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9 Attorneys for Defendants as Persons  
Interested in the Matter:  
10 Southern California Association of Non-  
Profit Housing, Inc.  
11 Korean Immigrant Workers Advocates of  
Southern California DBA Koreatown  
12 Immigrant Workers Alliance  
Service Employees International Union  
13 Local 2015

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF LOS ANGELES

17 HOWARD JARVIS TAXPAYERS  
ASSOCIATION and APARTMENT  
ASSOCIATION OF GREATER LOS  
18 ANGELES, INC.,

19 Plaintiffs,

20 vs.

21 CITY OF LOS ANGELES, and ALL  
PERSONS INTERESTED IN THE MATTER  
22 OF MEASURE ULA,

23 Defendants.

) Case No. 22STCV39662

) Honorable Curtis A. Kin

) ANSWER OF SOUTHERN  
) CALIFORNIA ASSOCIATION OF  
) NON-PROFIT HOUSING, INC.,  
) KOREAN IMMIGRANT WORKERS  
) ADVOCATES OF SOUTHERN  
) CALIFORNIA DBA KOREATOWN  
) IMMIGRANT WORKERS  
) ALLIANCE, and SERVICE  
) EMPLOYEES INTERNATIONAL  
) UNION LOCAL 2015 to  
) PLAINTIFFS' COMPLAINT

) Complaint Filed: December 20, 2022

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1 ANSWER

2 This answer is respectfully filed on behalf of the following Defendants  
3 (“Defendants”), all of whom are Persons Interested in the Matter of Measure ULA because  
4 they were part of the original coalition backing the measure:

- 5 a. Defendant Southern California Association of Non-Profit Housing, Inc.  
6 (“SCANPH”), is an association of non-profit housing developers dedicated  
7 to building and facilitating below market-rate homes for low income  
8 community members in Southern California. SCANPH was part of the  
9 original coalition backing Measure ULA because the measure promoted their  
10 aim of solving the affordable housing and homelessness crisis.
- 11 b. Defendant Korean Immigrant Workers Association of Southern California  
12 (DBA Koreatown Immigrant Workers Alliance) (“KIWA”) is a non-profit  
13 organization dedicated to a broad array of progressive causes including  
14 workers’, tenants’, and housing rights. KIWA was part of the original  
15 coalition backing Measure ULA because the measure shared their focus on  
16 tenants’ and housing rights.
- 17 c. Defendant Service Employees International Union Local 2015 (“SEIU”) is a  
18 worker organization devoted to obtaining livable wages and retirement  
19 security for California’s long-term care workers. Because SEIU also works  
20 to obtain housing for seniors, they joined the original coalition backing  
21 Measure ULA.
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1 **INTRODUCTION**

2 1. Defendants admit that Measure ULA appeared on the November 8, 2022,  
3 City of Los Angeles ballot and that it passed with 57.77% voter approval. Defendants  
4 admit that the measure proposed an increase to the documentary transfer tax on real estate  
5 transfers of \$5 million or more. Except as expressly admitted, Defendants deny the  
6 allegation of Paragraph 1.

7 2. The allegations set forth in Paragraph 2 constitute conclusions of law to  
8 which no response is required. To the extent a response is required, Defendants deny the  
9 allegations in Paragraph 2.

10 3. Defendants deny the allegations in Paragraph 3.

11 **PARTIES**

12 4. Defendants admit, on information and belief, that HJTA has identified itself  
13 as a nonprofit corporation, comprising California taxpayers, organized under the laws of  
14 California for the purpose of engaging in civil litigation on behalf of its members. Except  
15 as expressly admitted, Defendants lack knowledge sufficient to admit or deny and  
16 therefore deny the remainder of Paragraph 4.

17 5. Defendants admit, on information and belief, that AAGLA has identified  
18 itself as a nonprofit corporation, comprising rental housing provider members who conduct  
19 business in, own property in, and/or reside in the City of Los Angeles, who voted against  
20 Measure ULA and/or who could be subject to its provisions. Except as expressly admitted,  
21 Defendants lack knowledge sufficient to admit or deny and therefore deny the remainder  
22 of Paragraph 5.

23 6. Defendants lack information or belief sufficient to answer the allegations in  
24 Paragraph 6. To the extent a response is required, Defendants deny the allegations in  
25 Paragraph 6.

26 7. Defendants admit that they are included in “All Persons Interested” and can  
27 claim standing to answer this action.  
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**JURISDICTION AND CALENDAR PREFERENCE**

8. The allegations set forth in Paragraph 8 constitute conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations of Paragraph 8.

9. The allegations set forth in Paragraph 9 constitute conclusions of law to which no response is required.

10. The allegations set forth in Paragraph 10 constitute conclusions of law to which no response is required. To the extent a response is required, Defendants admit that jurisdiction over Defendants may be had under Code of Civil Procedure § 861 to the extent this action is deemed valid.

11. The allegations set forth in Paragraph 11 constitute conclusions of law to which no response is required. To the extent a response is required, Defendants admit that venue is appropriate under Code of Civil Procedure § 860 to the extent this action is deemed valid.

**FIRST CAUSE OF ACTION: REVERSE VALIDATION (CCP § 863)**

12. The allegations of Paragraph 12 state a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations of Paragraph 12.

13. Defendants admit to the accuracy of the quote from the California Constitution. Except as expressly stated, Defendants deny the allegations of Paragraph 13.

14. The allegations of Paragraph 14 state a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations of Paragraph 14.

15. The allegations of Paragraph 15 state a legal conclusion to which no response is required. To the extent a response is required, Defendants admit that a correct copy of the ULA is attached as Exhibit A to the Complaint, but deny the remaining allegations of Paragraph 15.

1           16. Defendants admit to the accuracy of the quote from the California  
2 Constitution. Except as expressly stated, Defendants deny the allegations of Paragraph 16.

3           17. Defendants admit to the accuracy of the quote from the California Supreme  
4 Court. Except as expressly stated, Defendants deny the allegations of Paragraph 17.

5           18. Defendants admit that Plaintiffs accurately quote the text of Measure ULA.  
6 Except as expressly stated, Defendants deny the allegations of Paragraph 18.

7           19. Defendants deny the allegations of Paragraph 19.

8           **SECOND CAUSE OF ACTION: DECLARATORY RELIEF (CCP § 1060)**

9           20. Defendants incorporate by reference its responses to the preceding  
10 paragraphs as if set forth fully herein.

11           21. Defendants deny the allegations of Paragraph 21.

12           22. On information and belief, Defendants admit the City has deemed Measure  
13 ULA passed and that it intends to begin enforcement on April 1, 2023. Except as expressly  
14 admitted, Defendants deny the allegations of Paragraph 22.

15           23. Paragraph 23 states a legal conclusion to which no answer is required. To the  
16 extent a response is required, Defendants deny the allegations of Paragraph 23.

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1 **AFFIRMATIVE DEFENSES**

2 Defendants further plead the following separate and additional affirmative defenses.  
3 By pleading these defenses, Defendants do not in any way agree or concede that it has the  
4 burden of proof or persuasion on any of these issues. Defendants reserve the right to assert  
5 such additional defenses as emerging information indicates are proper.

6 **First Affirmative Defense**

7 (Failure to State a Claim)

8 Defendants allege that the Complaint fails to state facts sufficient to constitute a  
9 cause of action under applicable law.

10 **Second Affirmative Defense**

11 (Premature)

12 Defendants allege that the purported causes of action contained within the  
13 Complaint are premature.

14 **Third Affirmative Defense**

15 (Lack of Standing)

16 Defendants allege that Plaintiffs lacks standing to bring the purported causes of  
17 action contained within the Complaint

18 **Fourth Affirmative Defense**

19 (Lack of Subject Matter Jurisdiction)

20 Defendants allege that the court lacks subject matter jurisdiction over this action.

21 **Fifth Affirmative Defense**

22 (Waiver and Estoppel)

23 Defendants allege that the Complaint is barred by the doctrines of waiver and/or  
24 estoppel.

25 **Sixth Affirmative Defense**

26 (Speculative Damages)

27 To the extent Plaintiffs seek damages, Defendants allege that the Complaint is  
28 barred because the injuries and damages, if any, suffered by Plaintiffs are speculative,

1 depend on the happening of events which are not reasonably certain to occur, may be  
2 mitigated by future events, and cannot be determined with the degree of certainty required  
3 by law.

4 **Seventh Affirmative Defense**

5 (Lack of Damages)

6 To the extent Plaintiffs seek damages, Defendants allege that the Complaint is  
7 barred because Plaintiffs have suffered no damages as a result of any act or omission of  
8 Defendants; therefore, Plaintiffs are barred from asserting any cause of action against  
9 Defendants.

10 **Eighth Affirmative Defense**

11 (Contrary to Public Policy)

12 Plaintiffs' actions constitute a violation of public policy and therefore prevent  
13 Plaintiffs from prevailing on its causes of action.

14 **Ninth Affirmative Defense**

15 (Compliance with Statutory Authorities)

16 The Complaint, and each purported cause of action therein, is barred, in whole or in  
17 part, as Defendants are not liable for any acts or omissions undertaken by or at the  
18 direction or sufferance of any local, state, or federal authority, including, without  
19 limitation, acts or omissions made in accordance with any initiative, permit, license,  
20 statute, law, or regulation applicable at the time the acts or omissions occurred.

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**PRAYER**


WHEREFORE, Defendants SCANPH, KIWA, and SEIU pray for judgment as follows:

1. That the Complaint be dismissed with prejudice;
2. That the Plaintiffs take nothing by reason of the Complaint or otherwise;
3. For attorney’s fees and costs; and
4. For such other and further relief as the Court may deem just.

Dated: February 15, 2023

Respectfully submitted,  
IRELL & MANELLA, LLP  
Morgan Chu  
Nicole Miller  
Emily Grant  
Jared Looper  
Kyle McGuire

PUBLIC COUNSEL  
Faizah Malik  
Gregory Bonett  
Brandon Payette  
Kathryn Eidmann

By: 

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Morgan Chu  
Attorney for Defendants Southern  
California Association of Non-Profit  
Housing, Inc., Korean Immigrant  
Workers Advocates of Southern  
California DBA Koreatown Immigrant  
Workers Alliance, and Service  
Employees International Union Local  
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VERIFICATION

I, Alan Greenlee, declare:

I am the Executive Director of the Southern California Association of Non-Profit Housing, Inc. (SCANPH), a party to this action. I have read the foregoing Answer and know its contents. I am authorized to make this verification for and on behalf of SCANPH and make this verification for that reason. The matters stated in the foregoing Answer are true to my knowledge, except as the matters which are therein state upon information and belief, and as to those matter I believe them to be true.

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

Executed at Los Angeles, California on February 14, 2023.

  
\_\_\_\_\_  
Alan Greenlee


1 VERIFICATION

2 I, Alexandra Suh, declare:

3 I am the Executive Director of the Korean Immigrant Workers Advocates of  
4 Southern California (DBA Koreatown Immigrant Workers Alliance) (“KIWA”), a party to  
5 this action. I have read the foregoing Answer and know its contents. I am authorized to  
6 make this verification for and on behalf of KIWA and make this verification for that  
7 reason. The matters stated in the foregoing Answer are true to my knowledge, except as  
8 the matters which are therein state upon information and belief, and as to those matter I  
9 believe them to be true.

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

12  
13 Executed at Los Angeles, California on February 14, 2023.

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17 Alexandra Suh

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VERIFICATION

I, Cameron Peters, declare:

I am a Political Coordinator at Service Employees International Union Local 2015 (“SEIU”), a party to this action. I have read the foregoing Answer and know its contents. I am authorized to make this verification for and on behalf of SEIU and make this verification for that reason. The matters stated in the foregoing Answer are true to my knowledge, except as the matters which are therein state upon information and belief, and as to those matter I believe them to be true.

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

Executed at Los Angeles, California on February 14, 2023.

  
Cameron Peters

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**PROOF OF SERVICE**

I, Nicole Miller, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067-4276.

On February 15, 2023, I served the foregoing document describe as **ANSWER** on each interested party, as stated in the attached service list.

(BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, and addressed to the person[s] set forth below, with delivery fees paid or provided for. I:

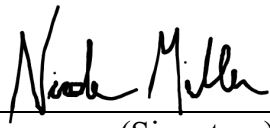
X placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

       delivered the envelope or package to an authorized courier or driver authorized by the express service carrier to receive the documents.

(BY ELECTRONIC SERVICE) I caused the foregoing document to be sent to the persons at the electronic service addresses set forth in the attached service list via upload to OneLegal.

Executed on February 15, 2023, at Los Angeles, California.

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

Nicole Miller _____ (Type or print name)	 _____ (Signature)
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**SERVICE LIST**

<b><u>Via Mail and Electronic Service</u></b>	<b><u>Via Mail and Electronic Service</u></b>
<p>Jonathan M. Coupal, Esq. Timothy A. Bittle, Esq. Laura E. Dougherty, Esq. Howard Jarvis Taxpayers Foundation 1201 K. Street, Suite 1030 Sacramento, CA 95814 Email: <a href="mailto:laura@hjta.org">laura@hjta.org</a></p> <p><i>Attorneys for Plaintiffs Howard Jarvis Taxpayers Association and Apartment Association of Greater Los Angeles</i></p>	<p>HYDEE FELDSTEIN SOTO, City Attorney, SBN 106866 VALERIE FLORES, Assistant City Attorney, SBN 138572 DANIEL WHITLEY, Deputy City Attorney, SBN 175146 OFFICE OF THE CITY ATTORNEY 200 North Main Street, 920 City Hall East Los Angeles, CA 90012 Telephone: (213) 978-7786 Fax: (213) 978-7711 Email: <a href="mailto:Daniel.Whitley@lacity.org">Daniel.Whitley@lacity.org</a></p> <p><i>Attorneys for Defendant, City of Los Angeles</i></p>