



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R 23 - 0124  
APR 17 2023

**REPORT RE:**

**REQUEST FOR ATTORNEY FEES, PURSUANT TO THE RULING IN  
*YES IN MY BACKYARD, et al. v. CITY OF LOS ANGELES, et al.*  
LOS ANGELES SUPERIOR COURT CASE NO. 21STCP03883  
(COUNCIL DISTRICT 3, BLUMENFIELD)**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

The report requests Council approve the payment of \$241,080.50 in attorney fees pursuant to a ruling issued against the City in the above lawsuit regarding a 67-unit density bonus apartment (Project) at 5353 Del Moreno Drive, Woodland Hills (Property), located in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan (Community Plan).

Background

On November 24, 2021, the Developer (Janet Jha), along with Yes In My Backyard and Sonja Trauss (jointly "YIMBY"), a non-profit housing organization and founder, filed their Petition for Writ of Mandate and Complaint for Declaratory Relief (Petition). They challenged the City's determination in Council File (C.F.) 21-0808 that the Project application was incomplete under §65943 (all references herein are to the Government Code). The Petition claimed violations of: the Permit Streamlining Act at §65920 et seq. (PSA); the Housing Accountability Act at §65589.5 (HAA); State Law Density Bonus at §65915; and the Preliminary Application provision at §65941.1.

The Court issued a Judgment against the City on October 17, 2022, and on January 17, 2023 awarded a total of \$241,080.50 in attorney fees to counsel for YIMBY (\$172,983.75 to Zacks, Freedman & Patterson) and counsel for the Developer (\$68,096.75 to Jeffer, Mangels, Butler & Mitchell). The ruling reflects an approximate fifty percent reduction of the original attorney fee request of \$486,053.50. The attorney fee ruling is attached to this report as Exhibit A. The City, Developer and YIMBY did not appeal the fee award.

Previously, this Office transmitted a confidential litigation report (Rpt. No. R22-0360), dated October 20, 2022, and a separate report regarding compliance with the judgment dated December 6, 2022 (C.F. 21-0808 [Rpt. No.22-0431]).

### Recommendation

This Office requests Council approve the payment of attorney fees in the amount of \$241,080.50 by doing the following:

1. Authorize payment of the Court ordered attorneys' fees in the total amount of \$241,080.50 plus applicable interest from the Liability Claims Fund No. 100/59, Account No. 009798 – Miscellaneous Liability Payouts. The demand drawn on said funds shall be paid in two parts as follows:

- a) \$172,983.75 to "Zacks, Freedman & Patterson", plus applicable interest; and
- b) \$68,096.75 to "Jeffer Mangels Butler & Mitchell, LLP – Attorney - Client Trust Account" plus applicable interest.

2. Authorize this Office to deliver the warrants payable to Zacks, Freedman & Patterson, and to Jeffer Mangels Butler & Mitchell, LLP, contemporaneous with receipt of a Notice of Satisfaction of the attorneys' fee awarded against the City.

3. Authorize this Office to make necessary technical adjustments, subject to approval of the City Administrative Officer, and that the Controller be authorized to implement the instructions.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8064. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 

DONNA WONG  
Deputy City Attorney

DW:kh  
Attachment

# **Exhibit A**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 85

**21STCP03883**

January 17, 2023

**YES IN MY BACK YARD, A CALIFORNIA NONPROFIT CORPORATION, et al. vs CITY COUNCIL OF THE CITY OF LOS ANGELES, et al.**

1:30 PM

Judge: Honorable James C. Chalfant  
Judicial Assistant: J. De Luna  
Courtroom Assistant: C. Del Rio

CSR: J. Hong-Elsey, CSR #11975 (Pro Temp)  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Petitioner(s): Ryan James Patterson (Telephonic); Brian O'Neill (Telephonic); Matthew Hinks (Telephonic)

For Respondent(s): Donna Lee Wong (Telephonic)

Other Appearance Notes:

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**NATURE OF PROCEEDINGS:** Hearing on Motion for Attorneys' Fees

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Jane Hong-Elsey, CSR # 11975, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The court's tentative ruling is published to all parties via posting on the court's website.

The matter is called for hearing.

After argument of counsel, the court rules in accordance with its tentative ruling, as modified orally, which is filed and adopted as the final ruling of the court and incorporated herein by reference.

Summary of the court's ruling:

Petitioners Yes in My Backyard ("YIMBY"), Sonja Trauss ("Trauss"), and Janet Jha ("Jha") moved for an award of \$486,053.50 in attorney's fees.

The court has read and considered the moving papers, opposition, and reply, and renders the decision.

The motion for attorney's fees is granted in the amount of \$241,080.50.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 85

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ERM: None  
Deputy Sheriff: None

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Notice is waived.