of tenancy
12 which does not appear to be an objection warranting overruling this objection on
13 vagueness grounds.
- 14 dd. ¶ 31 at page 19 states Petitioner raised repair and maintenance issues at trial
15 which is unsupported by citation to the AR and seems to be irrelevant to any of the
16 litigated rent (RSO) issues because Petitioner never alleged a housing habitability
17 writ, warranting overruling this objection.
- 18 ee. ¶ 32 at page 19 states the SD does not mention Petitioner's prior federal case but
19 that lawsuit was never part of the AR, Supplemental Records, or any pleading or
20 evidence at trial, warranting overruling this objection.
- 21 ff. Petitioner's proposed judgment buried as Exhibit 1 in PETITIONER GEARY J.
22 JOHNSON DECLARATION RE: RECEIPT OF PROPOSED JUDGMENT AND
23 PETITIONER OBJECT TO could not be edited as the document got electronically
24 corrupted. Respondent objects to the entire first paragraph of Petitioner's
25 proposed judgment at page 2, lines 1 to 20, which should be stricken as legal
26 argument and irrelevant surplusage having nothing to do with the litigated claims
27 and issues, and because the language seek an advisory opinion about prospective
28 litigation which is outside this litigation and is otherwise not ripe for review, and
 calls for a legal opinions for which notice and opportunity to heard has not been
 provided.

1 gg. The Petitioner's Declaration attached to his Objection asks for the Court to adopt
2 impermissible legal conclusions at paragraph 4 about continuing violations and
3 code enforcement violations, and other nonsense which is requested to be
4 disregarded as lacking in relevance, foundation, legal merit, and due process
5 violation for being raised post-trial. Paragraph 5 in the Petitioner's Declaration
6 cites to new evidence consisting of a supposed video which is inadmissible, lacks
7 relevance, was waived, constitutes inadmissible hearsay, and lacks foundation
8 warranting denying the invitation to view this video and request.

9 PRAYER

10 On the above grounds, Respondent City (LAHD) requests that:

- 11 (1) Respondent's Objection and Opposition to all Post Trial Filings is granted
12 and all four filings are stricken.
- 13 (2) Respondent's Opposition to Petitioners Objection To Tentative Decision,
14 Decision, and Proposed Order is granted in total.
- 15 (3) All of Petitioner's Objections to the Statement of Decision are overruled.
- 16 (4) The Court's Statement of Decision is the final decision to the extent it has
17 not already been so adopted.
- 18 (5) An Order to Show Cause is issued for Petitioner to show cause in writing
19 within ten business day (10) why monetary sanctions should not be imposed
20 for the unsupported accusations that the Court violated judicial ethics,
21 engaged in unethical extrajudicial activities, and was biased in adjudicating
22 his writ and civil claims.
- 23 (6) Respondent's (Proposed) Judgment is adopted as the final judgment.

24 Dated: July 24, 2024

HYDEE FELDSTEIN SOTO, City Attorney
VALERIE L. FLORES, Chief Deputy City Attorney
JOHN W. HEATH, Chief Assistant City Attorney
MEI MEI CHENG, Managing Assistant City Attorney
DEBORAH BREITHAUPT, Deputy City Attorney

25 By: /s/ Deborah Breithaupt

DEBORAH BREITHAUPT

26 Attorneys for Respondent CITY OF LOS ANGELES HOUSING
DEPARTMENT

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 action. My
4 business address is 200 North Spring Street, City Hall, 21st Floor, Los Angeles, CA 90012,
5 which is in the County, City and State where this mailing occurred.

6 On July 24, 2024, I served the document(s) described as RESPONDENT CITY OF LOS
7 ANGELES HOUSING DEPARTMENT'S 1. OBJECTION AND OPPOSITION TO ALL
8 PETITIONER'S EXTRANEIOUS POST TRIAL FILINGS; 2. MEMORANDUM OF POINTS AND
9 AUTHORITIES IN RESPONSE AND OBJECTION TO PETITIONER'S OBJECTION TO
10 TENTATIVE DECISION, DECISION, PROPOSED ORDER, AND DECLARATION IN SUPPORT
11 on all interested parties in this case:

12 Geary J. Johnson
13 1522 Hi Point Street, Unit 9
14 Los Angeles, CA 90035

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

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

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

23 Dated: July 24, 2024

24 DEBORAH BREITHAUPT
25 Name of Declarant

/s/ Deborah Breithaupt
Signature of Declarant