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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

17 HOWARD JARVIS TAXPAYERS
ASSOCIATION and APARTMENT
18 ASSOCIATION OF GREATER LOS
ANGELES,
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20 Plaintiffs,
21
22 v.
23 CITY OF LOS ANGELES, and ALL
PERSONS INTERESTED IN THE MATTER
24 OF MEASURE ULA of the November 8,
2022, ballot, a real property transfer tax,
25 Defendants.

Lead Case No. 22STCV39662
(Consolidated with Case No.: 23STCV00352)
*Assigned for All Purposes to the Honorable
Curtis A. Kin; Department 72*
**DEFENDANT CITY OF LOS ANGELES’
NOTICE AND MOTION FOR
JUDGMENT ON THE PLEADINGS TO
COMPLAINT FILED BY HOWARD
JARVIS TAXPAYERS ASSOCIATION ET
AL., COMPLAINT FILED BY
NEWCASTLE COURTYARDS, LLC ET
AL., AND ANSWER FILED BY SHAMA
ENTERPRISES, LLC**

26 AND RELATED CONSOLIDATED CASE

Reservation IDs: 254311419406 (Lead Case)
and 757938091417 (Consolidated Case)
Date: September 26, 2023
Time: 8:30 AM
Dept.: 72
Actions Filed: Dec. 21.2022, and Jan. 6, 2023

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on September 26, 2023 at 8:30 a.m., in Department 72 of
3 the Los Angeles Superior Court, located at 111 North Hill Street, Los Angeles, CA 90012,
4 Defendant City of Los Angeles (the “City”) will move for Judgment on the Pleadings for: (1) the
5 Complaint to Invalidate Special Tax filed on December 21, 2022, in the case entitled *Howard*
6 *Jarvis Taxpayers Association, et al. v. City of Los Angeles and All Persons Interested in the*
7 *Matter of Measure ULA* (“HJTA Complaint”), Los Angeles County Superior Court case number
8 22STCV39662; (2) the Answer filed by Shama Enterprises, LLC on February 15, 2023 (“Shama
9 Answer”) to the HJTA Complaint; and (3) the Petition and Complaint filed on January 6, 2023, in
10 the case entitled *Newcastle Courtyards, LLC et al. v. City of Los Angeles, et al. and All Persons*
11 *Interested in the Matter of the ULA* (“Newcastle Complaint”), Los Angeles County Superior Court
12 case number 23STCV00352 (collectively, “Pleadings”).

13 The City moves for judgment on the pleadings pursuant to common law authority as well
14 as California Code of Civil Procedure section 438, subdivisions (c)(1)(B)(ii) and (c)(2)(A) as to
15 the HJTA Complaint and Newcastle Complaint, and (c)(2)(B) as to the Shama Answer.

16 Counsel for the City plans to appear at the hearing on the motion either in person or using
17 the Court’s audio-visual remote appearance platform.

18 Pursuant to this Court’s Order Setting Page Extension and Briefing Schedule for Motions
19 for Judgment on the Pleadings, the parties are relieved from their obligation under California Code
20 of Civil Procedure section 439 to meet and confer in advance of filing Motions for Judgment on
21 the Pleadings (though the City had met and conferred).

22 Judgment on the pleadings is proper on the grounds that none of the Pleadings, nor any
23 purported cause of action alleged therein, alleges facts sufficient to state a cause of action, or any
24 claim or basis for liability.

25 The HJTA Complaint and the Shama Answer each fails to allege facts that state or could
26 state any cause of action or basis for liability, including without limitation in the HJTA
27 Complaint’s First Cause of Action: Reverse Validation (CCP § 863), the HJTA Complaint’s
28 Second Cause of Action: Declaratory Relief (CCP § 1060), or the allegations in Shama’s Answer.

1 Reasons include without limitation that neither the HJTA Complaint nor the Shama Answer
2 include any factual allegations that establish or could establish that Measure ULA violates the
3 California Constitution, Art. XIII A, § 4 (Prop. 13), Section 450 of the Los Angeles City Charter,
4 or any other law.

5 The Newcastle Complaint fails to allege facts that state or could state a cause of action,
6 including without limitation in any of the purported causes of action: (1) Violation of Equal
7 Protection [Gross Sales as Proxy for Ability to Pay, etc.]; (2) Violation of Equal Protection
8 [Requirements of Uniformity and Apportionment, etc.]; (3) Violation of California Constitution,
9 Article XIII A, § 4 (Prop. 13); (4) Violation of Government Code section 53725 (Prop. 62);
10 (5) Governmental Taking Without Just Compensation / Violation of the Takings Clauses of the
11 California and U.S. Constitutions [Monetary Exactions, etc.]; (6) Governmental Taking Without
12 Just Compensation [Special Assessments, etc.]; (7) Governmental Taking Without Just
13 Compensation [Confiscation, etc.]; (8) Violation of Article I, § 10 of U.S. Constitution [Ex Post
14 Facto Law]; (9) Violation of Freedom of Speech; (10) 42 U.S.C Section 1983; (11) Writ of
15 Mandate [Code of Civil Procedure section 1085, etc.]; (12) Declaratory Relief [Code of Civil
16 Procedure section 1060]; (13) Determination of Invalidity [Code of Civil Procedure sections 860
17 et seq.]; (14) Violation of Substantive Due Process; (15) Unlawful Delegation of Authority; and
18 (16) Unconstitutionally Vague / Void for Vagueness. Reasons include without limitation that
19 Newcastle Complaint fails to include any factual allegations that establish or could establish that
20 Measure ULA violates any law cited or referenced in the Newcastle Complaint. Rather, the City’s
21 voters lawfully exercised their power of initiative by adopting Measure ULA at the November
22 2022 election, and Measure ULA does not violate any provision of the United States Constitution,
23 California Constitution, any federal or state statute, or any other law.

24 Accordingly, the City is entitled to judgment as to the HJTA Complaint, Shama Answer,
25 and Newcastle Complaint, and as to each and every cause of action or claim of liability
26 purportedly stated therein.


27 This Motion for Judgment on the Pleadings is supported by this Notice of Motion; the
28 accompanying Memorandum of Points and Authorities; the accompanying Request for Judicial

1 Notice and each of the documents identified therein; the complete files and records in this action;
2 and on such argument and evidence as may be presented before or at the hearing on this Motion.

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Dated: June 23, 2023

BURKE, WILLIAMS & SORENSEN, LLP

By: 

Kevin D. Siegel
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Tamar M. Burke
Eileen L. Ollivier
Attorneys for Defendant
CITY OF LOS ANGELES

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PROOF OF SERVICE

Howard Jarvis Taxpayers Assoc., et al. v. City of Los Angeles, et al.
Los Angeles County Superior Court
Lead Case No. 22STCV39662
(Consolidated with Case No.: 23STCV00352)

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 1 California Street, Suite 3050, San Francisco, CA 94111-5432.

On June 23, 2023, I served true copies of the following document(s) described as

DEFENDANT CITY OF LOS ANGELES’ NOTICE AND MOTION FOR JUDGMENT ON THE PLEADINGS TO COMPLAINT FILED BY HOWARD JARVIS TAXPAYERS ASSOCIATION ET AL., COMPLAINT FILED BY NEWCASTLE COURTYARDS, LLC ET AL, AND ANSWER FILED BY SHAMA ENTERPRISES, LLC


on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address pmruiz@bwslaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on June 23, 2023, at San Francisco, California.



Paola Mendez-Ruiz

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SERVICE LIST
Howard Jarvis Taxpayers Assoc., et al. v. City of Los Angeles, et al.
Los Angeles County Superior Court
Lead Case No. 22STCV39662
(Consolidated with Case No.: 23STCV00352)

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Court Reservation Receipt

Reservation	
Reservation ID: 254311419406	Status: RESERVED
Reservation Type: Motion for Judgment on the Pleadings	Number of Motions: 1
Case Number: 22STCV39662	Case Title: HOWARD JARVIS TAXPAYERS ASSOCIATION, et al. vs CITY OF LOS ANGELES, et al.
Filing Party: City of Los Angeles (Defendant)	Location: Stanley Mosk Courthouse - Department 72
Date/Time: September 26th 2023, 8:30AM	Confirmation Code: CR-XVDPU9DUTWO7HSBOO

Fees			
Description	Fee	Qty	Amount
Motion for Judgment on the Pleadings *** Fees Exempted by Gov Code 6103.1 ***	60.00	1	0.00
TOTAL			\$0.00

Payment	
Amount: \$0.00	Type: GOVT_EXEMPT

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Court Reservation Receipt

Reservation	
Reservation ID: 757938091417	Status: RESERVED
Reservation Type: Motion for Judgment on the Pleadings	Number of Motions: 1
Case Number: 23STCV00352	Case Title: NEWCASTLE COURTYARDS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, et al. vs CITY OF LOS ANGELES, et al.
Filing Party: City of Los Angeles	Location: Stanley Mosk Courthouse - Department 72
Date/Time: September 26th 2023, 8:30AM	Confirmation Code: CR-DPKZ66FLPEPSDAUHF

Fees			
Description	Fee	Qty	Amount
Motion for Judgment on the Pleadings *** Fees Exempted by Gov Code 6103.1 ***	60.00	1	0.00
TOTAL			\$0.00

Payment	
Amount: \$0.00	Type: GOVT_EXEMPT

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