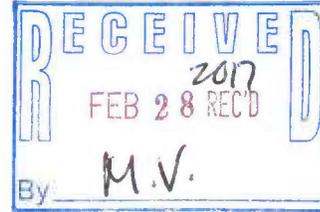


#6

Council File # 16-0566

VAC E 1401267

Murry Mieszala  
9246 Kinglet Drive  
Los Angeles 90069



Good morning.

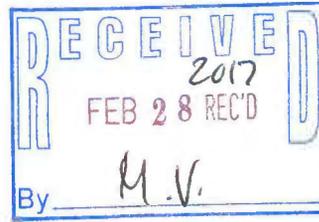
Our sewer easement over 9277 Thrush has existed since the subdivision was created prior to 1955. The architect was aware of this easement. We know that there are sewer connections on Kinglet; but, we would have to install sewer ejection pumps. This would negatively affect resale - waste should flow down. There is another sewer easement on the other side of 9277 Thrush benefitting 9250 Kinglet.

Once the City grants the vacation, even with reserving the easement, 5B will continue with its destruction. The City has already been put on notice by our attorney (letter of 12/2/2016) that there is a dispute regarding the easement, and 5B's response thereto (letter of 12/5/2016) are included in the packages. 5B continually interferes with other peoples' easements and property rights - they destroyed our gas easement by having an excavator rip out the live gas line, the architect ignored the private easements of 9267 Thrush, and now 5B wants to destroy our sewer easement.

There is little doubt if this vacation is approved there will be more litigation, this time involving the City as a defendant.

Thank you.

Council file # 16-0566  
VAC E 1401267



Good morning ladies and gentlemen,

I have provided a package with a survey on my property showing piles on 9277 Thrush Way. There is a 4' wide sewer easement running along the western side of 9277 Thrush Way.

If you look on the survey one pile is well into the sewer easement.

I am on a 60-year old septic tank. There is a hook-up on Kinglet Drive but I would have to pump the sewage uphill – it's better for waste water to flow downhill.

If you grant this vacation, 5B will completely destroy my sewer easement. 5B has already destroyed my gas easement which ran through the middle of 9277 Thrush Way.

The architect TAG FRONT is being served with a cross-complaint by one of the defendants in the 3 lawsuits as we speak.

I would like to keep the City of LA out of these lawsuits; however if this vacation is granted, the City will most certainly be an additional defendant. We strongly object to this vacation.

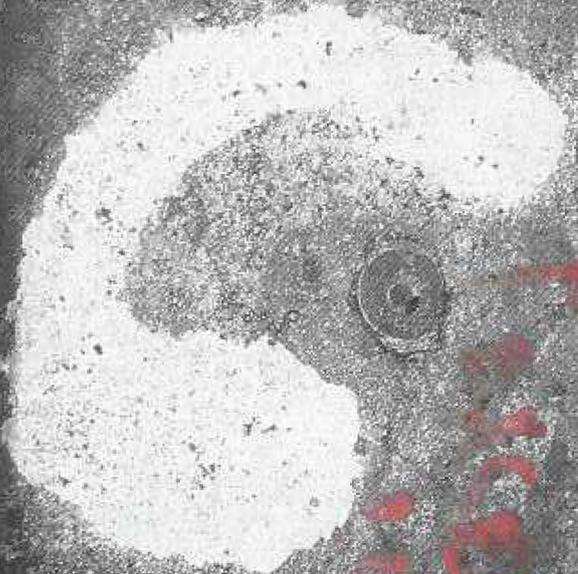
Yves Mieszala  
9246 Kinglet Drive  
Los Angeles, CA 90069

We are unable to do a survey of the sewer easement and the affected piles due to construction debris, dirt, very thick bamboo, and K-rails on the city property along the property line.

We have been awaiting discovery responses to obtain plans and locations of the piles for quite some time and have yet to receive them.

①

RESEARCH CENTER



02/26/2017 14:46

02/26/2017 14:46

2

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3





02/26/2017 14:46



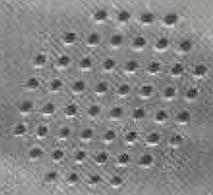


02/26/2017 14:47

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1 2 3  
4 5 6  
7 8 9  
\* 0 #

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**ADT**

7

02/26/2017 14:47

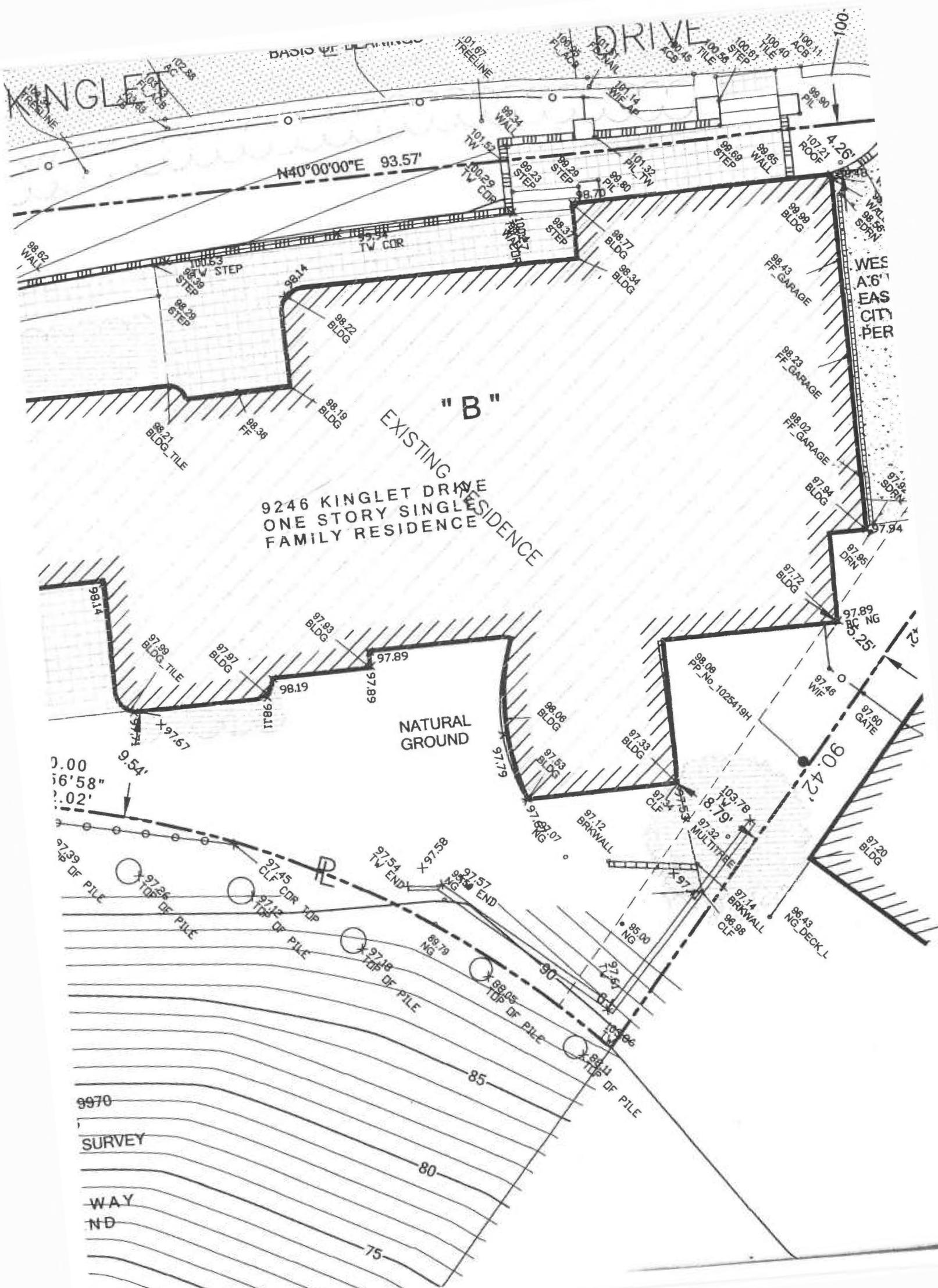
8

NOTICE  
VACATION

02/26/2017 14:47

02/27/2017 17:39





9246 KINGLET DRIVE  
 ONE STORY SINGLE  
 FAMILY RESIDENCE

"B"

EXISTING RESIDENCE

NATURAL GROUND

9970  
SURVEY

WAY  
ND

DRIVE

WEST  
A.6'  
EAS  
CITY  
PER

N40°00'00"E 93.57'

98.08  
PP\_No. 1025419H

103.78  
TV

97.32  
MULTITREE

97.14  
BRKWALL

98.08  
CLF

95.00  
NG

97.54  
TV END

97.57  
END

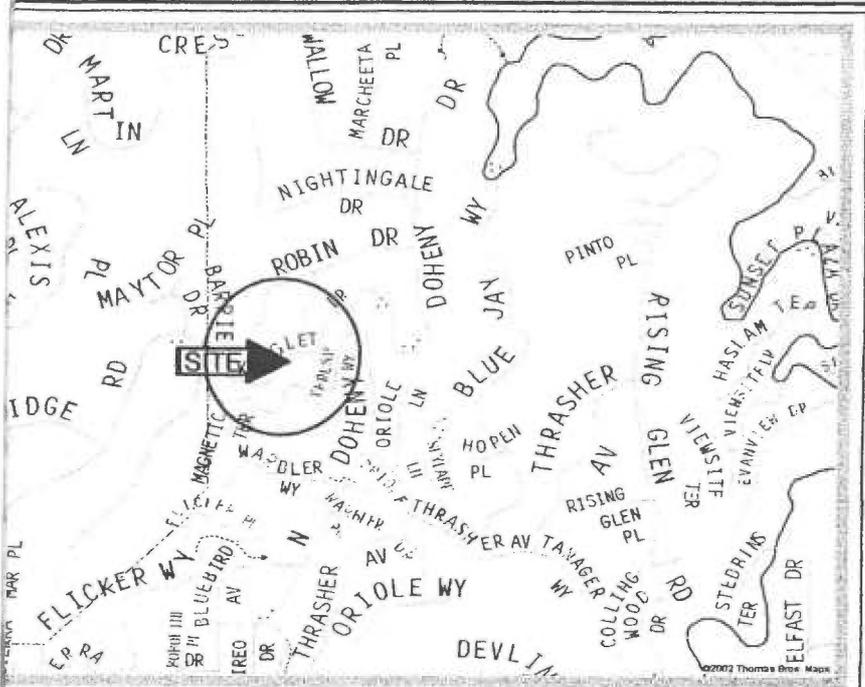
98.34  
WALL

98.23  
STEP

98.29  
STEP

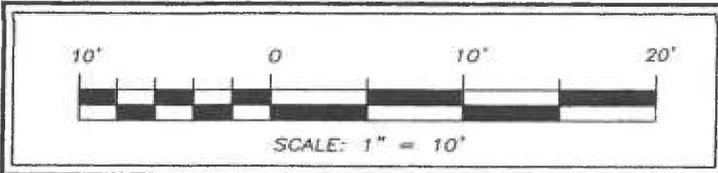
98.31  
STEP

98.70  
WALL



MAP

NOT TO SCALE



**LEGAL DESCRIPTION**

PARCEL "B" OF PARCEL MAP No. 2925 IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64 PAGE 27 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS MAP WAS CREATED WITHOUT THE BENEFIT OF A TITLE REPORT.

BOUNDARIES SHOWN PER RECORD DATA.

**BENCHMARK**

SPIKE AND TIN FOUND IN CENTERLINE OF KINGLET DRIVE AS SHOWN HEREON.

ASSUMED ELEVATION - 100.00 FEET

**BASIS OF BEARING**

THE BEARINGS HEREON ARE BASED ON THE BEARING NORTH 40°00'00" EAST OF A COURSE IN THE CENTERLINE OF KINGLET DRIVE AS SHOWN ON PARCEL MAP L.A. No. 2925 AS PER MAP RECORDED IN BOOK 64 PAGE 27 OF PARCEL

LAND SURVEYING



1545 VICTORY BLVD. STE. 103  
 GLENDALE, CALIFORNIA 91201  
 T 818.761.1508 • F 818.761.4295



DATE:

NO.	REVISIONS:	DATE:	BY:
	UPDATED 8-20-15 ORIGINAL SURVEY 4-27-05		

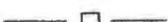
SCALE 1" = 10'	DATE 8-20-15
-------------------	-----------------

DRAWN BY: N.H.	CHECKED BY: K.S.
-------------------	---------------------

**NOTES**

- 1. PARCEL AREA: 8,193 SQ. FT. (0.19 ACRES)
- 2. ZONE CODE: RE11-1
- 3. DISTRICT MAP: 147B169
- 4. CONTOURS SHOWN ON 9277 THRUSH WAY ARE APPROXIMATE AND BASED ON TOP AND TOE ELEVATIONS.
- 5. TDR IS NOT RESPONSIBLE FOR ANY ITEMS THAT MAY BE OMITTED FROM THIS MAP DUE TO DENSE BRUSH, PARKED AUTOMOBILES, OR OTHER OBSTRUCTIONS AT TIME OF SURVEY. HARDSCAPE W/O SURVEY DATA IS APPROX.

**LEGEND (STANDARD)**

	CENTERLINE
	PROPERTY LINE
	CHAIN LINK FENCE
	WROUGHT IRON FENCE
	WOOD FENCE
	RETAINING WALL
	NON-STRUCTURAL WALL
AC	ASPHALT CONCRETE
ACB	ASPHALT CONCRETE BERM
BLDG	BUILDING
C/L	CENTERLINE
CLF	CHAIN LINK FENCE
CONC	CONCRETE
DRN	DRAIN
EG	EDGE OF GUTTER
FD	FOUND
FF	FINISHED FLOOR
FH	FIRE HYDRANT
FL	FLOW LINE
FNC	FENCE
FP	FIRE PLACE
GM	GAS METER
L&T	LEAD AND TACK
NG	NATURAL GROUND
OH	OVERHEAD / OVERHANG
PIL	PILASTER
P/L	PROPERTY LINE
PP	POWER POLE
SSMH	SANITARY SEWER MANHOLE
TB	TOP OF BERM
TW	TOP OF WALL
TX	TOP OF DRIVEWAY X
WIF	WROUGHT IRON FENCE
WM	WATER METER
	ASPHALT CONCRETE
	BRICK TILE
	CONCRETE

CIVIL ENGINEERING

APN: 5561-013-020      THOMAS BROS: 59:

PREPARED FOR:  
**YVES MIESZALA**  
 9246 W. KINGLET DRIVE  
 LOS ANGELES, CA 90069  
 TEL. 310.550.7976

**TOPOGRAPHIC SURVEY**

SITE ADDRESS:  
 9246 W. KINGLET DRIVE  
 LOS ANGELES, CALIFORNIA  
 90069

PROJECT NO.  
**MIES-001**

DRAWING NO.  
**1**

SHEET **1** OF **1** SHEETS

**Service list**

Related Cases:

5B Enterprises LLC v. Mieszala (BC565958)  
Mieszala v. 5B Enterprises LLC, et. al. (590939)  
Mieszala v. 5B Enterprises LLC, et. al. (602794)

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Marilyn Nelson  
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marilynhnelson@gmail.com

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raslater@aol.com

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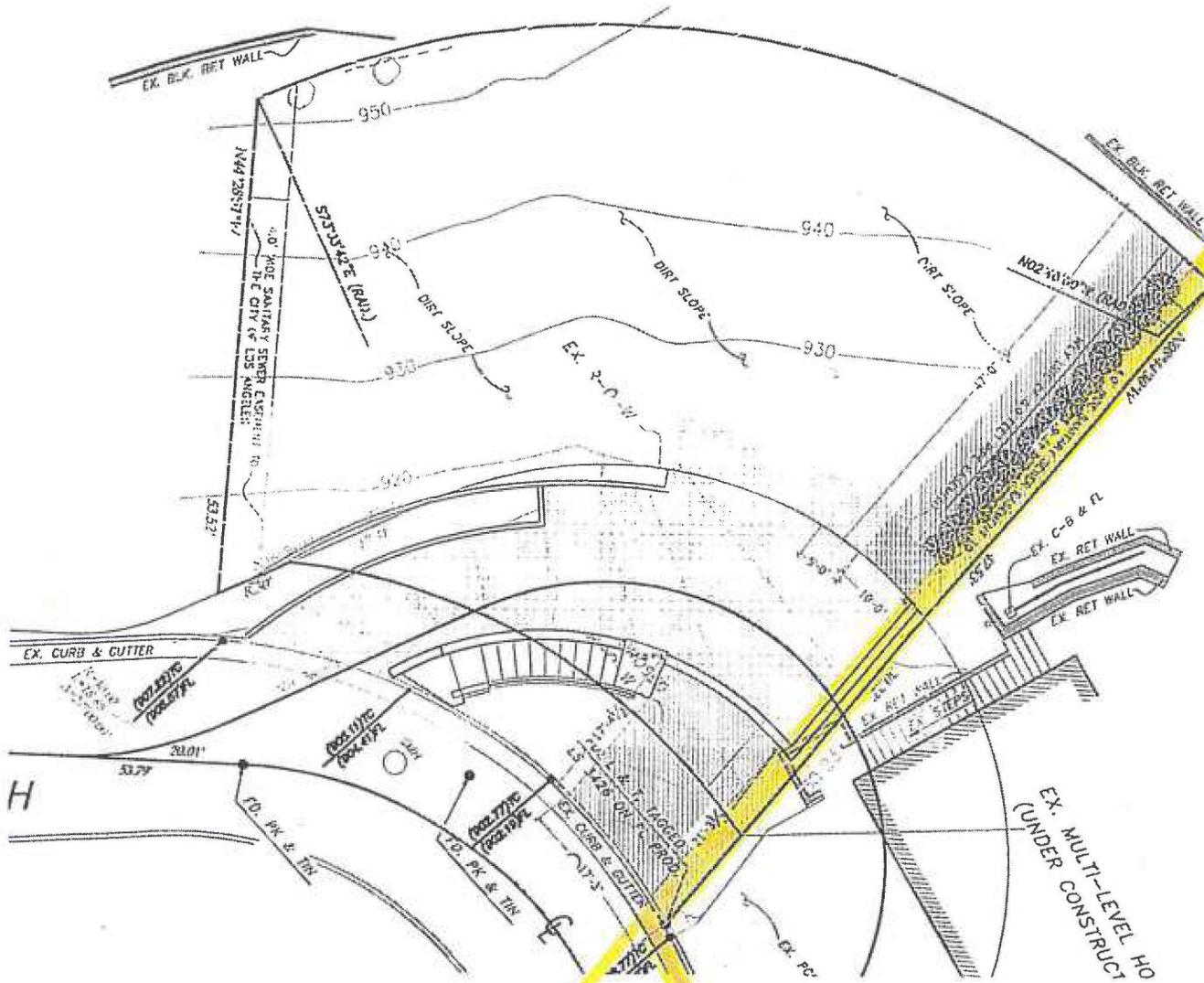
Danny Lynwood Rocket (case no.  
BC602794)  
Iron Horse Construction  
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Simi Valley, CA 93063

---

Counsel for Defendant 5B Enterprises  
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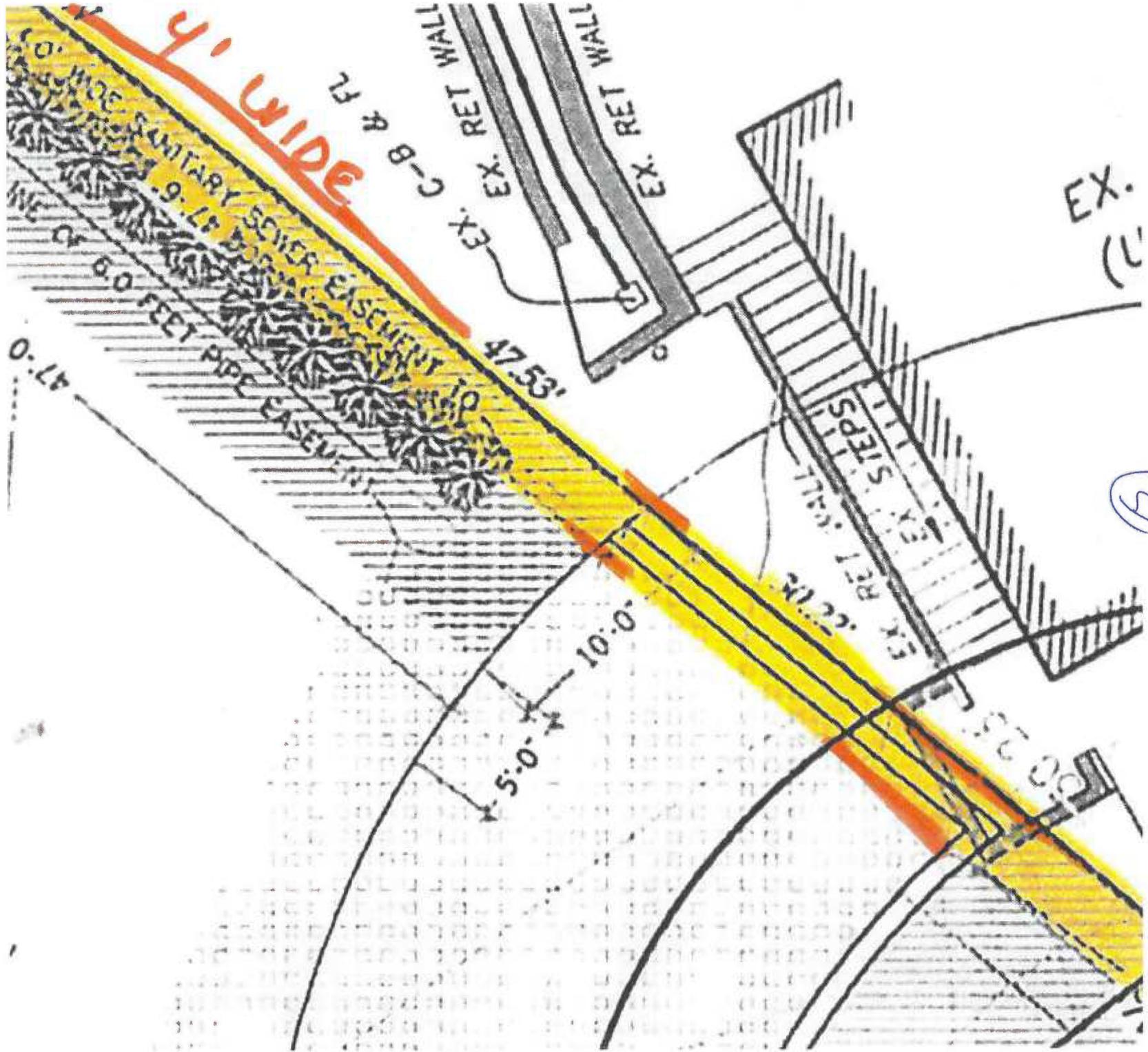


2



SITE PLAN

SCALE: 3/32" = 1'-0"



10/26/2016 16:53

975

BEL-AL  
PATRO  
1000 877 88



10/25/2016 16:51

ARMED RESPONSE  
BEL-AIR  
PATROL  
ADT  
1600 577-5877





December 2, 2016

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Lewis Brisbois Bisgaard & Smith LLP  
25 633 West Fifth Street, Suite 4000  
Los Angeles, CA 90071

Re: DEMAND NOT TO INTEFERE WITH SEWER EASEMENT

Dear Counsel:

As you know, I represent Yves Mieszala, the owner of 9246 Kinglet Drive, Los Angeles.

My client was just informed that your clients plan on destroying my client's recorded sewer line easement. Specifically, by grading a road and drilling four large caissons in the easement area land. This includes planting trees, bushes, shrubs, etc. in the easement. Enclosed are documents depicting the easement area and proposed grading and drilling.

My client demands that you immediately cease all such activity that interferes with his easement property.

I request that you respond to this letter as soon as possible.

If I do not receive clear confirmation by Monday, December 5 that my client's easement property will not be damaged, destroyed or otherwise interfered with, we will have no choice but to seek immediate injunctive relief.

Very truly yours,

  
Keith Turner

Devin Lucas, Esq., *et al.*  
December 2, 2016  
Page 2

cc: LADBS - Hernan Arreola, Brad Bescos, Frank Bush, Larry Galstian,  
Pat.Mischlich, Jeffrey Duran, Kirk Linklater  
SaroBalian, Esq.,  
[lanarusseck@me.com](mailto:lanarusseck@me.com), [lrusseck@yahoo.com](mailto:lrusseck@yahoo.com)

Encl

4836-9935-5691, v. 1

# LAW OFFICE OF DEVIN R. LUCAS

REAL ESTATE TRANSACTIONAL AND LITIGATION ATTORNEY  
DEVINRLUCAS.COM | DEVIN@DEVINRLUCAS.COM | OFFICE 949.478.1623 | FAX 888.667.6038  
2901 WEST COAST HIGHWAY SUITE 200 | NEWPORT BEACH | CALIFORNIA | 92663-4023

December 5, 2016

**VIA Email, Facsimile and USPS First-Class Mail**

Keith J. Turner  
Turner Law Firm, APC  
12121 Wilshire Blvd., Ste. 805  
Los Angeles CA 90025  
310-882-5563 fax  
kjt@turnerlawapc.com

**Re: 5B Enterprises LLC v. Yves Mieszala**  
**Response to December 2, 2016 Letter Re: "DEMAND NOT TO INTERFERE  
WITH SEWER EASEMENT"**  
**Client: 5B Enterprises LLC**  
**Our File No: 3489.012**  
**Your Client: Yves and Murry Mieszala**  
**Your File No.: 5630**

Dear Mr. Turner,

We are in receipt of your and your client Mr. Mieszala's most recent vain struggle to delay 5B Enterprises' construction project at 9277 Thrush Way via your letter dated Friday, December 2, 2016, sent just before lunchtime, making wholly false allegations pertaining to an obsolete sewer easement, demanding a response by Monday, December 5, 2016, effectively less than one complete business day later.

Foremost, there are two (2) sewer connection access points immediately in front of your client's property at 9246 Kinglet Drive, located between 9244 and 9246 Kinglet Drive and at 9244 Kinglet Drive, respectively, as evidenced by the attached document obtained directly from the City of Los Angeles Department of Public Works<sup>1</sup>. As you know, as is common sense, when and if your client elects to discontinue his use of his septic system and join the City's sewer system, it will be accomplished via one of the two access points immediately in front of his property, not via an additional 100+ yards of sewer line through another owner's property to connect to a lower elevation street.

---

<sup>1</sup> Accessible via <http://navigatela.lacity.org/navigatela/>

That said, no one is destroying the easement you reference. There will be ample room on either side of the completed 9277 Thrush Way project to allow for a sewer line should it be determined that is the best route (vs. the two access points immediately closer and at the same elevation as your client's property).

Moreover, as you know, your client already sought, and was denied, a preliminary injunction to prevent this project. (See, *inter alia*, Court's Order of January 27, 2015.) Given the high burden associated with a preliminary injunction, i.e. irreparable harm (which simply cannot be met given the two access points closer to your client's property, even if the access via Thrush Way were no longer accessible), not to mention the requirement to then post an undertaking/bond that would be required to cover the costs of the completed project (CCP § 529), make it assuredly impossible for Mieszala's to obtain the relief you threaten in your December 2 letter.

Further futile efforts to prevent this project only evidence 5B Enterprises' underlying claims regarding Mieszala's deliberate (ongoing) acts to interfere with the construction of, and related financial contracts pertaining to, 9277 Thrush Way. Those involved in this interference, including potentially legal counsel filing known unmeritorious motions to further this interference, may be subject to civil proceedings. It is unlikely that such actions constitute protected activity or other potential privileges associated with an Anti-SLAPP motion. Do not file further ineffectual motions to further Mieszala's deliberate (ongoing) acts to interfere with the construction, and related financial contracts, of 9277 Thrush Way; 5B Enterprises will be forced to respond to the same and hold all parties accountable.

All rights are preserved.

Sincerely,

A handwritten signature in blue ink, appearing to read "D.R. Lucas", with a horizontal line extending to the right.

Devin R. Lucas

Enclosure: City of Los Angeles Department of Public Works map showing two sewer connections for Mieszala's property at 9246 Kinglet Drive

CC: All Counsel, via email only, see attached service list