

From: [Anna](#)
To: [CITY CLERK](#)
Subject: TNR comment for 7th Oct meeting
Date: Monday, October 6, 2025 7:15:32 PM

Hello

I would like to make a comment about TNR still not being allowed in Costa Mesa for the meeting on 7th Oct 2025.

As a volunteer at Priceless Pets I have witnessed first hand the issue of increasing cat intakes at the center (mainly stray kittens litters) caused in part by the feral or stray cat populations reproducing without any restrictions.

Please make TNR legal so that the issue can be tackled at the source.

And cats that are stray can at least be fixed so they don't reproduce without restrictions.

Removing litters of kittens does little to help the problem when the unspayed cats are left in the community. And it puts pressure on fosters to continually look after kittens that have been removed from their Mums just because they are unfortunate enough to live on the streets.

It shouldn't be a death sentence for the cats if they get picked up by animal control.

Please also provide the resources (in terms of timely council approvals on permits) to priceless pets so they provide a separate shelter for animal control animals and perhaps a low cost clinic within Costa Mesa.

Yours Sincerely

Anna Leslie

Resident of Costa Mesa.

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ORANGE COUNTY ANIMAL ALLIES

SUPPORTING ANIMALS. SERVING THE COMMUNITY.

P.O BOX 6507 HUNTINGTON BEACH CA, 92615
Office 714.964.4445 Fax 877.398.3898 info@ocanimalallies.org

October 6, 2025

Costa Mesa City Council
77 Fair Drive
Costa Mesa, CA 92626

RE: Written Comment for October 7, 2025 City Council Meeting - Support for Lawful Trap-Neuter-Return (TNR) Program

Dear Honorable Mayor and Council Members,

On behalf of Orange County Animal Allies, I respectfully submit this written comment urging the Costa Mesa City Council to support and implement a lawful Trap-Neuter-Return (TNR) program for community and feral cats within the city.

About Orange County Animal Allies

Orange County Animal Allies has been serving our community since 1987, when we were originally incorporated as the Orange County Society for the Prevention of Cruelty to Animals. As an independent 501(c)(3) nonprofit organization with nearly four decades of animal welfare experience, we have built a comprehensive understanding of the challenges facing Orange County's animal populations and the solutions that work.

Our mission is clear: keep pets out of shelters and prevent unnecessary euthanasia. We serve as a lifeline for pet owners who have nowhere else to turn, providing emergency resources, education, and support programs throughout Orange County. With more than 10,000 individuals and pets served annually through our various programs, we have demonstrated our capacity to deliver meaningful, lasting impact.

The Challenge and the Failed Status Quo

Costa Mesa, like many communities, has a significant population of free-roaming community cats. For over three decades, animal control agencies have pursued a traditional approach of trapping and killing outdoor cats. This method has demonstrated zero measurable success due to a scientifically-documented phenomenon known as the "vacuum effect." When cats are removed from an area, new cats quickly move in to take advantage of available resources, or surviving cats breed to capacity, perpetuating an endless and expensive cycle.

Moreover, since feral cats are not socialized to humans, they are not adoptable and face nearly 100% kill rates in shelters. This approach wastes taxpayer dollars, fails to reduce populations, and conflicts with the humane values of our community.



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Why TNR Works: The Science is Clear

TNR is a proven, humane approach backed by decades of peer-reviewed research. The process involves humanely trapping community cats, having them spayed or neutered and vaccinated by licensed veterinarians, and returning them to their outdoor homes to which they are bonded so they can live out their lives (without being part of unnecessary population growth):

Dramatic Population Reductions

- An 11-year study at the University of Florida documented a 66% decline in the campus cat population, with no new kittens born after the first four years of the program
- A decade-long study in Rome, Italy observed colony sizes decrease between 16% and 32%
- At Texas A&M University, after neutering 123 cats in the first year, researchers found no new litters the following year

Improved Feline Health and Welfare Research demonstrates that TNR significantly improves cats' quality of life. Neutered cats gain weight, show improved coat condition, and live longer lives. The University of Florida study found that 83% of cats in managed TNR colonies lived more than six years—comparable to the 7.1-year average lifespan of pet cats. Vaccinations protect against rabies and infectious diseases, while spaying and neutering virtually eliminate mammary and testicular tumors.

Enhanced Community Relations TNR addresses the root cause of community complaints. Studies confirm that once mating behaviors cease, colonies become quieter, and calls to authorities decrease significantly. In Orange County, Florida, researchers documented substantial decreases in both shelter intake and the number of cats killed by animal control in the six years following TNR implementation.

Strong Public Support According to a 2007 Harris Interactive study, more than 80% of Americans believe it is more humane to leave cats outside than to catch and kill them, reflecting widespread support for TNR as a compassionate solution.

Proven Success and Fiscal Responsibility

TNR is not theoretical—it has been successfully implemented in hundreds of communities nationwide, including pioneering programs in California. San Francisco became one of the first American cities to embrace TNR in 1993, shifting resources from killing cats to supporting colony caregivers and providing spay/neuter surgeries. This humane approach saves taxpayer dollars by ending the futile and expensive cycle of repeated trapping and killing.

For Costa Mesa, TNR represents both fiscal responsibility and compassionate governance. The traditional catch-and-kill approach has proven wasteful, requiring ongoing expenditures with no



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measurable results. TNR, by contrast, is a one-time investment per cat that permanently addresses population growth while improving community relations and reducing calls to animal control.

The Path Forward

We respectfully request that the Costa Mesa City Council take action to:

- Direct staff to develop a formal TNR ordinance or policy framework
- Allocate appropriate resources to support a TNR program
- Partner with local animal welfare organizations to implement best practices
- Establish clear guidelines for community cat caretakers

By embracing TNR, Costa Mesa has the opportunity to become a leader in humane, effective animal management while demonstrating compassion and fiscal responsibility to our residents.

Thank you for your consideration of this important matter. We welcome the opportunity to discuss this proposal further and to work alongside the City Council to create a more humane Costa Mesa for all residents, both human and feline.

Sincerely,

Peter Chang
Executive Director

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: For Public Comment at City Council Meeting, Re; Legalizing TNR
Date: Friday, October 3, 2025 12:05:50 PM
Attachments: [image001.wmz](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Respectfully,
Brenda Green
City Clerk
City Clerk's Office | (714) 754-5221
77 Fair Drive | Costa Mesa | CA 92626



As City Hall has reopened, we encourage the public to take advantage of our appointment system. Appointments can be made at www.costamesaca.gov/appointments. Please note that It is required that all guests check in with our Concierge Staff, located on the 1st Floor Lobby, upon arrival at City Hall.

From: Lois Rubin <slackerlois@gmail.com>
Sent: Friday, October 3, 2025 11:51 AM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: For Public Comment at City Council Meeting, Re; Legalizing TNR

Dear Ms. Green:

I would like to submit the following for public comment at the next City Council meeting:

My name is Lois Rubin. I'm a 32 year resident of Costa Mesa and I volunteer at Priceless Pets Rescue as a foster caregiver for the past 6 years to kittens and cats.

I am writing with respect to the City's opposition to the legalization of Trap, Neuter and Release ("TNR"). TNR is a means to controlling the growth of feral and stray cats who live throughout the city together in "colonies". Typically the cats and kittens in such colonies are cared for by the neighbors who are feeding them and want assistance in trapping and/or neutering in order to prevent the cats from having more kittens. Unfortunately, the City is opposed to such actions because, they contend, it is inhumane to release the neutered cat back to the area where it previously lived and would be cared for into the future.

Obviously, it is more inhumane to allow cats to continue to breed over and over again. Left unchecked, one cat can give birth to 49,000 kittens in 10 years. Multiply that number by the numbers that those 49,000 kittens can give birth to and the need to fix the problem for humane reasons is clear. <https://calculate-this.com/420000-kittens-unspayed-cat-kitten-calculator>

There is no good argument to be made to support this strange opposition to TNR. Yes, in a perfect world, every dumped or born wild cat would be adopted immediately after being trapped and neutered, but that does not happen in the real world and preventing TNR is not going to make that happen. The City's

opposition to TNR makes the feral and stray cats' situation in life exponentially worse. Preventing TNR is the animal cruelty that City wants to prevent.

Resident caretakers and rescue groups in Costa Mesa have been working for several years to get TNR legalized. The active debate currently going on local social media sites evidences that the residents favor the legalization of TNR. Furthermore, TNR will result in the City having less and less animal control expenses as the population of homeless cats decreases.

Thank you very much for taking your time to read my request.

Yours,

Lois Rubin

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Dear Honorable Mayor Stephens and City Councilmembers,

We are writing to provide you with an update from the September 11 Parks & Community Services Commission (PACS) meeting and to highlight several items for your consideration:

1. PACS Values

This summer, our subcommittee drafted a values statement to guide our advice on recurring processes such as the Capital Improvement Program (CIP), budget development, master plan drafts, and other planning documents. At our September meeting, PACS adopted the statement with minor revisions.

Action Item: We would like to agendize a presentation to Council on the finalized values document, ideally paired with our forthcoming feedback on the Fairview Park Draft Master Plan so you can see how the framework applies to an active project.

2. Summer in Review

Staff presented a “Summer in Review,” highlighting the success of this year’s programs — from the dedication of staff, to the affordability and reach of offerings that often serve as residents’ first experience with the city.

A key theme was the need for **more space** to expand programming. We encourage Council to:

- Explore partnerships with businesses, nonprofits, schools, and others to secure additional indoor and outdoor recreation space; and
- Prioritize recreation space in long-term planning for the Fairview Developmental Center site.

3. Cross-Commission Collaboration

We continue to support the idea of quarterly joint meetings between the Parks, Planning, and Arts Commissions (chairs and vice chairs) to better align efforts as Costa Mesa grows and housing development increases.

Thank you for your time and your continued support of the work we do on behalf of Costa Mesa residents.

Sincerely,



Kelly Anne Brown, PhD | Chair, District 5



and Shyanne Wright | Vice Chair, At-Large

From: [Susan Harker](#)
To: [CITY CLERK](#)
Subject: Importance of Fairview Park
Date: Tuesday, October 7, 2025 10:43:32 AM

Dear Council Members:

My name is Sue Harker & live at 1930 Monrovia Avenue. I am writing to express my observations of Fairview Park Rehabilitation.

The importance of our Park as a resting and feeding ground for migrating and wintering birds is so valuable. Some birds I observed since 9/26/2025 include Whimbrel (1 on orange alert -50% loss), western meadow larks (4), lark sparrows (flock) and say's phoebe. Also, over 3,000 migrating birds flew over Orange County last night 10/6/20/5 (Cornell University).

Thank you for recognizing and supporting the importance of this wildlife corridor.

Sent from my iPhone

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From: [MUNOZ, SANDY](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#); [GONZALEZ, GLADYS](#)
Subject: FW: Fairview Development Center - Proposed Park Land Requirement
Date: Tuesday, October 7, 2025 9:09:41 AM

From: Melissa Lippand <mlippand@gmail.com>

Sent: Tuesday, October 7, 2025 9:07 AM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; MARR, ANDREA <ANDREA.MARR@costamesaca.gov>; STEPHENS, JOHN <JOHN.STEPHENS@costamesaca.gov>; CHAVEZ, MANUEL <MANUEL.CHAVEZ@costamesaca.gov>; BULEY, MIKE <Mike.Buley@costamesaca.gov>; GAMEROS, LOREN <LGAMEROS@costamesaca.gov>; PETTIS, JEFF <Jeff.Pettis@costamesaca.gov>; REYNOLDS, ARLIS <ARLIS.REYNOLDS@costamesaca.gov>

Subject: Fairview Development Center - Proposed Park Land Requirement

The City requires 4.26 acres of parkland per 1,000 residents. Please do not ignore this with this requirement and request the Planning and Park Commission comply by including this amount of parkland in their proposal.

Thank you.

Melissa Lippand
College Park Resident
mlippand@gmail.com

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From: [Tristan Miller](#)
To: [STEPHENS, JOHN](#); [CHAVEZ, MANUEL](#); [PETTIS, JEFF](#); [MARR, ANDREA](#); [GAMEROS, LOREN](#); [BULEY, MIKE](#); [REYNOLDS, ARLIS](#); [CITY CLERK](#)
Subject: Bring Clean Energy Choice in Costa Mesa with OC Power Authority
Date: Friday, October 3, 2025 12:44:06 PM

Dear Mayor and Councilmembers,

I work and shop in Costa Mesa and work with Green Businesses in OC cities.

I have seen the benefits of clean energy choices in cities like Irvine, Fullerton, Buena Park, and Fountain Valley. CCAs attract businesses to stay or start a business in Costa Mesa.

By joining, residents and businesses can save 3% on the basic rate and receive over 47% renewable energy. I work with Green Businesses, and I've seen businesses save hundreds and thousands of dollars every month with this basic rate. Plus, they receive more renewable energy. This is a moment when we act locally to save our residents and businesses money and resources, give us energy choice, and give us affordable rates for the first time in 100 years.

Many Costa Mesa businesses have global sustainability requirements and are ISO certified. Without OCPA, it is challenging to meet those requirements. It also attracts businesses to Costa Mesa to offer renewable energy and choice. In nearly every part of our lives, we have a choice. When you vote yes, the City of Costa Mesa will serve on the board and ensure a greener and prosperous future for Costa Mesa.

Please continue to show leadership by voting yes to join OCPA.

Thank you,

Tristan Miller

Parent, Community Volunteer, and Green Business Advocate

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From: [Stacy Bushey](#)
To: [CITY CLERK](#)
Cc: sselenske@costamesaca.gov; [TORREJON, JESSICA](#)
Subject: To be included at the October 7, 2025 Costa Mesa City Council Meeting
Date: Tuesday, October 7, 2025 11:53:42 AM
Attachments: [aspc-a-logo-square.png](#)
[NACA-Logo-Horizontal-Black-reg-top.png](#)
[Slides_Persuading_Municipal_Officials_2025.pdf](#)
[Neighborhood_Cats_TNR_Handbook-2.pdf](#)

Greetings Mr. Mayor, members of the council, the Animal Services Manager and the Animal Services Coordinator,

I've been a resident of Costa Mesa for 15 years, most of which I was employed by a Costa Mesa small business. I've been involved in all aspects of cat rescue over the past several years, mostly by coordinating, but I've also trapped, transported, fostered and adopted cats from Costa Mesa myself on occasion. I've helped countless residents with countless community cats. I work closely with a generous donor who's paid for these cats to be spayed, neutered, vaccinated, treated for fleas and worms, microchipped and placed with fosters and rescues. We regularly pay vet bills for community cats found in Costa Mesa by Costa Mesa residents, all in an effort to keep them out of the hands of Costa Mesa Animal Control. Why? Because, without knowing their temperament, there's a decent chance they'll be euthanized, rather than treated for their injuries and illness, and then released. We've been doing this for years, and in fact just started Urban Tiger Foundation this year to continue our work. Until you're with us, you're against us. Wouldn't it be better to work together? You, us and this army of residents and rescuers who are already helping at zero cost to the city. We can reduce the free-roaming cat population, and there's no good reason not to proceed without further delay. Please! Work with us, instead of putting us on the back-burner.

I had the opportunity to attend a webinar this past weekend titled 'Persuading Municipal Officials to Go with TNR', which I believe you would have found as helpful, informative and thorough as I did. I also received the Neighborhood Cats TNR Handbook and the slides from the webinar, which I've attached here. I would hope, no, I would expect you'll all take some time to look through both attachments if you do, in fact, care about this issue and you want what's best for our city.

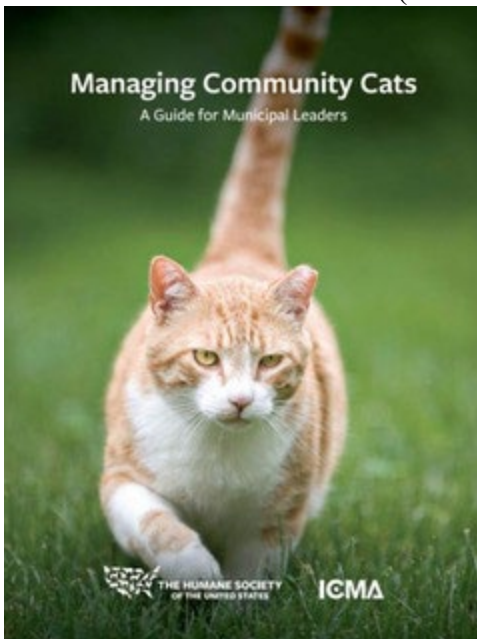
In addition, below are links to policy positions by three well-respected organizations.

ASPCA



Position Statement on Community
Cats
aspca.org

Humane World for Animals (formerly known as Humane Society of the United States)



Managing Community Cats: A Guide
for Municipal Leaders
humanepro.org

National Animal Care & Control Association (NACA)



Animal Control Intake of Free-Roaming Cats |
National Animal Care & Control Association
nacanet.org

Everything is telling us that TNR is the way to go, include our own laws. Please do the right thing! Please allow PPR to begin returning neutered cats from Costa Mesa back into Costa Mesa.

I appreciate your time and consideration, and look forward to seeing you all this evening and working with you in the near future.

Warm regards,

Stacy Bushey

In case you only have a few minutes, please read the following from the attached Neighborhood Cats TNR Handbook:

The advantages of TNR – colony level

For a particular colony, getting the cats spayed and neutered has the following advantages for their neighborhood:

- 1. No more kittens and a gradually falling population. If all the cats are fixed, or at least all the females, no more litters will be born. If newcomers to the colony are quickly trapped and altered or adopted out, the size of the colony should decline over time.*
- 2. Noise is dramatically reduced. Most of the noise from an unmanaged colony comes from activity related to mating, such as yowling and fighting – behaviors which are greatly reduced by spay/neuter.*
- 3. Noxious odors are eliminated. Unaltered males mark their territory by spraying urine tinged with testosterone, causing an especially foul odor. Neutering eliminates the testosterone and the pungent smell associated with it. In addition, most altered male cats will stop spraying or do so less frequently.*
photo: Meredith Weiss
- 4. Rodent control is maintained. Cats provide a natural form of rodent control, primarily by their scent deterring possible prey. Returning the cats allows this to continue.*
- 5. A healthier and less visible colony. Neutering, regular food and adequate shelter greatly improve the cats' health. As a result, they will be much less prone to infestation by parasites like fleas, a benefit to their human neighbors as well. In addition, neutered cats tend to roam much less and so become less visible.*
- 6. Removal of the pity/sadness factor. Concerned neighborhood residents no*

longer have to observe hungry cats or dying kittens, sights commonly associated with an out-of-control free-roaming cat population.

7. The presence of a caretaker. With TNR, someone is there to take responsibility for the colony, watch over them and work out any problems with neighbors.

8. Prevents a new, unaltered colony from forming. Removing most or all of a colony leaves the territory vulnerable to re-colonization by new, unaltered cats and resumption of the same problems as before. This is commonly referred to as the “vacuum effect,” a phenomenon discussed in more detail later in this chapter. Fixing the colony and leaving them in place breaks this cycle. The colony will usually guard its territory from newcomers if its food source is limited to an amount which can only support its members.

The advantages of TNR - community level

The advantages of TNR when the method is practiced on a community-wide scale extend well beyond each individual colony:

a) Reduction of the community’s free-roaming cat population. If a substantial percentage of the colonies in a community are spay/neutered and managed properly, then the overall number of feral and stray cats in that community will decline over time. The rate of decline will increase as more and more colonies are TNR’ed.

b) Lower intake and euthanasia rates. Feral cats and especially their offspring are flooding shelters throughout the United States, thereby raising cat intake rates, creating overcrowded conditions and draining limited shelter resources. Because adult ferals are unadoptable and the sheer quantity of kittens can be overwhelming, euthanasia is often the outcome for these cats. By reducing the number of feral cats in a community, TNR can lower intake rates and lessen the need for euthanasia. Funds saved can be used to further TNR efforts in the community.

c) Fewer nuisance complaints. As mentioned, spay/neuter alone eliminates much of the nuisance behavior associated with unaltered feral cats, such as noise and noxious odors. This in turn reduces the burden on local animal control or public health authorities of investigating and acting upon complaint calls. An overall reduction of the number of feral cats in a community, achieved through TNR, will also lead to fewer complaint calls.

d) Rabies control. In regions where rabies is present in the environment, rabies vaccinations are a part of the standard veterinary protocol for TNR. This reduces the number of unprotected cats and reduces the threat of people being exposed to the disease. While cases of rabid cats attacking a person are extremely rare, it is possible for young kittens carrying rabies to be unknowingly handled by people. When it is later learned these people were exposed, the required treatments are expensive and can strain the budgets of local health departments. By both vaccinating cats and reducing litters of kittens, TNR lowers the incidence of potential rabies exposures.

e) Ability to mobilize volunteers. Because TNR is life affirming, it attracts large numbers of people who care about the cats and their well-being. Volunteers will contribute their time, labor and funds to trap the cats and get them fixed, knowing the cats will live. In contrast, efforts to trap and remove the cats usually result in their deaths and are not something many people will volunteer to do. With estimates on the number of free-roaming cats in the U.S. in the tens of millions, the ability to mobilize an army of volunteers is essential to put an end to their overpopulation.

f) Cost savings for shelters. Every time a cat is impounded and euthanized, there are costs involved. There may have been the cost of sending an animal control officer out to capture the cat. There is staff time spent processing the intake and providing care during whatever mandatory holding period may be required. There is food and litter. The euthanasia procedure is a cost as is the disposal of the body. As a result, for every feral cat that is TNR'ed instead of being brought to a shelter, the shelter saves funds, especially if a private individual or another animal welfare group conducts the trapping and pays for the surgery.

g) Gaining caretaker cooperation. Caretakers of colonies typically know their cats' numbers, whereabouts and habits. They can help trappings go well by sharing information and withholding food at the appropriate time, or they can thwart trappings by doing the opposite. Caretakers' cooperation is crucial for any successful attempt at feral cat population control and TNR gains this by ensuring the cats will not be harmed.

h) Improved public relations for animal control. When animal control supports TNR instead of trapping and removing cats, their public image gets a major boost in a positive direction. This can lead to more volunteers, more people coming to municipal shelters to adopt cats and improved fundraising.

Failed alternatives to TNR

One of the most persuasive reasons for doing Trap-Neuter-Return is that nothing else works! To achieve the goals of population reduction and lowered nuisance behavior, no other technique has a realistic chance of long-term success. An examination of the available alternatives to TNR makes this clear.

1. Trap and remove

"Trap and remove" is often referred to as "trap and euthanize" because euthanasia is the common outcome for the cats. We prefer the term "trap and remove" because it focuses on the attempt to eradicate the cats from the environment. It has been the predominant approach by animal control agencies in the U.S. towards feral cats for decades. The current proliferation of the cats in every nook and cranny of the country speaks eloquently to the utter failure of this method to achieve long-term reduction of their populations. There are several reasons why it doesn't work:

- The vacuum effect

*Cat colonies spring up and subsist in certain locations because the habitat provides adequate food and shelter. When a colony is removed from a site, but the habitat is left unchanged, cats who were recently abandoned or belong to neighboring colonies will move into the vacant territory to take advantage of the remaining food and shelter. The cycle of reproduction begins anew and the colony quickly returns to the size which available resources can support. This phenomenon, known as the “vacuum effect,” was first documented by wildlife biologist Roger Tabor in his studies of London street cats (Tabor, R., *The Wild Life of the Domestic Cat* (1983) Arrow Books.)*

*Altering the habitat to discourage immigration of new cats is difficult. All it takes to create an adequate food source is an unsealed dumpster, open garbage cans or one compassionate person leaving out cans of food when they spot a cat. One study found a quarter of the respondents in a random survey of adults in Ohio had recently fed a feral or stray cat. (Lord, L., *Attitudes toward and perceptions of free-roaming cats among individuals living in Ohio* (1983) *Journal of the American Veterinary Medical Association* Vol. 232: 1159-1167.)*

- *Higher survival rates*

Trapping all the members of a colony can be done, and one of the purposes of this handbook is to explain how, but it requires close knowledge of the colony, training, patience and dedication. When local authorities attempt to trap and remove feral cats, they rarely have the information or time needed to do a thorough job and, inevitably, some cats are left behind. These cats and their offspring now have less competition for the food and shelter remaining at the site, resulting in a higher percentage of kittens surviving until the colony’s natural ceiling – the number of cats which the available food and shelter can support – is again reached.

- *Lack of animal control resources*

At this point in time, there are so many feral cats in the environment that it is the rare animal control agency which has the manpower to try to trap and remove a significant number from its community. More urgent matters, such as dangerous dogs, take priority. Cat trapping usually occurs in response to complaints. An officer will go out to a location, put out a few traps for an unknown (to him) number of cats, take away whoever he happens to have caught when he comes back in a few hours, then move on to the next problem. Many communities, like New York City, have recognized the futility of this approach and the wastefulness and no longer send officers out to trap cats unless there is a significant public health issue involved.

- *Caretaker resistance*

As discussed earlier, one of the advantages of TNR to the community is that caretakers of colonies will cooperate. On the flip side, if the approach instead is to trap and euthanize the cats, caretakers will resist, either actively or passively. Passive resistance may include withholding important information, such as the number of cats, and where and when they eat. Active resistance may include feeding the cats before trapping attempts to discourage them from entering baited traps, or setting off or

damaging traps when they're left unguarded.

- Synergy

Most situations involving trap and remove attempts have more than one and often all the relevant factors present at the same time – the vacuum effect, higher survival rates for untrapped cats, lack of animal control resources and caretaker resistance. They combine to render trap and euthanize completely ineffectual for long-term, community-wide population control. Municipalities that continue to utilize this method typically experience constant levels from year to year of seized cats, complaint calls and euthanasia rates. These unchanging numbers indicate all that is being accomplished is population turnover rather than reduction – new feline faces, but not fewer. The problem is not being solved.

2. Feeding bans

Feeding bans, at first glance, may have a simplistic appeal to authorities trying to reduce their community's free-roaming cat population – “stop feeding cats and there won't be any,” is basically the thinking. The first fault with this approach is it is inherently cruel and irresponsible. If a feeding ban was going to work, it would be because the cats would either starve to death or go somewhere else and become someone else's problem.

In reality, assuming a feeding ban can be enforced, the cats won't all die nor will they pack their kitty bags and board a bus to the next town over. Ferals are extremely territorial and will not wander far in search of food. However, they are quite resourceful and as their hunger grows, they will encroach farther into inhabited spaces, including homes and workplaces, locate previously untapped food sources within their territory and raise their level of predation. Though it may well damage their health, cats can survive for weeks without food and continue to reproduce. If they become malnourished, their vulnerability to parasites like fleas increases. A common tale is a workplace where first feeding cats is prohibited, then hungry cats enter the factories or trailers looking for food, then flea infestations break out in these areas. What might have seemed like a simple solution ends up making the situation much worse.

The second reason feeding bans invariably fail is because they are almost impossible to enforce. Caretakers of colonies feel as much of a bond towards the cats as owners feel towards their pets and most will not just walk away when they know the cats are depending upon them. Caring people have repeatedly demonstrated they will risk their jobs, their homes, jail, fines and even bodily harm to prevent the animals from starving. Given the level and intensity of resistance that typically arises when a feeding ban is imposed, enforcement becomes impractical in areas of any significant size. People will simply put out food when no one is watching. Attempts to make free-roaming cats disappear by banning feeding usually result in suffering for the cats and increased conflict among local residents, pitting those who care for the cats against those who don't, but little else.

3. Rescue or relocation

Neighborhood Cats encourages the placement of adoptable cats and kittens into responsible homes whenever possible. This is both humane and one way in which TNR activists can help reduce the street cat population. However, the goal that all ferals should be rescued and placed in homes is not realistic. There are far too many cats and too few foster or permanent homes with the willingness and patience to socialize a feral. Perhaps one day this will change, but we are a long way from that time. Resources now are better spent neutering the feral population rather than going through the long and uncertain process of socializing and placing feral cats, especially when there are plenty of already tame cats dying in our shelters for lack of homes. For the cat's sake, too, allowing a feral to live out his life in his territory may be a more compassionate choice than having him spend fearful years in a cage or hiding under a bed.

In addition to rescue, bringing the cats to a sanctuary or relocating them to a safer site are other possible solutions people often jump to when they first come upon an unmanaged colony in distress. This is understandable – the cats appear to be in danger due to anger and hostility towards them from the community and the immediate urge is to remove them from these risks. But there are few reputable sanctuaries and little room in them, and relocation to a new site is a difficult and uncertain process. See Chapter 16 for an extended discussion of both sanctuaries and relocation projects

There is also the question of what happens at the old site when the cats are removed, whether to be adopted out, sent to a sanctuary or relocated elsewhere. Unless the food source is also removed, the vacuum effect may come into play and new cats may appear. In addition, survival rates may increase among any cats left behind, including their offspring. In the end, despite the rescue or relocation of some cats, the end result may be just as many cats living in the same area.

4. Do nothing

If nothing is done, then the number of cats in a colony or in the community at large will grow to the carrying capacity of the environment. In other words, however many cats the available food and shelter can support, that's how many cats there will be. At the point where capacity is exceeded, population control takes the form of disease, starvation or other natural means. Impacts on shelters, including higher intake, euthanasia and costs, are not reduced. Public health concerns such as rabies and noise, odor and other quality of life complaints are left unaddressed. If the human population in the area grows, so will the carrying capacity and the number of cats. Doing nothing may be an option, but it's hardly a solution.

In sum, trying to solve free-roaming cat overpopulation by removing feral cats – whether to euthanize, rescue or relocate – does not work. In nature's ongoing cycle, new cats replace the old ones and nothing much changes in terms of the numbers or nuisance behavior. Feeding bans, besides being cruel in concept, are ineffective in practice. Doing nothing means accepting the status quo and all the problems that come with it. Ultimately, targeting the cats' reproductive capacity through spay/neuter and returning them back to their territory is the best approach available for lowering their numbers, reducing their impact on the environment and improving their lives.

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Persuading Municipal Officials to Go with TNR



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THE
COMMUNITY CATS
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Cats at Play with
Dr. Mikel Delgado,
Co-Owner of Feline Minds



Honoring Our Best Friends
with Cheryl Richardson,
Author of How to Survive
the Loss of a Pet



How to Reunite Pets and Owners with Corinne Bourgoin,
Operations Coordinator, MSPCA
Boston Adoption Center



Same Team with Sterling
Davis, Atlanta's "Trap King"



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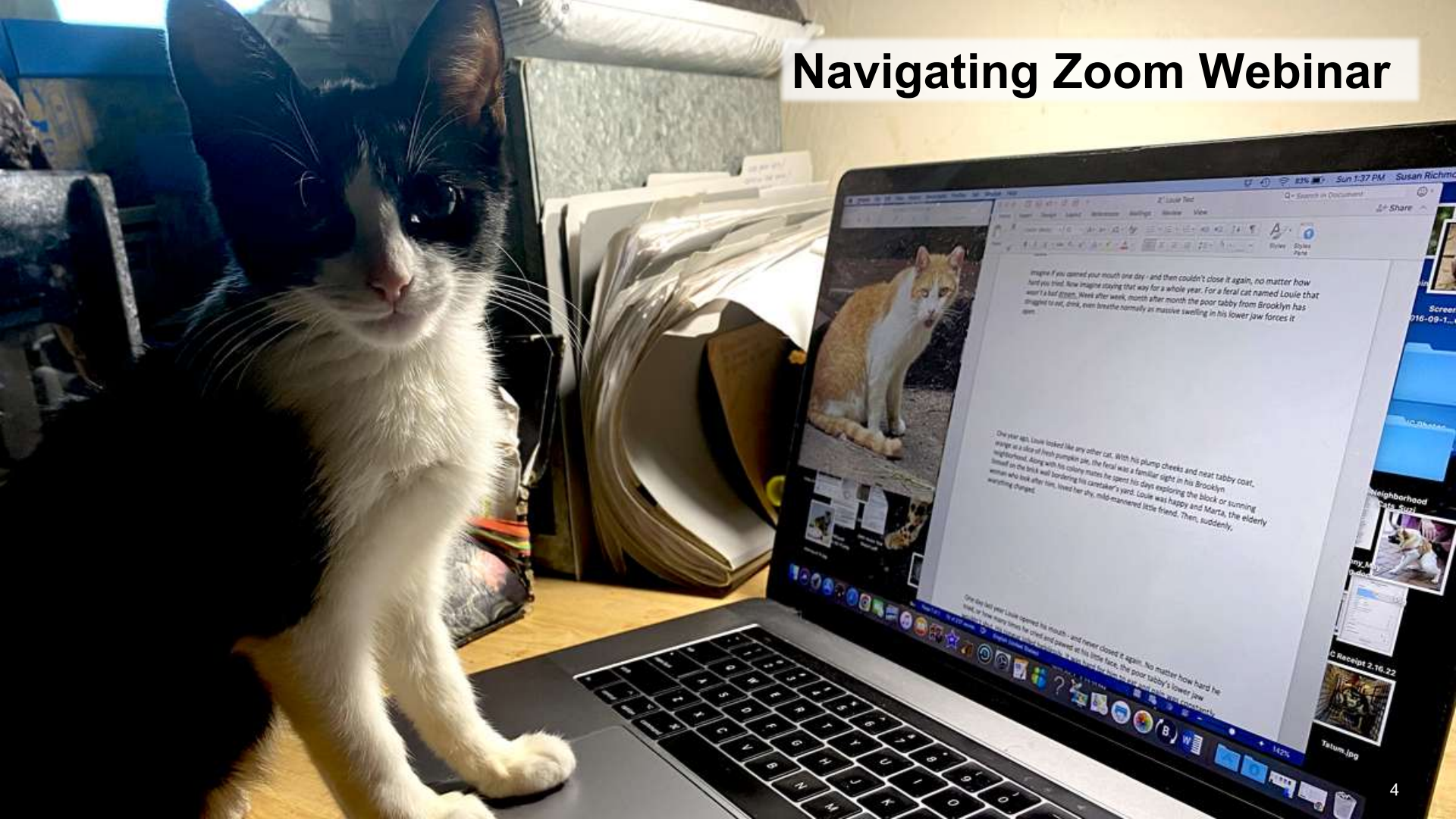
 Spotify

 pandora

 amazon music

 YouTube

Navigating Zoom Webinar






Susan Richmond

Executive Director

susan@neighborhoodcats.org

A man wearing a light blue t-shirt, khaki pants, sunglasses, and a baseball cap is leaning over a wire mesh trap. He is reaching into the trap, which contains a ginger cat. The trap is placed on a white sheet on the ground in a wooded area with tall grass and trees in the background. A red plastic bowl is visible inside the trap.

Bryan Kortis
National Programs Director
bryan@neighborhoodcats.org



Community cat

- Free-roaming, unowned
- Socialization can range from friendly to feral
- Often part of a colony (one or more cats sharing a common food source and territory)

Three-step presentation

1. Identify the government's interests

– what are the problems they should be concerned about? Why should they care?

2. Discuss alternatives to TNR for trying to solve these problems and explain why they don't work

3. Introduce TNR, what it is, why it works and examples of success



Municipal interest: sheltering & animal control

- Cat intake & euthanasia at open admission shelters operated or contracted by municipality
- Complaint calls
- Resources spent on cats (staff, animal care, medical, disposal)
- Opportunity costs (foregone programs)
- Public relations / adoptions



Municipal interest: public health

- Rabies
- Other zoonotic diseases & parasites
- Quality of life complaints
 - odor
 - noise
 - property damage
 - unsanitary conditions
- Investigation costs



Municipal interest: wildlife

- Predation
- Competition
- Potentially devastating impact on rare species vulnerable to cat attacks



Municipal interest: animal welfare

- High kitten mortality
- Short life span for adults who are unmanaged (no TNR)
- Environmental dangers (cars, cruelty, disease, fighting, climate)

This is usually the weakest interest for the government



Step 1 is important because:

By acknowledging the problems instead of trying to ignore or minimize them, you:

- Establish credibility
- Demonstrate community cat overpopulation is a serious issue that government should pay attention to
- ***Allows you to move the discussion to the real issue for municipal officials*** - what is the best way to reduce the cats' numbers & any negative impacts?

Step 2: Alternatives to TNR

- Do nothing
- Trap & remove (usually for euthanasia)
- Feeding ban
- Laws (e.g., licensing, at-large, pet limits)
- Magic wand to make them all disappear

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- Trap & remove (usually for euthanasia)
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- Laws (e.g., licensing, at-large, pet limits)
- ~~• Magic wand to make them all disappear~~

The point you're making in Step 2 is nothing else besides TNR works. Why not?

- **Doing nothing doesn't work because:**
- You're doing nothing!
- Cats will remain at the carrying capacity of the environment (which will increase if more food & shelter is provided)
- Does not address the government's interests in animal control, public health, wildlife predation and animal welfare



Trap and remove doesn't work because:

- Too many cats, too few animal control officers
- Caretaker resistance / lack of public support
- Vacuum effect (new cats arrive to take advantage of food & shelter)
- Ongoing abandonment + lack of monitoring
- Synergy of these factors



Carrying capacity



Trap & remove: problem?





Vacuum effect



Vacuum is filled



Quick responses

“Why don’t we just get rid of them all?”

- Who’s going to do it and who’s going to pay for it?
- We’ve been trying to remove strays for decades – if this was an effective approach, it would have worked by now. It’s time to try something new.



Feeding bans don't work because:

- They're unenforceable and caretakers will feed anyway
- Cats don't pack up and move – they find new food sources and continue to reproduce
- You can make the problem worse with sick cats & parasites



Quick responses

“Ban feeding and we won’t have a cat problem.”

- While you’re at it, can you ban rain on Sundays?
- Name one town or city where a feeding ban succeeded in eliminating community cats.
- You can’t outlaw compassion.



Laws don't work because:

- Licensing, leash laws, pet limits designed to regulate owned cats
- Laws don't reduce number of community cats but may deter people from helping
- Enforcement is difficult, compliance is low



Quick responses

“Let’s pass a leash law banning at-large cats!”

- Who’s going to break the bad news to the community cats that they’re not allowed to roam any more?
- Who’s going to catch the offenders, who’s going to pay for it and what will you do with them?





Step 3 – Why TNR?

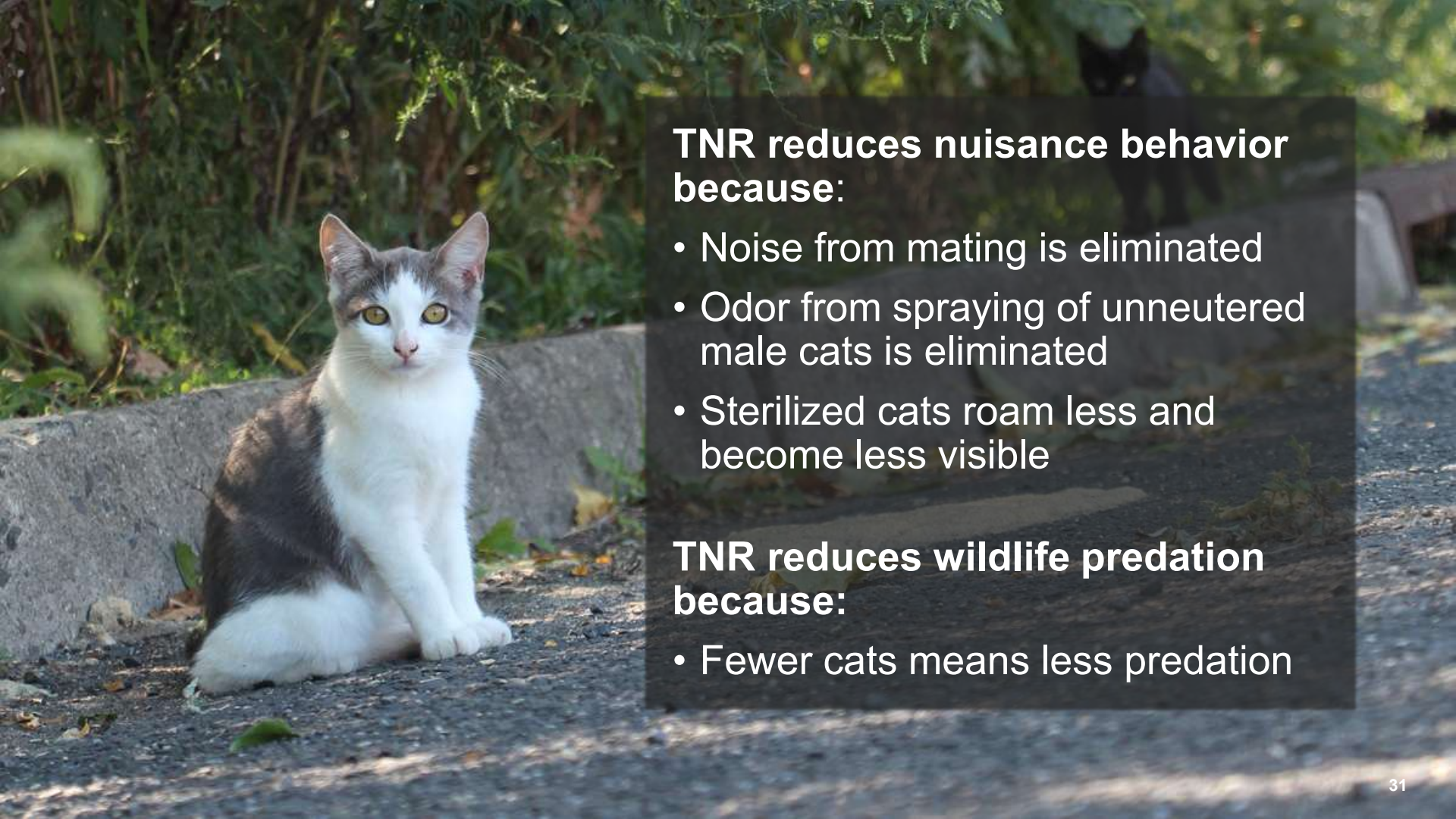
TNR reduces community cat numbers because:

- Spay/neutered cats don't reproduce & attrition means fewer cats over time
- A monitoring system (caretakers) maintains progress
- Adoptable cats & kittens are often removed from colonies



TNR improves public health because:

- Cats are vaccinated against rabies (one shot is better than none!)
- Cats who are altered and cared for are less disease-prone



TNR reduces nuisance behavior because:

- Noise from mating is eliminated
- Odor from spraying of unneutered male cats is eliminated
- Sterilized cats roam less and become less visible

TNR reduces wildlife predation because:

- Fewer cats means less predation



Advantages of TNR:

- Caretaker cooperation vs. resistance
- Volunteer labor is plentiful because it's life-affirming
- New funding and other resources contributed by the individuals & nonprofits
- Aligned with public opinion

And besides, nothing else works!

**We're on a break -
back soon with Cat Trivia!**

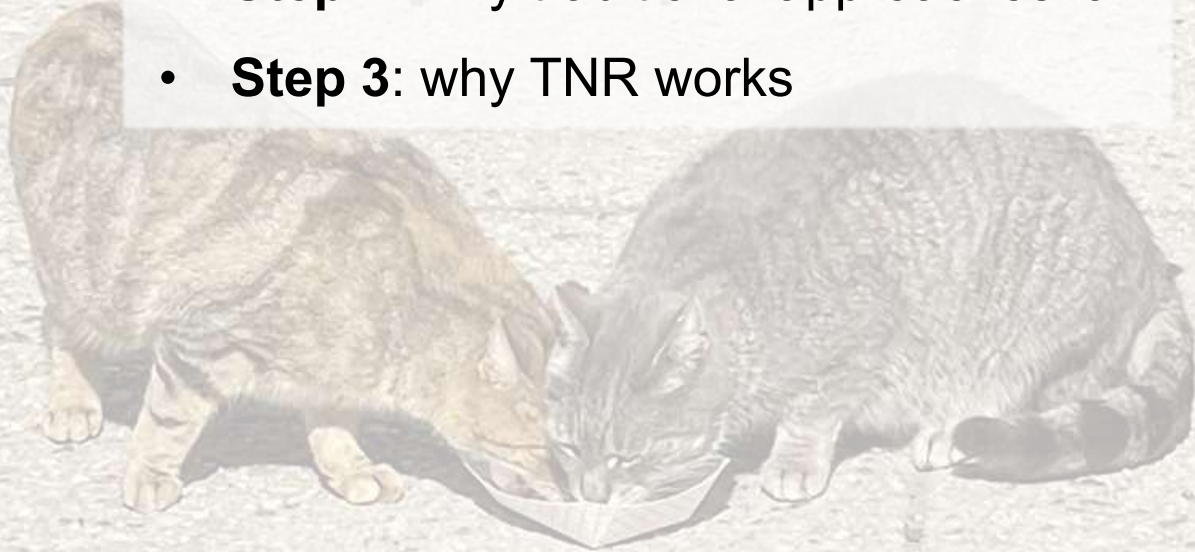


CAT TRIVIA!

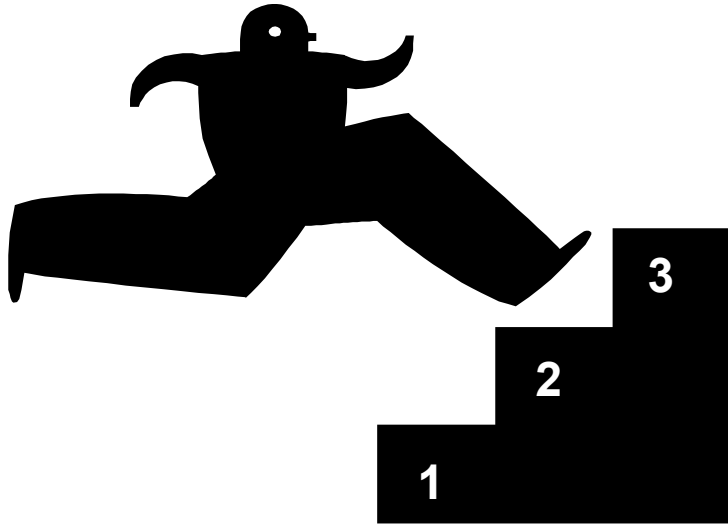


Recap – structure of argument

- **Step 1:** how cat overpopulation impacts municipal interests
- **Step 2:** why traditional approaches fail
- **Step 3:** why TNR works



Avoid your opponent's trap!



Move quickly from Step 1 (what are the problems?) to Steps 2 and 3 (what can be done to solve them?)

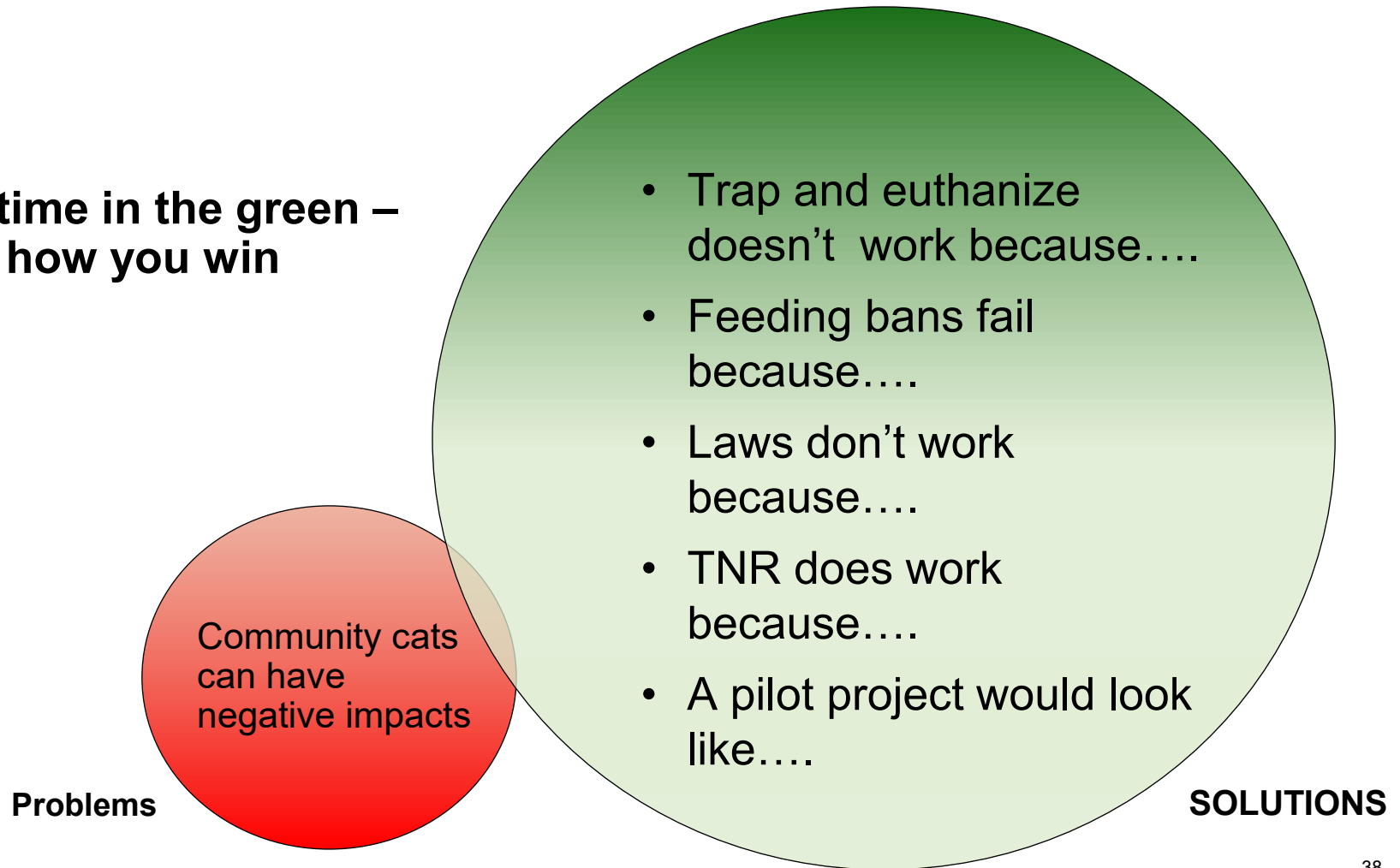
The issue **IS NOT** whether community cats can have negative impacts.

The issue **IS** how can we lower their numbers and reduce what negative impacts there are.



**If more time is spent
in the red – you lose!**

**More time in the green –
that's how you win**





The anti-TNR argument is really...

- An emotional appeal designed to bias the decisionmaker against community cats and, by association, TNR
- They'll fill their time talking about zoonotic diseases, wildlife extinction and other ills
- Often they show graphic photos of cruelty to cats or animals killed by cats
- Little or no time is spent on solutions

Pivoting from problems to solutions

“The Audubon Society says feral cats kill billions of birds and small mammals every year.”



Pivoting from problems to solutions

“The Audubon Society says feral cats kill billions of birds and small mammals every year.”

“The issue isn’t how many wildlife are being killed, but how can we reduce that amount, whatever the real number is. Fewer community cats mean less predation. TNR is the only method known that realistically can accomplish this.”

Pivoting from problems to solutions

“Cats are the domestic animal most likely to expose people to rabies. Every time that happens, lives are at risk and the financial costs to our health department are enormous.”



Pivoting from problems to solutions

“Cats are the domestic animal most likely to expose people to rabies. Every time that happens, lives are at risk and the financial costs to our health department are enormous.”

“Rabies is a serious and costly disease. Vaccinating cats and reducing their numbers as part of a TNR program can reduce the number of exposures.”

Pivoting from problems to solutions

“Having cats living outdoors on their own is inhumane. Have you seen the photos of the stray cats involved in the cruelty case on Elm Street?”



Pivoting from problems to solutions

“Having cats living outdoors on their own is inhumane. Have you seen the photos of the stray cats involved in the cruelty case on Elm Street?”

“Everyone here is against cruelty, but right now the cats that may become victims are already out there. What we need to discuss is how can we have fewer of them and better manage their care. That’s what TNR is all about.”

Who do you make the case to?

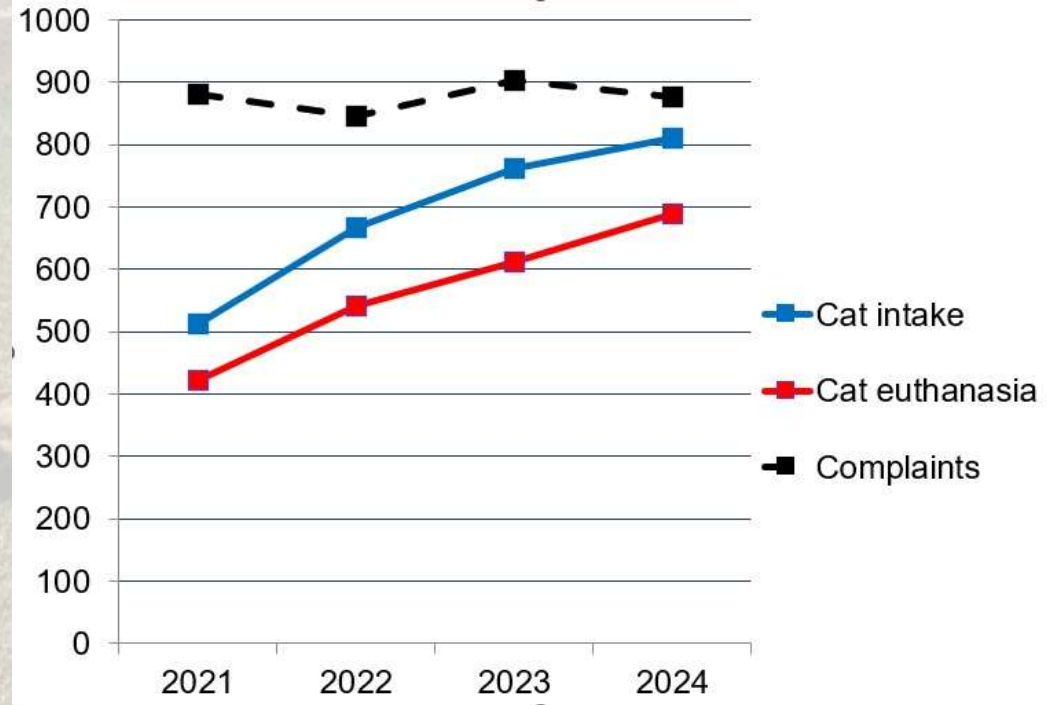
Climb the ladder

- Level 1: agency handling cat issues
(animal control, health department, police)
– if you gain their support, bring them with you to next level. If not, learn their issues.
- Level 2: top executive (mayor, city manager, county executive)
- Level 3: governing body (city or town council, county commission)

Data

“What you’re doing now isn’t working”

- Cat intake
- Cats euthanized
- Complaint calls
- Costs to the municipality
– how much per cat
impounded & euthanized



Local examples of TNR success

- Any groups in your area performing TNR with data or success stories to share?
- Government is conservative by nature, not wanting to be first to try something
- Municipal officials relate best to local results

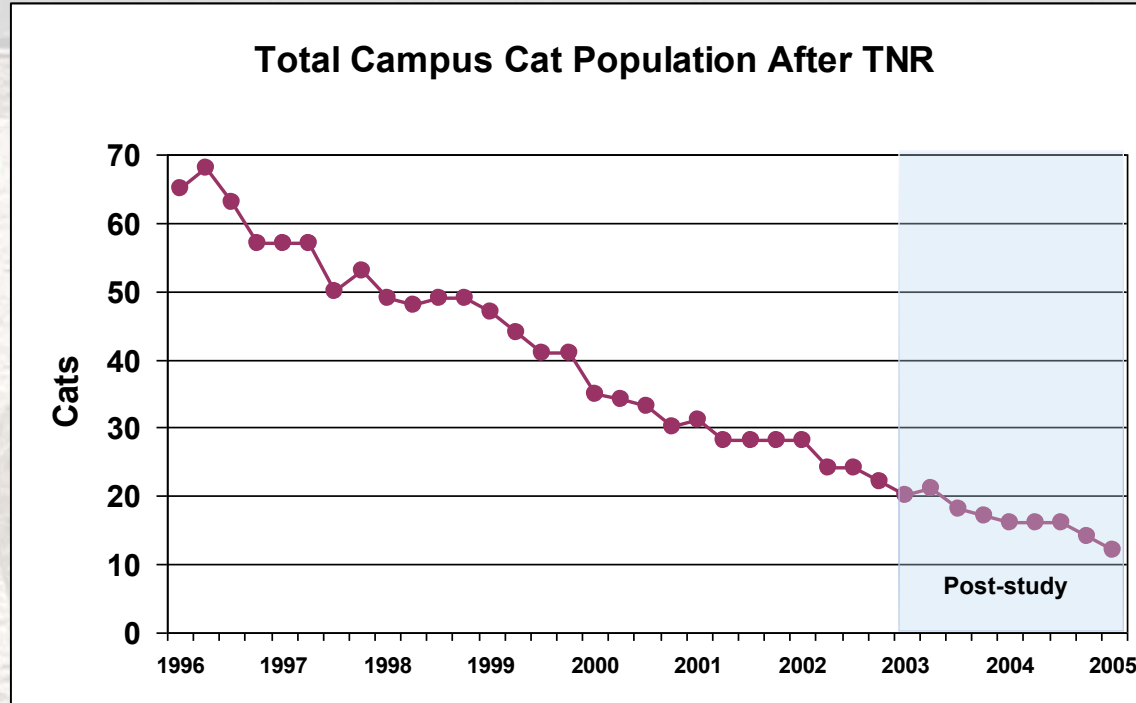


Rural North Carolina

- 6 colonies 100% sterilized
- 3 control colonies 100% unsterilized
- All colonies cared for similarly (food, water, medical care)
- After two years:
 - sterilized colonies down average of 36%
 - unsterilized colonies up average of 47%

Stoskopf, M., Nutter, F., *Analyzing approaches to feral cat management – one size does not fit all* (2004) Journal of American Veterinary Medical Association, Vol. 225, 1361-1364.











Levy, J.K., *Evaluation of the effect of a long-term trap-neuter-return and adoption program on a free-roaming cat population* (2003) *Journal of the American Veterinary Medical Association*, Vol. 222, 42-46.



Newburyport, MA

- Estimated 300 cats living on the riverfront in 1992
- All cats eventually TNR'd or adopted
- Last cat passed away in 2009

D. Spehar, P. Wolf, *An Examination of an Iconic Trap-Neuter-Return Program: The Newburyport, Massachusetts Case Study*, *Animals* (2017), 7, 81; doi:10.3390/ani7110081

Shelter Metric	Six-CCP Median Change						
Feline Intake	-32%	-38%	-1%	-14%	-33%	-31%	-45%
Kitten* Intake	-40%	-44%	+12%	-39%	-40%	-43%	-26%
Feline Euthanasia	-83%	-84%	-82%	-59%	-67%	-91%	-85%
Kitten* Euthanasia	-87%	-90%	-86%	-64%	-79%	-95%	-87%

Spehar DD and Wolf PJ (2019) *Integrated Return-To-Field and Targeted Trap-Neuter-Vaccinate-Return Programs Result in Reductions of Feline Intake and Euthanasia at Six Municipal Animal Shelters*, Front. Vet. Sci. 6:77. doi: 10.3389/fvets.2019.00077

Policy positions

- ASPCA

[Position Statement on Community Cats and Community Cat Programs](#)

- Humane World for Animals (former Humane Society of the United States)

[Managing Community Cats: A Guide for Municipal Leaders](#)

- National Animal Care & Control Association (NACA)

[Animal Control Intake of Free-roaming Cats](#)

A woman with short brown hair, wearing a blue patterned sweater, is leaning forward and looking at a white cat. The cat is walking on a grassy lawn in front of a wooden fence. The scene is outdoors, and the lighting suggests it's daytime.

Have a plan for when you succeed

- Propose a complete TNR program, including caretaker training, trap bank, spay/neuter, etc.
- Identify the organization, agency or volunteers that will administer
- Identify funding and other resources

Don't persuade the municipality to try TNR and then not have anyone to do it



Pilot projects

- Safe, noncommittal approach
- Propose if there is hesitancy
- Structure the pilot in your favor:
 - Your most reliable trappers and caretakers
 - A relatively routine project (not extra-difficult)
 - Document with data, photos, video
 - Build in a direct role for the government (e.g., transport, holding overnight, use their veterinarian)

Don't plead for the kitties!

- Avoid emotional pleas on behalf of the cats – remember the job of government officials is about public welfare, not animal welfare
- Present as a “cat population management expert” NOT a cat lover
- Dress professionally (to the standard of your audience)
- Leave the sweater with the paw prints at home!



YES



NO



QUALIFYING FOR YOUR CERTIFICATE

The Test

- Answer all 10 multiple-choice questions then submit your test to view your results. (Don't worry, you've got this!)
- You will have access to the quiz via your Community Cats Central Thinkific account as soon as this webinar ends.

How is the Test Scored?

- If you answer 6 or more questions correctly, you will earn your digital certificate of completion.
- If you answer less than six questions correctly you will have the opportunity to retake. If you do not answer six or more questions correctly on your second attempt, we recommend that you contact support@communitycatspodcast.com so you may be registered for the next workshop at no charge.

Getting Your Certificate

- Your certificate will be available in your Community Cats Central Thinkific account.

Recording

- You will have access to the recording via your Community Cats Central Thinkific account for 365 days if you'd like to review anything you may have missed.

QUESTIONS & ANSWERS





October 6, 2025

VIA EMAIL ONLY TO: Cityclerk@costamesaca.gov

Costa Mesa City Council
77 Fair Drive
Costa Mesa, CA 92626

Re: Consent Calendar Item #5 - Opposition to Fee Increase Request for Everett Dorey LLP

Dear Mayor and Council Members:

I write to oppose the request by Everett Dorey LLP for an increase in its hourly rates. While staff has recommended approval by citing certain outcomes and the lack of prior rate increases, the federal court record tells a very different story. Everett Dorey LLP has exposed the private information of Costa Mesa residents, been criticized by judges for reckless conduct, and has not been adequately supervised by the City Attorney. Rewarding this performance with higher fees would be fiscally irresponsible and contrary to the City's duty to its residents, especially in light of the current budget problems.

Recent Recklessness – Police Reports Filed Unredacted

On September 24, 2025, Everett Dorey filed trial exhibits in the case of *Insight Psychology & Addiction, Inc v. City of Costa Mesa, et al.*, 8:20-cv-00504-MEMF-JDE. Among the documents filed and made available to the public were **unredacted** Costa Mesa Police Department reports that the Police Department had marked "CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY." These reports disclosed the full names, home addresses, phone numbers, dates of birth, and in some cases medical and mental health conditions of Costa Mesa residents. These individuals were not criminal defendants; they were victims and witnesses to crimes and Everett Dorey made their information available to the public. When this was brought to the attention of Everett Dorey's firm, they took the position that there was nothing wrong with what they had done. On October 2, 2025, at Insight's request, the Court ordered the unredacted police reports to be sealed. **However, as of the date of this letter, this information is still accessible to the public!**

The filing not only violated federal rules requiring redaction of personally identifiable information ("PII") but placed residents' privacy and safety at risk.

To assist the Council in understanding the seriousness of this matter, I have prepared a summary of the unredacted police reports that were filed publicly by Everett Dorey. The attached chart identifies each report or docket entry, the type of case, and the categories of sensitive information that were exposed. This chart demonstrates that the breach of privacy was not an isolated mistake but a significant lapse that put Costa Mesa residents at risk.

Case Number	Type of Case	Sensitive Information Disclosed
16-016468	Medical Aid	Disclosed victim's full name, date of birth, address and telephone number.
18-009615	Invasion of Privacy/Revenge Porn	Disclosed victim's full name, date of birth, home address, and phone number along with private details of non-consensual sexual images and their distribution.
21-008255	Overdose	Disclosed overdose victim's full name, date of birth, home address and phone number.
22-005319	Suicide	Disclosed suicide victim's full name, date of birth, home address, and telephone number, as well as the victim's sister's name and phone number.
22-018979	Petty Theft	Disclosed theft victim's full name, date of birth, home address and telephone number.
22-014732	Petty Theft from Vehicle	Disclosed theft victim's full name, date of birth, home address and telephone number.
23-006570	Residential Burglary	Disclosed both burglary victim's full name, address, date of birth and telephone number along with that of witnesses.
24-011595	5150 Hold – Suicide attempt	Disclosed 5150 subject's full name, date of birth, home address and telephone number.
24-012357	Missing Adult	Disclosed subject's full name, date of birth, home address and telephone number.

Again, it is clear that the Costa Mesa Police Department would not have authorized Everett Dorey to release the unredacted reports publicly. The reports are marked “CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY.” In connection with this litigation, my legal counsel and I have submitted many requests under the Public Records Act (“PRA”) to monitor calls for service relating to Insight’s property, and the City has never provided these reports to us. The calls for service records the City has provided in response to our PRA requests have always been heavily redacted to protect the confidentiality of PII and the integrity and sensitivity of police investigations.

Failure of Oversight by the City Attorney

These problems are not limited to Everett Dorey LLP. Kim Barlow and the firm of Jones Mayer serve as Costa Mesa’s City Attorney and their names appear on all pleadings in this litigation, including the September 24, 2025, filing containing the unredacted police reports. At a January 2021 hearing set by Magistrate Judge Early to address the unprofessionalism from Everett Dorey’s firm, Magistrate Judge Early cautioned the Jones Mayer firm about putting their name on something that they have not reviewed or approved. Judge Early told the City that when an attorney puts their name on a filing, it signifies they have reviewed and approved it. Despite this admonition, it appears that attorney Kim Barlow did not review the trial filings before they were filed with the Court and made available to the public. If she had, one would hope this sensitive information would **not** have been disclosed publicly.

The fact that such sensitive information was filed after Judge Early’s warning strongly suggests that Ms. Barlow is not reviewing the filings submitted on behalf of the City. This lack of oversight puts both the City and its residents at unnecessary risk and undermines confidence in the City Attorney’s ability to protect Costa Mesa from the consequences of its counsel’s actions.

Documented Misconduct in Court

Everett Dorey’s approach in the *Insight* litigation (as well as prior cases Everett Dorey has handled for the Costa Mesa) is to wage a **war of attrition**. My company is a minority-owned small business. Everett Dorey’s consistent strategy is to make this litigation as long and costly as possible, and it has worked. I have spent nearly a decade of fighting with the City (two years in the City’s administrative proceedings and more than five years in Federal Court) and I have incurred over a million in attorneys’ fees.

But this war of attrition has hurt the City too. In January 2021, Magistrate Judge Early cautioned that Everett Dorey’s heavy-handed litigation strategy would “end up costing their client a lot of money.” See *Exhibit B*. Sadly, that prediction has come true. Costa Mesa is now facing budget challenges made worse by the very counsel that was supposed to protect the City’s interests.

Judicial Record of Misconduct

The concerns extend beyond this most recent incident. The transcripts from prior hearings document a troubling pattern:

- Magistrate Judge Early stated: *“The City of Costa Mesa has violated the local rules, has made accusations against plaintiff’s counsel... Those sorts of accusations are serious. They’re not conducive to a good faith meet and confer.”* (Transcript of Proceedings, attached as **Exhibit A**, p. 10–11).
- Judge Early warned: *“Throwing accusations out is not helpful in attempting to resolve a dispute in good faith, and that should such accusations be made again, we’re going to have a hearing about them, and we’re going to get to the bottom of it. We’re going to find out if they’re sustained, and we’re going to find out if they were made without sufficient foundation, and there would be consequences in either of those scenarios.”* (Transcript of Proceedings, attached as **Exhibit A**, p. 13, lines 1-8).
- After questioning, counsel for the City was required to withdraw its accusations: *“Do you withdraw allegations of misconduct and misrepresentation by Ms. Beatificato?”*
“Yes, Your Honor, we withdraw that accusation... Correct, Your Honor, those accusations, plural.” (Transcript of Proceedings, attached as **Exhibit A**, p. 16).
- In admonishing Everett Dorey’s law firm, Magistrate Judge Early referenced the transcript from a hearing in a sober living case also being handled by Everett Dorey. At that hearing, Former Chief Magistrate Judge Walsh stated: *“I don’t understand why the invective, why there is so evil and bad? Talk to me Mr. Lee and tell me why I should overlook this and grant you the relief you want. Despite the fact that that you send an email to the other side that you know I’m going to read, and you call them liars, and you say they have been lying all the time. I’m on this case. I don’t see that. In fact, if I had to make a factual finding, I would find against you on every single one of those issues.”* (Transcript of Proceedings, attached as **Exhibit A**, p. 19, lines 1-24). Judge Early referenced this transcript to show that counsel’s conduct in the *Insight* case was similar to conduct Chief Magistrate Walsh also witnessed in the *NTS v. City of Costa Mesa* sober living litigation which is also being handled by Everett Dorey LLP.

These are not isolated remarks. They are consistent judicial findings about the conduct of Everett Dorey LLP, which has driven up costs and placed the City at risk.

Why This Matters Now

The City deserves legal counsel who are competent, professional, and careful with taxpayer resources. Instead, Everett Dorey has been repeatedly admonished by federal judges for violating rules and engaging in conduct not conducive to resolving disputes, made reckless filings that exposed victims’ private information to the public just days ago, and has increased the City’s costs through unnecessary disputes, wasted court resources, and sanction-risking tactics. It is unconscionable to ask Costa Mesa taxpayers to pay more for this type of representation.

Misleading Fiscal Review

In addition to the above concerns, the financial impact of this amendment has been severely understated in the staff report. The staff report presents Everett Dorey's costs as “approximately \$108,000 annually” and estimates the proposed amendment would increase the contract by about \$29,000 annually. This is misleading. The City's own press release on April 30 2025, acknowledged that **“Costa Mesa has spent some 20 million” defending its “group home” ordinances!** By limiting the fiscal review to “general matters,” the report conceals the true cost of the firm's representation and minimizes the real impact of the requested increase. This rate increase would apply across all matters, including the most expensive litigation that has already drained taxpayer resources.

The report further states that it was prepared by the City Attorney. This raises a serious concern: why was the broader financial impact omitted, and why was the council given a fiscal review that understates the cost to taxpayers? The City Attorney is well aware that the City is spending way more than \$108,000.00 annually with Everett Dorey, LLP. The council should not approve a fee increase based on a fiscal review that omits the true scope of costs and misleads both policymakers and the public. For this reason alone, the council should deny this request.

Retroactive Fee Request

The staff recommendation proposes to approve rate increases retroactive to September 2, 2025. That would require taxpayers to pay higher rates for past work, including filings that federal judges have described as “not necessary, not helpful, not appropriate.” Retroactive approval would not reward competence; it would reward misconduct and inadequate oversight.

Request

For these reasons, I respectfully urge the Council to reject Everett Dorey LLP’s request for a fee increase. At the very least, the City should not approve retroactive compensation for work that has already drawn repeated judicial admonitions, exposed the private information of residents, and reflected inadequate supervision by the City Attorney.

Costa Mesa taxpayers deserve legal representation, and oversight of that representation, which serves to protect the City’s financial interests, complies with court rules, and safeguards the privacy of residents.

I respectfully urge the Council to reject Everett Dorey LLP’s request for a fee increase. The City of Costa Mesa deserves counsel who will protect residents’ rights, respect the Court’s authority,

and act with fiscal responsibility. Everett Dorey LLP has repeatedly demonstrated that it is not that firm.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary H. Beatificato". The signature is fluid and cursive, with the first name "Mary" and last name "Beatificato" clearly distinguishable.

MARY HELEN BEATIFICATO

Chief Executive Officer and General Counsel

Attachments:

- Exhibit A: Transcript of Proceedings before Magistrate Judge Early

1 APPEARANCES (CONT.)

2 FOR DEFENDANTS

3 CITY OF COSTA

4 MESA:

EVERETT DOREY

BY: SEYMOUR B. EVERETT III

BY: CHRISTOPHER D. LEE, ESQ.

BY: **ANDERSON, ESQ.

18300 VON KARMAN AVENUE, SUITE 900

IRVINE, CALIFORNIA 92612

6

7

JONES & MAYER

BY: MONICA CHOI ARREDONDO, ESQ.

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3777 NORTH HARBOR BOULEVARD

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FULLERTON, CALIFORNIA 92835

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1 CASE NUMBER: 8:20-CV-00504 JVS(JDEX)
2 CASE NAME: INSIGHT V. CITY OF COSTA MESA
3 **VENUE**:
4 DEPARTMENT **:
5 REPORTER: LINDA SILVER RYAN, CSR NO. 9915
6 TIME: **SESSION
7

8 THE COURT: SO INSIGHT PSYCHOLOGY AND ADDICTION,
9 INC., ET AL. VERSUS CITY OF COSTA MESA, ET AL. CENTRAL
06:22PM 10 DISTRICT OF CALIFORNIA CASE NO. 8:20-CV-504-
11 JVS.

12 WE'LL TAKE APPEARANCES IN A MOMENT
13 WE'RE HERE FOR THE -- PURSUANT TO THE CITY OF COSTA
14 MESA'S NOTICE OF REQUEST FOR DISCOVERY -- TELEPHONIC
06:23PM 15 DISCOVERY CONFERENCE PURSUANT TO THE COURT'S PRIOR
16 ORDER.

17 IT WAS FILED AT I THINK ABOUT 8:58 P.M.
18 YESTERDAY. IT IDENTIFIED THREE TIMES WHERE THE
19 CONFERENCE WAS REQUESTED.

06:23PM 20 SOMEBODY HAS JOINED THE CALL.

21 WHO IS IT WHO JUST JOINED THE CALL? NOT
22 TAKING GENERAL APPEARANCES. WHO JUST JOINED THE CALL?

23 MS. HASSAN: HI. THIS IS ZEENAT HASSAN FROM
24 DISABILITY RIGHTS CALIFORNIA.

06:23PM 25 THE COURT: ALL RIGHT. SOMEBODY WHO IS NOT MUTED,
26 PLEASE MUTE YOUR PHONE. WE CAN HEAR BACKGROUND CHATTER.

27 WE ARE PROCEEDING WITH THE NOTICE. I'VE
28 ALSO RECEIVED PLAINTIFF INSIGHT'S RESPONSE TO THAT

1 NOTICE AND ATTACHMENTS, AND I'VE RECEIVED THE REQUEST --
2 OR THE WITHDRAWAL OF THE NOTICE OF REQUEST FOR
3 TELEPHONE -- TELEPHONIC DISCOVERY RESPONSE FILED BY THE
4 CITY.

06:24PM

5 I HAD ISSUED AN ORDER THIS MORNING BEFORE
6 BOTH INSIGHT'S RESPONSE AND THE NOTICE OF WITHDRAWAL.
7 WE'RE GOING TO BE PROCEEDING AS SET FORTH AND LAID OUT
8 IN THAT ORDER.

06:24PM

9 I WILL NOW TAKE APPEARANCES, AND WHAT I'M
10 GOING TO DO, BECAUSE WE'RE ON A TELEPHONE AND WE NEED TO
11 HAVE A CONDUCTOR SO THAT WE'RE NOT ALL SPEAKING
12 GENERALLY. WE ALSO -- IF A TRANSCRIPT OF THIS IS
13 EVENTUALLY MADE, SINCE WE DON'T HAVE A COURT REPORTER
14 WHO CAN LAY EYES ON THE PERSON WHO IS SPEAKING, WHEN YOU

06:25PM

15 SPEAK, YOU'RE GOING TO HAVE TO IDENTIFY YOURSELF, AND
16 I'M GOING TO ASK EACH RESPECTIVE PARTY TO DESIGNATE THE
17 PERSON WHO IS GOING TO BE PRIMARILY SPEAKING. THEY CAN
18 DEFER AS THE CASE MAY BE, AND I MAY HAVE QUESTIONS FOR
19 INDIVIDUALS, BUT I'M GOING TO ASK EACH INDIVIDUAL PARTY
20 TO IDENTIFY WHO THEIR LEAD SPEAKER IS GOING TO BE.

06:25PM

21 HERE IS WHO I UNDERSTAND IS ON THE CALL ON
22 BEHALF OF PLAINTIFF INSIGHT IS MARY HELEN BEATIFICATO.

23 MA'AM, ARE YOU ON THE CALL?

24 MS. BEATIFICATO: I AM.

06:25PM

25 THE COURT: AND JUST HAVING APPEARED ON BEHALF
26 OF -- I ACTUALLY DON'T SEE YOUR NAME ON THE DOCKET
27 SHEET. MS. DINA HASSANDRA?

28 MS. HASSAN: IT'S ZEENAT HASSAN, Z-E-E-N-A-T, YES,

1 AND I'M ATTORNEY FOR JANE DOE.

2 THE COURT: AND YOU'RE WITH DISABILITY RIGHTS
3 CALIFORNIA; IS THAT CORRECT?

4 MS. HASSAN: YES, THAT'S RIGHT.

06:26PM 5 THE COURT: ALL RIGHT.

6 AND ON BEHALF OF THE CITY OF COSTA MESA, I
7 HAVE -- AND I'M GOING TO DO IT BY FIRM -- FROM THE JONES
8 & MAYER FIRM MONICA CHOI ARREDONDO.

9 ARE YOU HERE?

06:26PM 10 MS. ARREDONDO: YES, I AM.

11 THE COURT: AND ON BEHALF OF THE FIRM SEYMOUR &
12 EVERETT WE HAVE THE FOLLOWING INDIVIDUALS:

13 MR. SEYMOUR B. EVERETT III.

14 SIR, ARE YOU ON THE CALL?

06:26PM 15 MR. EVERETT: YES, YOUR HONOR, I AM HERE WITH THE
16 LAW FIRM OF EVERETT DOREY ON BEHALF OF THE CITY.

17 THE COURT: ALL RIGHT. THANK YOU.

18 AND MR. CHRISTOPHER LEE, ARE YOU ON THE
19 CALL?

06:27PM 20 MR. LEE: YES, YOUR HONOR, THIS IS CHRISTOPHER
21 LEE.

22 THE COURT: ALSO WITH EVERETT DOREY.

23 AND MY UNDERSTANDING IS WE HAVE ASHLEY
24 ANDERSON, WHO IS ALSO WITH EVERETT DOREY BUT WHO HAS NOT
06:27PM 25 MADE AN APPEARANCE IN THE CASE.

26 IS THAT CORRECT, MS. ANDERSON, ARE YOU ON
27 THE CALL?

28 MS. ANDERSON: YES, GOOD AFTERNOON, YOUR HONOR.

1 THIS IS ASHLEY ANDERSON FOR THE CITY.

2 THE COURT: GOOD AFTERNOON.

3 SO WE HAVE THAT UNDERWAY.

06:27PM 4 ON BEHALF OF THE CITY ANNOUNCE YOURSELF AND
5 TELL ME WHO IS GOING TO BE THE PRIMARY SPEAKER ON BEHALF
6 OF THE CITY OF COSTA MESA.

7 MR. EVERETT: YOUR HONOR, SEYMOUR EVERETT WILL BE
8 THE PRIMARY SPEAKER, AND I'LL DEFER TO MR. LEE AT TIMES.

06:27PM 9 THE COURT: OKAY. AND MS. BEATIFICATO, I ASSUME
10 YOU'LL BE THE LEAD FOR -- YOU'RE THE ONLY PERSON FOR
11 INSIGHT; IS THAT RIGHT?

12 MS. BEATIFICATO: THAT IS CORRECT, YOUR HONOR.

06:27PM 13 THE COURT: ALL RIGHT. AND MS. HASSAN, YOUR
14 CLIENT IS NOT DIRECTLY IMPLICATED BY ANY OF THESE
15 ISSUES. SO YOU'RE OBVIOUSLY WELCOME TO ATTEND THE CALL,
16 BUT I DON'T ANTICIPATE THERE WILL BE MUCH FOR YOU TO DO.
17 ALL RIGHT?

18 MS. HASSAN: YES, YOUR HONOR.

19 THE COURT: ALL RIGHT. SO --

06:28PM 20 MS. ELLIOT: YOUR HONOR, THIS IS AUTUMN ELLIOT,
21 ALSO WITH DISABILITY RIGHTS CALIFORNIA REPRESENTING MS.
22 DOE. AND WE APPRECIATE THAT AND GOOD AFTERNOON.

23 THE COURT: GOOD AFTERNOON. I DIDN'T HEAR YOU
24 BEEP INTO THE CALL.

06:28PM 25 ALL RIGHT. WE'RE GOING TO GET STARTED. I
26 UNDERSTAND THAT I'VE RECEIVED THE NOTICE OF WITHDRAWAL,
27 BUT I'VE ALREADY SET AN ORDER, AND THE ORDER SETS FORTH
28 HOW WE'RE GOING TO PROCEED. SO YOU CAN'T WITHDRAW MY

1 ORDER, AND I'M SPEAKING TO THE CITY.

2 WE MAY BE ABLE TO SHORT CIRCUIT THINGS,
3 THOUGH. MY ORDER MADE IT CLEAR THAT THIS IS BEING DONE
4 AT THE CITY'S BEHALF, THAT WE MOVED THINGS TO GET IT
06:28PM 5 DONE BASED ON THE TIMING OF THE -- THE TIME SLOTS, AND
6 SO WE'RE GOING FORWARD.

7 AND THE PREMISE OF THIS HEARING WAS TO HAVE
8 AN INFORMAL DISCOVERY CONFERENCE. AND THE UNDERLYING
9 BASIS FOR WHY WE'RE GOING TO DO THAT WAS MY ORDER OF
06:29PM 10 JANUARY 15TH DENYING THE CITY'S MOTION TO COMPEL FOR
11 FAILURE TO COMPLY WITH SEVERAL OF THE LOCAL RULES.

12 AT THE END OF THAT ORDER, WE ADDED A
13 PROVISION TO MAKE SURE THAT THIS DIDN'T HAPPEN AGAIN,
14 AND I'M GOING TO READ THAT PROVISION. IT SAID:

06:29PM 15 "PRIOR," -- AND I'M QUOTING NOW:

16 "PRIOR TO ANY PARTY FILING ANY
17 DISCOVERY-RELATED MOTION, AFTER THE PARTIES HAVE FULLY
18 COMPLIED WITH LOCAL RULE 37-1, THE PARTY SEEKING COURT
19 INTERVENTION MUST FILE A NOTICE OF REQUEST FOR
06:29PM 20 TELEPHONIC DISCOVERY CONFERENCE SETTING FORTH IN NO MORE
21 THAN TWO SENTENCES THE NATURE OF THE DISPUTE AND
22 REQUESTING A TELEPHONIC CONFERENCE WITH THE COURT
23 SETTING FORTH AT LEAST THREE DATES AND TIMES CONVENIENT
24 TO ALL COUNSEL FOR A CONFERENCE.

06:30PM 25 "ONLY AFTER SUCH A CONFERENCE IS HELD OR
26 THE COURT INDICATES IT WILL NOT BE HELD AND AFTER FULL
27 COMPLIANCE WITH THE LOCAL RULES MAY A PARTY FILE A
28 DISCOVERY MOTION WITH THIS COURT."

06:30PM

06:31PM

06:31PM

06:31PM

06:32PM

1 SO THAT'S WHAT I WROTE. THAT'S WHAT WAS
2 CITED IN THE CITY'S INITIAL REQUEST FOR A TELEPHONIC
3 DISCOVERY CONFERENCE FILED LAST NIGHT. THE CITY SET
4 FORTH THE BASIS FOR THE REQUEST -- AND AGAIN, WE DON'T
5 GET TO THIS UNLESS THE PARTIES HAVE FULLY COMPLIED WITH
6 LOCAL RULE 7-1, WHICH MEANS A COMPLIANT MEET AND CONFER
7 LETTER WAS SENT AND THE PARTIES FULLY MET AND CONFERRED
8 REGARDING -- IN A MEETING, IN A TELEPHONE OR
9 FACE-TO-FACE MEETING MET AND CONFERRED IN GOOD FAITH IN
10 AN ATTEMPT TO RESOLVE THE ISSUES OR AS MANY ISSUES AS
11 POSSIBLE. ONLY ONCE THAT MEETING HAD TAKEN PLACE DO YOU
12 COMPLY WITH LOCAL RULE 37-1.

13 I GOT THE NOTICE OF THE REQUEST FOR
14 TELEPHONIC. THE ONLY ASSUMPTION CAN BE THAT COMPLIANCE
15 HAS BEEN COMPLETED WITH LOCAL RULE 37-1. SO ALL I NEED
16 TO KNOW IS GENERALLY WHAT THE ISSUE IS, AND THEN I CAN
17 KIND OF MAKE AN ASSESSMENT ABOUT WHETHER A TELEPHONE
18 CONFERENCE WOULD BE HELPFUL BEFORE TELLING YOU TO
19 PROCEED DOWN TO RULE 37-2 -- LOCAL RULE 37-2, OR IF IT
20 WON'T BE, THEN JUST PROCEED.

21 THE INFORMATION I GOT, THE BASIS FOR THE
22 REQUEST WAS THE STATEMENT, "THE ONLY ACTUAL BASIS FOR
23 INSIGHT'S REFUSAL TO FULLY RESPOND AND PRODUCE DOCUMENTS
24 IS INSIGHT'S RELIANCE ON A FUTURE PENDING MOTION TO
25 DISMISS."

26 THAT'S A -- THE SAME DISPUTES -- THE SAME
27 192 DISPUTES FROM THE PRIOR MOTION, THERE IS ONLY ONE
28 ISSUE. THAT'S WHAT I'M GOING ON.

1 WELL, THERE IS ONLY ONE ISSUE; THAT SEEMS
2 LIKE IT'S SOMETHING WORTH TALKING ABOUT ON THE PHONE.
3 AND THE PARTIES SURE DO SEEM TO BE IN A HURRY, BECAUSE
4 THEY PICKED DATES ALL THE NEXT DAY, THE DAY AFTER AND A
06:32PM 5 COUPLE OF DAYS THEREAFTER. LET'S GET THIS SET. LET'S
6 MOVE STUFF ASIDE. THIS IS IMPORTANT.

7 AND I WANT TO GIVE YOU THE ATTENTION YOU
8 DESERVE. WE'RE GOING TO MOVE STUFF ASIDE, AND WE'RE
9 GOING TO RESET THIS, AND MY COURTROOM STAFF IS GOING TO
06:32PM 10 MAKE SURE THAT THEY'RE AVAILABLE TO HELP OUT, AND WE'RE
11 GOING TO TAKE THIS UP.

12 AND SO I ISSUED THE ORDER THIS MORNING THAT
13 MADE CLEAR EXACTLY WHAT WE'RE GOING TO DO. IT ALSO MADE
14 CLEAR THAT IF IT TURNED OUT THAT IT WAS MORE THAN ONE
06:32PM 15 ISSUE, WE'RE GOING TO HAVE A HEARING ON THAT, AND WE'RE
16 GOING TO TALK ABOUT IT, AND WE'RE GOING TO FIGURE OUT
17 HOW THAT HAPPENED AND WHETHER THERE SHOULD BE SOME
18 CONSEQUENCES FOR A FILING THAT CAUSED US ALL TO DROP
19 EVERYTHING, A FILING THAT PRESUMABLY CAUSED PLAINTIFF'S
06:33PM 20 COUNSEL TO POTENTIALLY HAVE TO RESCHEDULE THINGS FOR HER
21 PRACTICE AND HER LIFE TO BE ABLE TO GIVE THREE DATES.
22 AND SO THAT'S WHAT WE DID. AND I ISSUED THAT ORDER.

23 ABOUT 20 MINUTES OR SO AFTER THAT ORDER, I
24 RECEIVED PLAINTIFF'S RESPONSE TO THE REQUEST FOR A
06:33PM 25 TELEPHONIC HEARING. PRETTY CLEAR FROM THE EMAILS AND
26 LETTERS ATTACHED TO THAT RESPONSE THAT THERE IS MORE
27 THAN ONE ISSUE WITH RESPECT TO THE RESPONSES TO THE 192
28 ITEMS OF DISCOVERY.

06:34PM

06:34PM

06:34PM

06:34PM

22 THE PARTIES -- AND IN PARTICULAR LET ME
23 FOCUS ON THE CITY OF COSTA MESA -- HAS VIOLATED THE
24 LOCAL RULES, HAS MADE ACCUSATIONS AGAINST PLAINTIFF'S
25 COUNSEL THAT I DIDN'T GET INTO ON THE JANUARY -- IN THE
26 JANUARY 15TH ORDER, BUT I DID NOTE THAT THOSE SORTS OF
27 ACCUSATIONS ARE SERIOUS. THEY'RE NOT CONDUCTIVE TO A
28 GOOD FAITH MEET AND CONFER.

1 BUT IF THEY'RE RAISED AGAIN, IF THE
2 ACCUSATIONS OF THE KIND OF BAD FAITH DISCOVERY ABUSE,
3 HIDING OF EVIDENCE, ARE TO BE RAISED AGAIN IN THIS
4 ACTION, THE PARTIES CAN EXPECT THERE WILL BE A HEARING,
06:35PM 5 PROBABLY BE TAKING TESTIMONY, AND IF THOSE ACCUSATIONS
6 ARE FOUND TO BE SUPPORTED, THERE IS GOING TO BE
7 CONSEQUENCES.

8 WHY DON'T I JUST READ IT TO YOU. THIS IS
9 FROM THE JANUARY 15TH ORDER:

06:35PM 10 "LASTLY, THE COURT NOTES THAT THE CONTENT
11 AND TONE OF THE CITY'S COMMUNICATION WITH INSIGHT DURING
12 THE MEET AND CONFER PROCESS WAS NOT CONDUCIVE TO
13 PROMOTING A GOOD FAITH EFFORT TO RESOLVE DISPUTES. TO
14 THE CONTRARY, THE TONE AND CONTENT WORKED AGAINST SUCH A
06:35PM 15 PROCESS. IN ADDITION, AS NOTED, COUNSEL FOR THE CITY
16 HAS ACCUSED COUNSEL FOR INSIGHT OF 'ABUSING THE
17 DISCOVERY PROCESS,' 'ACTING IN BAD FAITH,' 'MISLEADING
18 THE COURT' AND 'CONCEALING EVIDENCE.'"

19 AS THE COURT HAS DENIED THE MOTION, IT
06:36PM 20 MAKES NO FINDING ON THOSE ACCUSATIONS. HOWEVER, THE
21 COURT ADVISES THE PARTIES THAT IT TAKES PROFESSIONALISM
22 AND CANDOR WITH THE COURT AND BETWEEN COUNSEL SERIOUSLY,
23 AND THE PARTIES SHOULD EXPECT THAT ANY FUTURE
24 ALLEGATIONS INVOLVING SUCH MISCONDUCT WILL LIKELY RESULT
06:36PM 25 IN THE TAKING OF TESTIMONY FROM APPROPRIATE WITNESSES.

26 "SHOULD ANY FUTURE ALLEGATION BE SUSTAINED,
27 THERE WILL LIKELY BE SERIOUS CONSEQUENCES. SHOULD ANY
28 FUTURE ALLEGATION BE FOUND TO HAVE MADE WITHOUT PROPER

1 FOUNDATION, THERE WILL ALSO LIKELY BE SERIOUS
2 CONSEQUENCES."

3 THAT'S JANUARY 15TH. THAT'S THE ORDER.
4 THAT'S IN EVERYBODY'S MIND THAT DAY, I SUPPOSE, I WOULD
06:37PM 5 HOPE.

6 ATTACHED TO INSIGHT'S FILING THIS MORNING'S
7 DOCKET 20 -- I'M SORRY -- 71, AND WE'RE STARTING AT
8 DOCKET 71-1, IS A LETTER FROM MR. LEE OF THE FIRM OF
9 EVERETT & DOREY ON BEHALF OF THE CITY TO
06:37PM 10 MS. BEATIFICATO, DATED AGAIN, JANUARY 15TH, THE SAME DAY
11 AS THE ORDER. AND IT'S APPARENTLY A RENEWED ATTEMPT AT
12 A MEET-AND-CONFER LETTER.

13 STARTS OUT ALL RIGHT. FIRST FEW PAGES I'VE
14 GOT NO PARTICULAR ISSUES. SEEMS TO BE GOING FINE UNTIL
06:37PM 15 WE GET TO -- STARTING AT PAGE 13.

16 WE'VE GOT THE CITY OF COSTA MESA MAKING AN
17 ALLEGATION THAT INSIGHT IS TRANS- -- "INSIGHT'S CONDUCT
18 IS 'TRANSPARENTLY AN ATTEMPT TO DELAY AND OBSTRUCT
19 LAWFUL DISCOVERY.'" "

06:38PM 20 LATER ON -- AND AGAIN WE'RE AT DOCKET 71-1
21 AT PAGE 10. LATER ON, THE FOLLOWING PAGE, PAGE 12 -- OR
22 PAGE 11, MR. LEE WRITES THAT HE WILL SEEK SANCTIONS AND
23 WILL ALSO -- REFERENCES "INSIGHTS'S BAD FAITH CONDUCT -
24 INCLUDING 'ABUSING THE DISCOVERY PROCESS,'" AND ALSO
06:38PM 25 REFERENCES A "BAD FAITH TACTIC" AND "ACTIVELY CONCEALING
26 SUCH EVIDENCE FROM DISCOVERY."

27 SO JUST TO BEAR IN MIND, THAT'S THE DAY
28 AFTER I TOLD THE PARTIES, INCLUDING MR. LEE, THAT

1 THROWING ACCUSATIONS OUT IS NOT HELPFUL IN ATTEMPTING TO
2 RESOLVE A DISPUTE IN GOOD FAITH, AND THAT SHOULD SUCH
3 ACCUSATIONS BE MADE AGAIN, WE'RE GOING TO HAVE A HEARING
4 ABOUT THEM, AND WE'RE GOING TO GET TO THE BOTTOM OF IT.
06:39PM 5 WE'RE GOING TO FIND OUT IF THEY'RE SUSTAINED, AND WE'RE
6 GOING TO FIND OUT IF THEY WERE MADE WITHOUT SUFFICIENT
7 FOUNDATION, AND THERE WOULD BE CONSEQUENCES IN EITHER OF
8 THOSE SCENARIOS.

9 SO APPARENTLY THAT, AND PERHAPS NOT
06:39PM 10 SURPRISINGLY, THAT DISCOVERY LETTER DID NOT LEAD TO A
11 RESOLUTION OF THE DISCOVERY ISSUES, BUT AS NEAR AS I CAN
12 TELL, AND I COULD BE WRONG, IT DOESN'T LOOK LIKE IT EVEN
13 LED TO AN ACTUAL TELEPHONIC OR FACE-TO-FACE
14 MEET-AND-CONFER SESSION REGARDING ALL 192 OF THE
06:40PM 15 DISPUTED DISCOVERY REQUESTS.

16 AND I'LL HEAR FROM YOU ON THAT TO SEE
17 WHETHER IT DID BUT, IT DOESN'T LOOK LIKE IT DID.

18 AT A MINIMUM, THERE WAS NOT COMPLIANCE WITH
19 LOCAL RULE 31 BEFORE THE REQUEST FOR THE TELEPHONIC
06:40PM 20 CONFERENCE, WHICH IS A CONDITION OF THAT REQUEST.

21 SO THAT -- IT APPEARS THAT REQUEST HAS BEEN
22 WITHDRAWN. LET ME CONFIRM THAT, IF THAT IS INDEED THE
23 CASE.

24 AND I'LL ASK YOU, MR. EVERETT, HAS THE
06:40PM 25 REQUEST FOR A TELEPHONIC CONFERENCE THAT WAS FILED LAST
26 NIGHT BEEN WITHDRAWN?

27 MR. EVERETT: YOUR HONOR, THIS IS SEYMOUR EVERETT.
28 YES, IT HAS BEEN WITHDRAWN.

1 THE COURT: RIGHT. SO WE'RE GOING TO TURN TO PART
2 TWO. AND I'LL HEAR FROM YOU OR I'LL HEAR FROM MR. LEE,
3 WHY THERE SHOULDN'T BE SOME SANCTION FOR NOT COMPLYING
4 WITH THAT ORDER, NOT COMPLYING WITH THE LOCAL RULES AND
5 FOR MAKING ACCUSATIONS --

6 BUT ACTUALLY, BEFORE I DO THAT, LET ME ASK
7 YOU, MR. EVERETT, I'LL START WITH YOU: DO YOU STAND
8 BEHIND THE ACCUSATIONS AGAINST MS. BEATIFICATO THAT ARE
9 MADE IN MR. LEE'S JANUARY 15TH, 2021 LETTER?

10 MR. EVERETT: YOUR HONOR, IF I COULD JUST PREFACE
11 MY COMMENTS BY APOLOGIZING TO THE COURT AND MS.
12 BEATIFICATO FOR THE SCHEDULING OF THE CONFERENCE. YOU
13 KNOW, WE HAD FORWARDED OF THE DATES THAT WERE SUPPLIED
14 TO US --

15 THE COURT: CAN I ASK YOU TO ANSWER MY QUESTION.

16 MR. EVERETT: YOUR HONOR, I JUST WANT TO MAKE IT
17 CLEAR --

18 THE COURT: I READ THAT IN THE NOTICE OF
19 WITHDRAWAL.

20 COULD YOU ANSWER MY QUESTION.

21 MR. EVERETT: YES. YES, YOUR HONOR.

22 WITH RESPECT TO THE LANGUAGE THAT WAS USED
23 IN THAT MEET AND CONFER; INAPPROPRIATE. AND WE
24 APOLOGIZED TO MS. BEATIFICATO AND THE OTHER PLAINTIFF'S
25 COUNSEL. BUT WITH RESPECT TO THE SUBSTANCE AND HOW WE
26 COULD HAVE COMMUNICATED TO -- THOSE COMMENTS TO OPPOSING
27 COUNSEL, WE SHOULD HAVE USED DIFFERENT LANGUAGE.
28 ABSOLUTELY.

1 THE COURT: DO YOU WITHDRAW --

2 MR. EVERETT: (INAUBIDLE) -- STILL EXIST, YES.

3 THE COURT: DO YOU WITHDRAW ALLEGATIONS OF
4 MISCONDUCT AND MISREPRESENTATION BY MS. BEATIFICATO?

06:42PM

5 MR. EVERETT: YOUR HONOR, IS THE COURT REQUESTING
6 WHETHER OR NOT WE WITHDRAW THAT, THAT ACCUSATION?

7 THE COURT: IT'S ONE THING TO WITHDRAW THE REQUEST
8 FOR HEARING; THAT'S DONE. NOW WE'RE ASKING IF THAT
9 ACCUSATION, WHICH ALL PARTIES WERE PREVIOUSLY TOLD WHEN

06:42PM

10 SOMEONE LEVELS THAT ACCUSATION, WE'RE GOING TO HAVE A
11 HEARING ABOUT IT, AND THERE WILL BE POTENTIAL
12 CONSEQUENCES AGAINST EITHER THE ACCUSED OR THE ACCUSER,
13 DEPENDING ON THE OUTCOME OF THAT.

14 SO I WANT TO CONFIRM -- AND I'M GOING TO
15 STEP ASIDE A LITTLE BIT. WE'RE BEING SOMEWHAT FORMAL.
16 I'M GOING TO BE A LITTLE BIT INFORMAL.

06:42PM

17 IT LOOKED TO ME THAT MR. LEE WAS DOING FINE
18 WITH HIS MEET-AND-CONFER LETTER. IT WAS GOING FINE, AND
19 THEN IT WAS -- HE GOT TO THE END, AND I DON'T KNOW WHY
20 HE WENT THERE, I DON'T KNOW WHY HE WENT AS AGGRESSIVELY

06:43PM

21 AS HE DID. IT WAS NOT NECESSARY, NOT HELPFUL, NOT
22 APPROPRIATE. BUT HE DID THAT THE SAME DAY THAT I ISSUED
23 AN ORDER THAT SAID, HEY, IF YOU DO THAT, BE PREPARED.
24 ALL RIGHT. SO THAT'S WHY WE'RE DOING THIS RIGHT NOW TO
25 START.

06:43PM

26 DO YOU STAND BY THE LANGUAGE THAT I READ
27 FROM THE LETTER? DOES YOUR CLIENT AND YOUR FIRM STAND
28 BY THAT IN TERMS OF AN ACCUSATION AGAINST -- ACCUSATIONS

1 AGAINST MS. BEATIFICATO?

2 MR. EVERETT: NO, YOUR HONOR, WE SHOULD NOT HAVE
3 USED THAT LANGUAGE.

06:43PM

4 THE COURT: WELL, I JUST WANT TO BE CLEAR. WHEN
5 YOU SAY "NO," THAT'S GOOD. THAT'S A GOOD DEFINITIVE
6 ANSWER. BUT WHEN YOU SAY, "NO, WE SHOULD NOT HAVE USED
7 THAT LANGUAGE," THAT'S NOT SAYING YOU WITHDRAW THE
8 ACCUSATION. THAT IS JUST SAYING YOU WITHDRAW THE
9 LANGUAGE THAT WAS USED IN THE ACCUSATION.

06:43PM

10 I WANT TO KNOW "YES" OR "NO," DO YOU STAND
11 BY --

12 MR. EVERETT: YES, YOUR HONOR, WE WITHDRAW THAT
13 ACCUSATION.

14 THE COURT: THOSE ACCUSATIONS, PLURAL?

06:44PM

15 MR. EVERETT: CORRECT, YOUR HONOR.

16 THE COURT: ALL RIGHT.

06:44PM

17 MS. BEATIFICATO, I'M GOING TO GIVE YOU THE
18 RIGHT, IF YOU WISH, SINCE THE ACCUSATIONS WERE MADE,
19 ALTHOUGH THEY'RE NOW WITHDRAWN ON THE RECORD, I'M GOING
20 TO GIVE YOU THE OPTION OF ALLOWING ME TO MAKE -- HAVE AN
21 EVIDENTIARY HEARING ON IT AND MAKE FINDINGS, INCLUDING
22 CALLING WITNESSES. I WOULD LIKELY CALL YOU; I WOULD
23 LIKELY CALL MR. LEE AND SWEAR YOU EACH IN. BUT I'M
24 GOING TO THE OPTION TO WITHDRAW IF THAT'S SUFFICIENT FOR
25 YOU AND THAT YOU ACCEPT THE WITHDRAWAL.

06:44PM

26 MS. BEATIFICATO: YOUR HONOR, I DON'T WISH TO TAKE
27 ANY MORE OF THE COURT'S TIME WITH THIS. I REALLY JUST
28 WANT TO MOVE FORWARD WITH THE LITIGATION.

1 IF THE COURT IS ASKING ME, THERE IS
2 ABSOLUTELY NO BASIS FOR ANY OF THESE ACCUSATIONS. SO IN
3 THAT SENSE, I'M HAPPY TO HAVE AN EVIDENTIARY HEARING ON
4 IT. BUT IF WHAT THE COURT IS ASKING ME IS DO YOU WANT
06:45PM 5 THE COURT TO DO THIS, THEN NO, I WOULD JUST ASSUME THAT
6 WE ACTUALLY DO WHAT WE'RE SUPPOSED TO DO, WHICH IS MOVE
7 THE CASE ALONG AND NOT WASTE ANYONE'S TIME WITH THIS.

8 BUT I DO HAVE CONCERNS GOING FORWARD ABOUT
9 HOW WE PREVENT THESE TYPE OF CONTINUAL ACCUSATIONS,
06:45PM 10 BECAUSE I FOUND THEM EVEN TODAY IN THE REQUEST TO
11 WITHDRAW THE REQUEST FOR THE TELEPHONE CONFERENCE.

12 THE COURT: LET'S --

13 MS. BEATIFICATO: AND THAT CONCERNS ME.

14 THE COURT: LET'S DO ONE THING AT A TIME. ALL
06:45PM 15 RIGHT?

16 YOU'VE SAID YOU'RE CONCERNED ABOUT MY TIME.
17 I'LL STAY HERE AS LONG AS IT TAKES. I'VE BEEN HERE
18 UNTIL 11:00 AT NIGHT ON HEARINGS IF THAT'S WHAT IT
19 TAKES. WE'LL DO IT. I'M ASKING YOU DO YOU WANT TO HAVE
06:45PM 20 AN EVIDENTIARY HEARING ON THESE ALLEGATIONS, OR IS IT
21 SUFFICIENT FOR YOU THAT THE CITY OF THE COSTA MESA HAS
22 WITHDRAWN THE ALLEGATIONS OF MISCONDUCT AGAINST YOU,
23 RECOGNIZING THAT YOU DENY THEM AND DISPUTE THEM?

24 MS. BEATIFICATO: THEN THAT IS SUFFICIENT,
06:45PM 25 YOUR HONOR.

26 THE COURT: I'M SORRY, I DID NOT UNDERSTAND THAT.

27 MS. BEATIFICATO: I'M SORRY. THAT IS SUFFICIENT
28 THAT THEY'VE WITHDRAWN THEM. I DON'T NEED AN

1 EVIDENTIARY HEARING ON THEM, AS LONG AS IT'S NOTED I DO
2 DISPUTE THEM.

3 THE COURT: ALL RIGHT.

06:46PM 4 NOW, MS. BEATIFICATO READ MY MIND BECAUSE I
5 DO WANT TO GET INTO HOW WE PREVENT THIS IN THE FUTURE.
6 AND WHAT IS CONCERNING WITH ME IS THAT I KIND OF THOUGHT
7 THAT THE JANUARY 15TH ORDER WAS PRETTY CLEAR AND THAT
8 THINGS WOULD HAVE TONED DOWN. SO TO SEE THE LETTER BY
9 MR. LEE DATED THE SAME DAY CAUSED ME CONCERN.

06:46PM 10 AND I'LL ALSO AGREE THAT THE NOTICE OF
11 WITHDRAWAL, WHILE IN SOME SENSE APOLOGETIC -- YOU FOLKS
12 PROBABLY KNOW I WAS A PROSECUTOR FOR MANY YEARS, AND
13 OFTEN YOU HEAR AN APOLOGY THAT IS MORE OF AN APOLOGY IF
14 YOU WERE MISLED OR "I APOLOGIZE IF YOU TOOK SOMETHING
09:06PM 15 THAT WAY" OR "I APOLOGIZE IF YOUR OVERLY DIFFICULT
16 INSTRUCTIONS WEREN'T FOLLOWED BY A TEE BECAUSE NO ONE
17 COULD HAVE UNDERSTOOD THEM."

18 THAT'S NOT REALLY AN APOLOGY, AND I'M NOT
19 GOING TO LITIGATE AN APOLOGY. BUT WHAT I AM GOING TO
09:06PM 20 SAY IS -- AND MR. LEE, I'M GOING TO DIRECT THIS TO YOU,
21 BECAUSE YOU'RE THE ONLY ONE FROM THE FIRM THAT I'VE SEEN
22 THIS FROM. I HAVEN'T SEEN IT FROM MR. EVERETT. I
23 HAVEN'T SEEN IT FROM MS. ANDERSON, AND I HAVEN'T SEEN IT
24 FROM ANYONE AT JONES & MAYER. BUT I HAVE SEEN IT FROM
09:06PM 25 YOU.

26 AND I DID NOTE THAT IN CONNECTION WITH
27 ANOTHER MOTION BEFORE JUDGE SELNA, ONE OF THE PLAINTIFFS
28 ATTACHED A TRANSCRIPT OF A HEARING IN ANOTHER CASE,

1 NATIONAL THERAPEUTIC SERVICES, INC. VERSUS CITY OF COSTA
2 MESA, TRANSCRIPT FROM A HEARING THAT TOOK PLACE ON
3 FEBRUARY 7TH, 2020 IN FRONT OF FORMER CHIEF MAGISTRATE
4 JUDGE PATRICK WALSH. AND I AM CONSIDERING THAT AND HAVE
09:07PM 5 REVIEWED IT, AND IT TO SOME EXTENT GUIDES THE REASON WHY
6 WE'RE -- I'M TALKING DIRECTLY TO YOU.

7 I'VE KNOWN FORMER JUDGE WALSH FOR OVER 20
8 YEARS. HE IS ONE OF THE MOST RELAXED, EASYGOING PEOPLE
9 I'VE EVER MET. WHEN YOU REDUCE THAT UNIVERSE FROM
09:08PM 10 PEOPLE TO JUDGES, HE MAY BE THE MOST RELAXED JUDGE I'VE
11 EVER MET. AND HAVING READ THIS TRANSCRIPT AND HAVING
12 SEEN HIS FRUSTRATION WITH YOU, MR. LEE, FOR THESE SAME
13 THINGS, FOR THESE SAME THINGS -- HERE I'LL QUOTE IT FOR
14 YOU, THIS IS FROM PAGE 12 OF THAT TRANSCRIPT, JUDGE
09:08PM 15 WALSH SPEAKING, SPEAKING TO YOU:

16 "I DON'T UNDERSTAND WHY THE INVECTIVE, WHY
17 THERE IS SO EVIL AND BAD? TALK TO ME, MR. LEE AND TELL
18 ME WHY I SHOULD OVERLOOK THIS AND GRANT YOU THE RELIEF
19 YOU WANT, DESPITE THE FACT THAT YOU SEND AN EMAIL TO THE
09:09PM 20 OTHER SIDE THAT YOU KNOW I'M GOING TO READ, AND YOU CALL
21 THEM LIARS AND YOU SAY THEY'VE BEEN LYING ALL THE TIME.
22 I'M ON THIS CASE. I DON'T SEE THAT. IN FACT, IF I HAD
23 TO MAKE A FACTUAL FINDING, I WOULD FIND AGAINST YOU ON
24 EVERY SINGLE ONE OF THOSE ISSUES."

09:09PM 25 AND THEN JUDGE WALSH TALKED ABOUT HOW HE
26 HAS TAUGHT AT USC TO LAW STUDENTS FOR TEN YEARS, AND HE
27 SAID:

28 "I WANT TO TELL YOU WHAT I TEACH SECOND AND

1 THIRD YEAR LAW STUDENTS. YOU WILL NEVER WIN THIS
2 ARGUMENT; WHEN YOU CALL THE OTHER SIDE A LIAR AND
3 THEY'RE EVIL, YOU'LL NEVER WIN THAT. YOU'RE MUDDYING
4 YOURSELF UP. IT CAN'T BE WON. OKAY?"

09:09PM

5 SKIPPING DOWN:

6 "I HAVE BEEN A JUDGE FOR 19 YEARS. I DO
7 DISCOVERY CONFERENCES EVERY WEEK. I'VE DONE 900 THEM,
8 MR. LEE. THIS FIRST PARAGRAPH STANDS OUT. MAYBE TOP
9 TEN OF THE 900 I'VE EVER DONE. OKAY? SO YOU START BY
10 LOSING."

09:10PM

11 SKIPPING DOWN:

12 "SO THAT'S -- AND MY UNSOLICITED ADVICE
13 GOING FORWARD, MR. LEE, IS THAT YOU CAN NEVER WIN THIS.
14 NO JUDGE IS GOING TO PICK THIS UP AND AFTER READING YOUR
15 PARAGRAPH SAY, OKAY, OPPOSING COUNSEL IS A BAD PERSON;
16 SO I'M GOING TO RULE AGAINST HIM."

09:10PM

17 I DON'T KNOW THAT I COULD SAY IT MUCH
18 BETTER. IT'S LIKE WE WERE LOOKING AT THE SAME CASE, AND
19 THAT WAS ALMOST EXACTLY A YEAR AGO, AND HERE WE ARE
20 BACK, AND WE'RE DEALING WITH THE EXACT SAME THING AND
21 IT'S MR. LEE AND HIS COMMUNICATIONS AND HIS ACCUSATIONS
22 AND HIS EMAILS THAT I THINK ARE THE REASON WHY WE'RE
23 HERE.

09:10PM

24 SO WE'RE GOING TO FIGURE OUT HOW TO DO
25 THINGS BETTER. ALL RIGHT?

09:10PM

26 I AM GOING TO TELL YOU -- AND THIS GOES I
27 GUESS TO BOTH PLAINTIFFS, BUT TO YOU,
28 MS. BEATIFICATO -- NOTHING I SAY SHOULD BE TAKEN AS AN

1 AGREEMENT, AN ACCESSION OR ANY POSITIVE REFLECTION ON
2 THE RESPONSES THAT HAVE BEEN GIVEN IN DISCOVERY BY
3 INSIGHT THUS FAR. I'M GOING TO SPEAK GENERALLY AND NOT
4 SPECIFICALLY.

09:11PM

5 BUT IF A PARTY WANTS A DISCOVERY STAY AND
6 DOESN'T WANT TO ANSWER DISCOVERY BECAUSE THEY'RE GOING
7 TO TRY TO REMOVE A CLAIM FROM THE CASE, THE PROCESS IS
8 TO FIRST TALK TO THE OTHER SIDE ABOUT AN AGREEMENT TO A
9 STAY, AND IF NO AGREEMENT CAN BE REACHED, PROCEEDING

09:11PM

10 WITH THE DISTRICT JUDGE TO AMEND THE DISCOVERY
11 SCHEDULING ORDER TO STAY THAT PORTION OF DISCOVERY WHILE
12 THE MOTION IS BEING RULED ON.

13 THE PROPER MECHANISM IS NOT TO ASSERT AN
14 OBJECTION AND WAIT AND HOPE YOU WIN. THAT'S NOT PROPER.
09:12PM 15 IT'S ALSO NOT PROPER TO SIMPLY ASSERT BOILERPLATE
16 OBJECTIONS.

17 RULE 11 EXCLUDES DISCOVERY RESPONSES, BUT A
18 WHOLE OTHER SECTION OF THE FEDERAL RULES OF CIVIL
19 PROCEDURE MAKE IT VERY CLEAR THAT AS AN OFFICER OF THE
09:12PM 20 COURT, WHEN YOU PROPOUND DISCOVERY, YOU ARE CERTIFYING
21 THAT THOSE DISCOVERY REQUESTS ARE MADE IN GOOD FAITH,
22 ARE RELEVANT AND ARE NOT DONE FOR ANY PURPOSE OTHER THAN
23 TO TAKE PROPER DISCOVERY.

24 WHEN YOU SIGN A DISCOVERY RESPONSE, YOU ARE
09:12PM 25 AS THE LAWYER CONFIRMING THAT ALL OBJECTIONS ARE MADE IN
26 GOOD FAITH WITH A FACTUAL AND LEGAL SUPPORTING BASIS AND
27 THAT ALL RESPONSES ARE COMPLIANT WITH THE RULES SUBJECT
28 TO THE CLIENT, ACTUALLY IN THE CASE OF INTERROGATORIES,

1 VERIFYING THE TRUTH OF THE INFORMATION.

2 SO NOTHING I SAY EXCUSES ANY EVENTUAL
3 FINDING -- EVENTUAL POSSIBLE FINDING THAT SOME
4 OBJECTIONS OR SOME RESPONSES ARE NOT SUPPORTED OR DON'T
09:13PM 5 COMPLY WITH THE RULES. AND SHOULD IT BE THAT THOSE
6 OBJECTIONS ARE OVERRULED AND RESPONSES ARE FOUND TO BE
7 IMPROPER, THERE VERY WELL MAY BE -- I'M GOING TO USE THE
8 TERM "SANCTIONS" BROADLY UNDER RULE 37 FOR BOTH RULE
9 37(A) AND 37(B) -- THERE MAY BE SANCTIONS FOR THAT.

09:13PM 10 AND THE LONGER IT GOES ON, THE GREATER THE
11 LIKELIHOOD OF SANCTIONS AND THE GREATER THE LIKELIHOOD
12 OF A QUICK RULING AND GRANTING OF SANCTIONS. ALL RIGHT?
13 SO PUT THAT IN A BOX NOW BECAUSE I WAS SPEAKING
14 GENERALLY; NOT ABOUT THIS MOTION.

09:13PM 15 NOW WE'RE GETTING BACK TO THESE DISPUTES,
16 AND I'LL LET YOU SPEAK, MR. EVERETT, ABOUT WHAT YOU
17 THINK CAN BE DONE TO MAKE SURE WE'RE NOT BACK HERE LIKE
18 JUDGE WALSH WAS ON FEBRUARY 7TH, 2020, LIKE I WAS ON
19 JANUARY 15TH OF THIS YEAR, AND LIKE WE ARE TODAY ON
09:14PM 20 JANUARY 28TH OR -- YEAH, JANUARY 28TH.

21 MR. EVERETT: THANK YOU, YOUR HONOR.

22 I JUST WANT TO EMPHASIZE TO MS. BEATIFICATO
23 THAT I DO TRULY APOLOGIZE, AND I WANT TO MAKE IT CLEAR
24 TO THE COURT THAT THESE ARE NOT JUST WORDS. AND WE'RE
09:14PM 25 OPEN TO ANY SUGGESTIONS FROM OPPOSING COUNSEL AS TO HOW
26 THEY WOULD LIKE TO PROCEED TO MEET MORE COOPERATIVELY TO
27 RESOLVE THESE DISCOVERY DISPUTES.

28 AND I THINK WE'RE AT A REAL DISADVANTAGE

1 THAT WE CAN'T DO THEM IN PERSON BECAUSE OF COVID-19, BUT
2 IF THEY'RE INCLINED TO DO THEM VIA ZOOM, I'M HAPPY TO DO
3 THAT. IF THEY'RE INCLINED TO HAVE ANY OTHER SUGGESTIONS
4 THAT THEY THINK WOULD BE MORE PRODUCTIVE AND
09:15PM 5 COOPERATIVE, I'M HAPPY TO HEAR THEM.

6 BUT THE ONLY SUGGESTION THAT I COULD HAVE
7 IS MORE, YOU KNOW, FACE-TO-FACE, MORE, YOU KNOW, REMOVE
8 THIS POTENTIAL FOR, YOU KNOW, WORDS ON PAPER TO
9 AGGRAVATE DISPUTES RATHER THAN RESOLVE THEM.

09:15PM 10 THE COURT: WELL, I'M NOT GOING TO -- I'M HAPPY TO
11 HEAR FROM HER, BUT I'M NOT GOING TO PUT IT ON
12 PLAINTIFF'S COUNSEL TO FIGURE THIS OUT. WE CAN EITHER
13 FIGURE IT OUT TOGETHER, OR WE'LL TAKE SOME OTHER STEPS.
14 I HAVEN'T DECIDED ON THE ISSUE OF SANCTIONS.

09:15PM 15 BUT MS. BEATIFICATO HAD TO WRITE A RESPONSE
16 TO LAST NIGHT'S REQUEST, IS HERE TODAY AND SPENDING A
17 LOT OF TIME ON THIS, AND FRANKLY HAVING TO DEAL WITH
18 EMAILS AND CORRESPONDENCE THAT SHE SHOULDN'T HAVE TO
19 DEAL WITH.

09:16PM 20 SO HAVING MEETINGS BY ZOOM IS GREAT, BUT
21 IT'S BIGGER THAN THAT, AND IT'S MORE DEEP ROOTED THAN
22 THAT. AND, AGAIN, SEEING WHAT HAD TRANSPIRED IN THE
23 OTHER CASE BEFORE JUDGE WALSH SUGGESTS TO ME ONE
24 POSSIBLE SOLUTION TO THIS OR AT LEAST AN ATTEMPT -- I'M
09:16PM 25 NOT GOING TO GET INTO ISSUES ABOUT WHO DOES WHAT, BUT I
26 AM INTERESTED, MR. EVERETT, IF YOU THINK THAT THERE
27 MIGHT BE SOME BENEFIT TO RETHINKING SOME OF THOSE SORTS
28 OF THINGS. I'M NOT -- I WOULD NEVER ORDER IT, AND I'M

1 NOT EVEN SUGGESTING IT, I'M JUST WONDERING WHAT YOUR
2 THOUGHTS ARE.

09:16PM 3 MR. EVERETT: AND I'M SORRY, YOUR HONOR, I DON'T
4 KNOW THAT I'M FOLLOWING YOU. IF YOU'RE -- CERTAINLY --
5 MY UNDERSTANDING OF YOUR QUESTION WAS HOW WE COULD
6 BETTER COMMUNICATE TO AVOID GETTING LOST AND ELEVATING,
7 YOU KNOW, COUNTER-PRODUCTIVE COMMUNICATION.

09:17PM 8 THE COURT: WELL, IT'S ACTUALLY MORE BASIC THAN
9 THAT. GET RID OF YOUR FIRST CLAUSE. IT'S NOT ABOUT HOW
10 YOU COMMUNICATE; IT'S ABOUT THE RELATIONSHIP BETWEEN YOU
11 AND YOUR OPPOSING COUNSEL. IT DOESN'T HAVE TO BE THIS
12 WAY. IT DOESN'T HAVE TO BE AS NASTY, AS INVECTIVE
13 FILLED, AND IT'S ALL ONE WAY. IT'S ALL ONE WAY. AND
14 AGAIN, AS I SAID, THE ONLY PERSON I SEE IT COMING FROM
09:17PM 15 IS MR. LEE.

16 NOW, JUST LOOKING AT ONE CAPTION, I SEE
17 YOU, I SEE MS. DOREY, MS. ANDERSON HAS NOW MADE AN
18 APPEARANCE ON BEHALF OF THE CITY WITH EVERETT DOREY. ON
19 BEHALF OF JONES MAYER WE HAVE ON THE CALL MONICA CHOI
09:17PM 20 ARRENDONDO, WE HAVE MR. BRUCE LINDSAY. WE ALSO HAVE
21 KIMBERLY HALL BARLOW ON THE CAPTION. SO THAT'S SIX
22 LAWYERS THAT COULD GET INVOLVED BEYOND MR. LEE, WHO IS
23 THE SEVENTH.

09:17PM 24 AGAIN, THOSE SIX LAWYERS, I HAVEN'T SEEN
25 ANY DIFFICULTY. I HAVE SEEN SUBSTANTIAL DIFFICULTIES
26 WITH MR. LEE, AND DESPITE MULTIPLE WARNINGS FROM
27 MULTIPLE MAGISTRATE JUDGES. SO I'M NOT GOING TO TELL
28 ANYBODY WHAT TO DO. I DO WANT --

1 IT'S A GOOD SEGUE NOW, THOUGH, TO
2 MS. CHOI ARREDONDO.

3 YOU'RE HERE ON THIS CALL, AND I ORDERED
4 SOMEONE FROM YOUR FIRM TO BE HERE BECAUSE YOUR FIRM IS
09:18PM 5 ON THE MASTHEAD AND YOUR FIRM IS ON THE CAPTION OF THE
6 PLEADING THAT REQUESTED THE NOTICE OF TELEPHONE
7 DISCOVERY. HERE IS MY QUESTION FOR YOU:

8 WHEN MR. LEE FILES A MOTION AND YOUR FIRM'S
9 NAME IS ON THE MASTHEAD, IS YOUR FIRM IMPLIEDLY OR
09:18PM 10 EXPRESSLY STANDING BEHIND THOSE FILINGS?

11 MS. ARRENDONDO: YOUR HONOR, YES, WE ARE ON THE
12 CAPTION. WE HAVE NOT MADE ANY FORMAL APPEARANCES UNTIL
13 TODAY IN THIS ACTION. WE -- THE FIRM OF JONES & MAYER
14 SERVES AS THE CITY ATTORNEY'S OFFICE FOR THE CITY OF
09:19PM 15 COSTA MESA, AND WE ARE ATTORNEY OF RECORD IN THE CASE.
16 WE HAVE NOT BEEN INVOLVED IN THE DAY-TO-DAY DEALINGS,
17 AND NOR HAVE WE BEEN INVOLVED IN THE DISCOVERY EFFORTS.
18 BUT WE DO PROVIDE CONSULTATION, OR WE ARE INVOLVED WITH
19 THE CLIENT REGARDING LEGISLATIVE ISSUES AND IN THAT
09:19PM 20 RESPECT.

21 THE COURT: OKAY. WELL, I APPRECIATE THAT
22 BACKGROUND. BUT YOU ARE -- YOU HAVE MADE A FORMAL
23 APPEARANCE. YOU MAY NOT HAVE SPOKEN OR ATTENDED ANY
24 HEARINGS, BUT YOUR APPEARANCE -- YOUR FORMAL APPEARANCE
09:19PM 25 IS ON THE RECORD AND ON THE DOCKETS. SO YOUR FIRM HAS
26 APPEARED, THREE LAWYERS FROM YOUR FIRM.

27 AND THE QUESTION IS WHEN DOCUMENTS FROM
28 EVERETT DOREY AND MR. LEE ARE FILED, YOUR FIRM'S NAME IS

09:20PM

1 ON THE FRONT PAGE; ONE OF THE FIRST THINGS I SEE. SO
2 HERE IS MY QUESTION, AND THE REASON I'M ASKING IS THERE
3 MAY COME AN ISSUE LATER ON AND UNDER RULE 37 IN TERMS OF
4 SANCTIONS, ALSO THE INHERENT AUTHORITY OF THE COURT AND
5 LOCAL RULES, IS WHO SHOULD THE SANCTIONS BE AWARDED
6 AGAINST?

09:20PM

7 AND WHAT I WANT TO KNOW IS WHEN DOCUMENTS
8 ARE FILED ON BEHALF OF THE CITY THAT HAVE YOUR FIRM'S
9 NAME ON THE CAPTION, IS YOUR FIRM STANDING BEHIND THOSE
10 FILINGS? HAS YOUR FIRM EXPRESSLY IMPLIEDLY AUTHORIZED
11 THOSE FILINGS?

09:20PM

12 MS. ARRENDONDO: WELL, TO BE FRANK, YOUR HONOR,
13 OUR FIRM HAS NOT REVIEWED THE DOCUMENTS BEFORE THE
14 FILING, AND WE HAVEN'T SIGNED ANY OF THE PLEADINGS OR
15 DOCUMENTS SUBMITTED TO THE COURT. WE TEND TO REVIEW
16 THEM AFTER THEY HAVE BEEN FILED.

09:21PM

17 THE COURT: WELL, TO BE FRANK, YOUR FIRM'S NAME IS
18 ON THE CAPTION. SO HOW AM I SUPPOSED TO TAKE THAT?
19 MS. ARRENDONDO: WELL, THAT -- THAT IS WHAT HAS
20 OCCURRED TO THIS DATE. IF WHAT IS REQUIRED IS FOR OUR
21 FIRM TO RUBBER STAMP EVERY DOCUMENT FROM THIS DAY
22 FORWARD, THEN THAT IS WHAT WE WILL DO. BUT I'M JUST
23 TELLING YOU WHAT HAS OCCURRED TO DATE IN THIS PARTICULAR
24 MATTER.

09:21PM

25 THE COURT: ALL RIGHT. I'M NOT REQUIRING
26 ANYTHING. I'M TRYING TO GET AN UNDERSTANDING WHEN I
27 RECEIVE A FILING WITH YOUR FIRM'S NAME ON IT WHAT THAT
28 MEANS.

1 MS. ARRENDONDO: WELL, WE HAVE NOT, IN FACT,
2 REVIEWED THE RECORDS PRIOR TO FILING.

09:21PM

3 THE COURT: ALL RIGHT. WELL, AGAIN, I'M NOT
4 TELLING WHAT YOU CAN OR CAN'T DO OR SHOULD OR SHOULDN'T
5 DO. WHAT I CAN TELL YOU IS I INTERPRET WHEN A LAW
6 FIRM'S NAME IS ON A FILING, THAT THAT LAW FIRM IS
7 STANDING BEHIND THAT FILING. SO I'M ALERTING YOU AND
8 JONES & MAYER TO THAT GOING FORWARD.

9 BUT YOU DON'T NEED TO ANSWER.

09:22PM

10 MS. ARRENDONDO: LIKE I SAID, YOUR HONOR --

11 THE COURT: YOU DON'T NEED TO ANSWER ANY FURTHER
12 UNLESS YOU WANT TO.

13 MS. ARRENDONDO: I UNDERSTAND WHAT YOU'RE SAYING,
14 YOUR HONOR.

09:22PM

15 THE COURT: ALL RIGHT.

16 SO MR. EVERETT, I'LL TURN BACK TO YOU.

17 THERE ARE SEVEN LAWYERS THAT HAVE MADE APPEARANCES ON
18 THE CASE NOW. DO YOU THINK THERE IS ANY WAY OF WORKING
19 IT OUT? I MEAN I CAN'T -- IF YOU'RE GOING TO SAY, WELL,

09:22PM

20 THE ISSUE IS WITH MS. BEATIFICATO AND THAT SHE IS VERY
21 DIFFICULT TO DEAL WITH, I'LL TELL YOU I DON'T SEE ANY
22 EVIDENCE OF THAT. BUT IF THAT'S WHAT YOU SAY THE ISSUE
23 IS, THEN I GUESS IT DOESN'T MATTER WHO IS INTERACTING
24 WITH HER. BUT MAYBE THE ISSUE IS POSSIBLY ON YOUR SIDE.

09:22PM

25 WHAT DO YOU THINK?

26 MR. EVERETT: YOUR HONOR, I THINK IT'S CLEARLY ON
27 OUR SIDE, AND WE HAVE TO DO BETTER. AND MY COMMITMENT
28 TO YOU IS THAT WE WILL DO BETTER IN TERMS OF

1 COMMUNICATION AND (INAUDIBLE) CIVILITY AND RESPECT. AND
2 THAT'S A COMMITMENT I CAN GIVE YOU, THE COURT, AND MS.
3 BEATIFICATO.

4 THE COURT: OKAY. THAT'S GREAT. I APPRECIATE
09:23PM 5 THAT.

6 I WANT ANOTHER CERTIFICATION AND
7 REPRESENTATION, AND THAT IS WHEN -- AT LEAST WHEN IT
8 COMES TO DISCOVERY, AND THAT'S WHAT I'M OVERSEEING, THAT
9 THERE WILL BE GOOD FAITH EFFORTS TO WORK THINGS THROUGH.

09:23PM 10 AND BEFORE I ASK YOU FOR IT, I'M GOING TO TELL YOU, YOU
11 KNOW, I DID THIS; I WAS A PROSECUTOR, BUT I ALSO WORKED
12 AT TWO OF THE BIGGEST INTERNATIONAL LAW FIRMS IN THE
13 WORLD, AND I ALSO WORKED AT MY OWN FIRM DOING CIVIL
14 WORK. AND MY VIEW ON DISCOVERY IS, BOY, IF YOU CAN GET

09:23PM 15 80 PERCENT OF WHAT YOU ASK FOR, AND THAT'S WHEN YOU'RE
16 ASKING FOR IT NARROWLY, AND YOU GET 80 PERCENT, THAT'S
17 PRETTY GOOD. YOU'RE NOT GOING TO GET EVERYTHING YOU
18 WANT. YOU'RE GOING TO SAY, OKAY, WHAT DO I REALLY NEED.

19 AND THAT'S WHAT A MEET AND CONFER IS ABOUT;
09:23PM 20 IT'S ABOUT HASHING OUT, LISTEN, THIS IS REALLY IMPORTANT
21 TO ME. AND AS TO SOMETHING ELSE, OKAY, I HEAR WHAT
22 YOU'RE SAYING, THIS IS GOING TO COST YOU A LOT OF MONEY
23 TO TRY TO FIND. IT'S NOT THAT IMPORTANT TO ME; SO I'LL
24 DROP THAT ONE. BUT THIS OTHER ONE, THAT'S WHAT I WANT.

09:24PM 25 THAT'S WHAT THIS PROCESS IS DESIGNED TO
26 ACCOMPLISH. AND WHAT I WANT TO SEE -- AND IT WAS IN THE
27 WITHDRAWAL -- THIS IDEA THAT WE'RE JUST CHECKING BOXES,
28 THAT THE LOCAL RULES ARE JUST THERE TO CHECK BOXES, THAT

1 THE COURTS MAKE THEM COMPLICATED JUST TO MAKE THEM
2 COMPLICATED.

09:24PM 3 AND LET ME BE VERY CLEAR WITH YOU. THEY'RE
4 NOT THERE TO MAKE THINGS COMPLICATED. THEY'RE ACTUALLY
5 THERE TO TRY TO HELP YOU RESOLVE THINGS. MY TELEPHONIC
6 DISCOVERY CONFERENCE WAS NOT JUST SOME BOX THAT AS SOON
7 AS YOU GET THREE DATES, YOU FILE SOMETHING, YOU CHECK
8 OFF THAT BOX, AND THEN YOU FILE YOUR MOTION.

09:24PM 9 IT WAS ACTUALLY IN THE HOPES OF MAYBE IF WE
10 CAN TALK ABOUT THINGS, SINCE YOU FOLKS ARE HAVING
11 DIFFICULTY TALKING AMONGST YOURSELVES, MAYBE I CAN HELP.
12 THAT'S NOT HOW IT WAS -- WHEN YOU READ THAT NOTICE OF
13 WITHDRAWAL, THAT'S NOT HOW IT APPARENTLY WAS INTERPRETED
14 BY MR. LEE, THAT IT WAS JUST SOME KIND OF BOX THAT GETS
09:25PM 15 CHECKED OFF, AND THEN I FILE MY MOTION. AND IT'S NOT
16 EVEN FILE MY MOTION. IT WAS I'M GOING TO CHECK OFF THIS
17 BOX, AND THEN I WANT YOU, JUDGE, TO ORDER THAT THESE
18 RESPONSES TO THESE 192 DISCOVERY REQUESTS BE COMPLETELY
19 PROVIDED.

09:25PM 20 SO WE'RE NOT HERE TO JUST BE A BULLDOZER.
21 WE'RE HERE TO FIGURE OUT HOW THINGS WORK. YOU HAVE
22 REPRESENTED THE CITY IN A NUMBER OF THESE CASES, AND
23 YOU'RE GOING TO, I ASSUME, CONTINUE TO. FIGURE OUT A
24 WAY TO FIND OUT WHAT YOU NEED, FIGURE OUT WHAT THE
09:25PM 25 BURDEN IS ON THE OTHER SIDE, AND TRY TO GET WHAT YOU
26 NEED WITHOUT MAKING THINGS IMPOSSIBLE FOR THEM. THAT'S
27 WHAT WE'RE TRYING TO DO HERE. THAT'S WHAT I'M TRYING TO
28 DO HERE.

1 YOU FOLKS ARE POTENTIALLY GOING TO TRIAL.
2 YOU FIGHT ABOUT EVERYTHING; YOU'RE NEVER GOING TO GET
3 THERE. YOU'RE GOING TO WIND UP IN A VERY DIFFICULT
4 STATE, AND YOU'RE GOING TO COST YOUR CLIENT A LOT OF
5 MONEY, AND YOU'RE GOING TO -- WELL, I'LL LEAVE IT AT
6 THAT.

7 WHETHER YOU THINK JUDGE SELNA LIKES LAWYERS
8 AND PARTIES THAT FIGHT OVER EVERYTHING, YOU'VE PROBABLY
9 HAD EXPERIENCE WITH HIM. I'VE TRIED SEVERAL CASES WITH
10 JUDGE SELNA WHEN I WAS IN PRACTICE. I HAVE KNOWN HIM
11 SINCE HE CAME ON THE BENCH AND A LITTLE BIT BEFORE THEN.
12 MY TAKE ON HIM IS HE DOESN'T REALLY CARE FOR THAT SORT
13 OF THING. BUT MAYBE YOU HAVE A DIFFERENT TAKE.

14 BUT WHAT I'M TRYING TO DO IS MAKE SURE BOTH
15 SIDES GET WHAT THEY'RE ENTITLED TO WITHIN REASONABLE
16 LIMITS AND THAT PEOPLE THAT HAVE LEGITIMATE CONCERNS
17 ABOUT THE NATURE OF DISCOVERY OR THE SCOPE OF DISCOVERY
18 AND THE BURDENS AND PROPORTIONALITY OF IT, THAT WE WORK
19 TOGETHER.

20 BUT ULTIMATELY, IF YOU FOLKS DON'T TALK AND
21 FIGURE OUT WHAT THE ISSUE IS AND JUST DROP 192 DISCOVERY
22 REQUESTS AND AN AVERAGE OF TWO OR THREE OBJECTIONS PER
23 REQUEST, MEANING, I GOT TO MAKE RULINGS ON 600 ISSUES
24 WITHOUT ANY INPUT FROM THE PARTIES, WHAT DO YOU THINK
25 YOU'RE GOING TO GET OUT OF THAT? NO ONE IS GOING TO BE
26 HAPPY.

27 SO I'M GOING TO ASK FOR YOUR COMMITMENT NOT
28 JUST IN CHECKING BOXES, BUT IN ACTUALLY HAVING A CHANGE

1 IN HEART FROM WHAT I'VE SEEN TO SAY, LISTEN, HERE IS
2 WHAT I REALLY NEED, AND HERE IS HOW I'M GOING TO BE
3 WILLING TO COMPROMISE, BE WILLING TO HORSE TRADE, BE
4 WILLING TO WORK TOGETHER TO GET WHAT I WANT.

09:27PM

5 IS THAT A COMMITMENT THAT I CAN GET FROM
6 YOU ON BEHALF OF THE CITY?

7 MR. EVERETT: YES, YOUR HONOR.

8 THE COURT: AND MS. BEATIFICATO, CAN I GET THE
9 SAME COMMITMENT FROM YOU?

09:27PM

10 MS. BEATIFICATO: ABSOLUTELY.

11 THE COURT: AND MS. HASSAN, SAME COMMITMENT?

12 MS. HASSAN: YES, YOUR HONOR.

13 THE COURT: ALL RIGHT. LET'S IN THE SPIRIT OF
14 THOSE COMMITMENTS AND THAT COMPROMISE, LET'S TRY TO

09:27PM

15 CONTINUE TO WORK ON IT, FIND WAYS TO NARROW THINGS, FIND
16 WAYS TO FOCUS ON WHAT YOU REALLY WANT. AND I'M HERE FOR
17 DISPUTES, BUT I'M NOT HERE TO GET 192 REQUESTS DROPPED
18 ON ME WHERE NO ONE IS REALLY EVEN SPOKEN OF IT.
19 UNDERSTOOD?

09:28PM

20 MR. EVERETT: YES, YOUR HONOR.

21 MS. BEATIFICATO: UNDERSTOOD.

22 THE COURT: ALL RIGHT. I'VE DONE MOST OF THE
23 TALKING. MR. EVERETT HAS DONE SOME TALKING.

24 MS. BEATIFICATO, IS THERE ANYTHING THAT
09:28PM 25 YOU'D LIKE TO ADD OR ANY REQUESTS THAT YOU'D LIKE TO
26 MAKE?

27 MS. BEATIFICATO: NO, YOUR HONOR.

28 THE COURT: AND MS. HASSAN, IS THERE ANYTHING THAT

1 YOU'D LIKE TO ADD OR ANY REQUESTS THAT YOU'D LIKE TO
2 MAKE?

3 MS. HASSAN: I'LL DEFER TO AUTUMN ELLIOT ON THAT,
4 YOUR HONOR.

09:28PM 5 THE COURT: MS. ELLIOT?

6 MS. ELLIOT: NO, YOUR HONOR.

7 THE COURT: SLOW DOWN BECAUSE WE'RE GOING TO
8 POTENTIALLY HAVE A TRANSCRIPT OF THIS. SO LET ME ASK
9 THE QUESTION.

09:28PM 10 MS. ELLIOTT, ON BEHALF OF JANE DOE, IS
11 THERE ANYTHING THAT YOU'D LIKE TO ADD TO THE DISCUSSION?

12 MS. ELLIOT: NO, YOUR HONOR. THANK YOU FOR YOUR
13 TIME.

09:28PM 14 THE COURT: WELL, THERE IS ONE THING, AND THAT IS
15 MY ISSUE ABOUT THE ORDER TO SHOW CAUSE REGARDING
16 SANCTIONS.

17 I AM NOT GOING TO ORDER SANCTIONS AT THIS
18 TIME, BUT THERE IS ONE THING I WANT TO -- I WANT TO ADD
19 EVEN THOUGH WE ENDED, I HOPE, ON A POSITIVE NOTE.

09:29PM 20 MR. LEE, IN HIS LETTER DISCUSSING
21 SANCTIONS, ASKED OR SAID THAT HE WOULD ASK THAT THE
22 COURT WARN INSIGHT OF THE POSSIBILITY OF ADDITIONAL
23 SANCTIONS, INCLUDING DISMISSAL AND DEFAULT JUDGMENT IF
24 INSIGHT FAILS TO COMPLY WITH ITS DISCOVERY OBLIGATIONS
09:29PM 25 AND THE COURT'S ORDER IN GOOD FAITH.

26 I WANT TO MAKE IT CLEAR; I DON'T FIND THAT
27 INSIGHT AT THIS TIME HAS VIOLATED COURT ORDERS OR
28 DISCOVERY OBLIGATIONS OR THE LOCAL RULES AT THIS TIME.

09:30PM

1 I HAVE FOUND THAT THE CITY HAS VIOLATED THE
2 LOCAL RULES AND THAT THE CITY'S LETTERS WERE NOT
3 CONDUCTIVE TO GOOD FAITH. SO TO THE EXTENT INSIGHT --
4 I'M SORRY, TO THE EXTENT THE CITY THINKS INSIGHT WAS
5 FACING ADDITIONAL PENALTIES, SUCH AS DISMISSAL OR A
6 DEFAULT JUDGMENT IF THEY VIOLATE A COURT ORDER, THAT'S
7 NOT THE CASE, BUT THE REVERSE MAY BE.

09:30PM

8 AND I'LL DIRECT YOU TO FEDERAL RULE OF
9 CIVIL PROCEDURE 37(B), AND I'M JUST GOING TO LEAVE IT AT
10 THAT. EVERYONE SHOULD PROCEED IN GOOD FAITH, WITH
11 PROFESSIONALISM AND REALLY THINK BEFORE ALLEGATIONS ARE
12 MADE AND MOTIONS ARE BROUGHT THAT THERE IS NO OTHER WAY
13 TO RESOLVE THE DISPUTE.

09:30PM

14 ALL RIGHT? UNLESS THERE IS ANYTHING
15 FURTHER, STARTING WITH PLAINTIFFS.

16 IS THERE ANYTHING FURTHER FROM PLAINTIFFS?

17 MS. BEATIFICATO: NO.

18 THE COURT: ALL RIGHT. AND FROM THE --

19 MS. ELLIOT: NOT FROM MS. DOE, YOUR HONOR.

09:31PM

20 THE COURT: THANK YOU. ALL RIGHT.

21 AND FROM THE CITY.

22 MR. EVERETT: NOTHING FURTHER, YOUR HONOR.

09:31PM

23 THE COURT: TO THE EXTENT THERE IS AN ISSUE OF
24 ORDER OF CAUSE, IT'S VACATED. THERE IS NO MATTER
25 CURRENTLY BEFORE THE COURT AS THE TELEPHONIC DISCOVERY
26 HEARING HAS BEEN WITHDRAWN. THE REMAINDER OF THE
27 PROCEDURES FOR ANY DISCOVERY DISPUTES ARE SET FORTH IN
28 WRITING IN THE JANUARY 15TH ORDER AND THE LOCAL RULES,

1 PARTICULARLY LOCAL RULE 37.

2 THANK YOU, EVERYONE. HAVE A GOOD REST OF
3 THE DAY.

4 MR. EVERETT: THANK YOU, YOUR HONOR.

09:31PM 5 MS. BEATIFICATO: THANK YOU, YOUR HONOR.

6 MS. ARREDONDO: THANK YOU, YOUR HONOR.

7 MS. ELLIOT: THANK YOU, YOUR HONOR.

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09:31PM

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From: [Patterson, Alisha](#)
To: [CITY CLERK](#); [STEPHENS, JOHN](#); [CHAVEZ, MANUEL](#); [MARR, ANDREA](#); [BULEY, MIKE](#); [GAMEROS, LOREN](#); [PETTIS, JEFF](#); [REYNOLDS, ARLIS](#)
Cc: [Mary Helen Beatificato](#); [autumn@elliottimpact.com](#); [Zeenat Hassan](#); [Kimberly Hall Barlow - City Attorney](#)
Subject: Public Comment on Consent Calendar Item #5 - October 7, 2025 City Council Meeting
Date: Monday, October 6, 2025 8:46:47 PM
Attachments: [image001.png](#)

Good evening Mayor Stephens and Members of the City Council,

Item 5 on the consent calendar for tomorrow's City Council meeting seeks the City Council's approval of a significant increase in the hourly rates of the law firm (Everett Dorey, LLP) that is handling the City's legal actions with group homes and sober living homes. Specifically, Everett Dorey is seeking to raise their hourly rates for partners from \$265 to \$365, associates from \$250 to \$315, and paralegals from \$120 to \$140. Everett Dorey is asking that the increase be retroactive to September 2, 2025. My firm represents a company that, until recently, provided mental health housing in Costa Mesa — Insight Psychology and Addiction, Inc. d/b/a Nsight ("Insight"). Insight's former housing is the subject of one of the legal actions Everett Dorey is litigating on behalf of the City. We are providing this public comment to correct several inaccurate and incomplete statements in the Agenda Report for this action.

1. The Agenda Report indicates "Everett Dorey has successfully defended multiple cases and obtained injunctions and judgments against unpermitted homes." That is not correct for Insight's litigation. In Insight's litigation, the Court has entered a preliminary injunction ***in favor of Insight*** (not the City). In doing so, the Court determined that ***Insight is likely to succeed on the merits***.
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recent City press release indicated that City has spent **\$20 million** defending its group home regulations. My office has submitted ongoing PRA requests to monitor the City's legal expenses in the Insight litigation specifically. As of October of 2022, the City had paid Everett Dorey **approximately \$600,000** for Insight's litigation (**approximately \$300,000 per year**). Despite our ongoing PRA requests, the City has never produced invoices from Everett Dorey after October of 2022. We trust your City Clerk's office would have produced these invoices if the City had them, but it is difficult to understand how the City would not have invoices from Everett Dorey for more than three years of active litigation. Assuming Everett Dorey's billings kept pace with my office's billings (which was the trend through October of 2022), we conservatively estimate that, to date, the City would have incurred **at least \$1 million** in legal costs for Insight's litigation.

4. Over the five-plus years the Insight litigation has been pending, Insight has incurred **more than \$1 million** in legal fees. If Insight is a prevailing party in this litigation, the City will be responsible for Insight's legal fees. One of Insight's former residents is also a plaintiff in Insight's litigation — she is represented by her own legal counsel (mainly, Disability Rights California). If she prevails, the City will be responsible for her attorneys' fees as well. This litigation did not need to be this prolonged and costly.
5. A trial is set in the Insight action for October 27, 2025. Even though this trial date has been set since January of 2025, Everett Dorey's lead trial counsel (Seymour Everett) triple booked himself and has chosen to prioritize a trial for another client over his work for Costa Mesa. **Mr. Everett is no longer available to represent Costa Mesa in Insight's trial.** Everett Dorey presumed the Court would postpone the trial to accommodate Mr. Everett's availability, but the Court denied Everett Dorey's request for a trial continuance because the scheduling conflict was Everett Dorey's fault and was entirely avoidable. Even though the trial is less than a month away, Everett Dorey has not told the parties or the Court who it has designated as Costa Mesa's new lead trial counsel.
6. In the Insight action, Everett Dorey's trial plan **maximizes costs and inconvenience** for all parties, including the City. Everett Dorey's plan is the embodiment of cutting off one's nose to spite one's face. A few examples are below:
 - o Everett Dorey is contesting that Plaintiffs can abandon claims they no longer wish to pursue, like Insight's claim for damages. Our office told Everett Dorey that Insight is no longer seeking damages, but Everett Dorey responded that

Insight cannot abandon its damages claim without Everett Dorey's consent, which Everett Dorey declined to give. Instead, Everett Dorey proposed a jury instruction that would allow the jury to award damages to Insight even though Insight is no longer seeking them. Everett Dorey's absurd position could result in damages being awarded to Insight against the City. It defies logic that Everett Dorey would fight for this to happen.

- Everett Dorey will not stipulate to the authenticity of the City's own records (e.g. the City's resolutions, ordinances, agenda reports, etc.). As a result, we will need to subpoena the City Clerk to come to trial in downtown Los Angeles to spend several hours testifying to the authenticity of the City's own records. Notably, Everett Dorey does not dispute the City's records are authentic. It just will not stipulate to their authenticity, which will drive up costs for all parties and pull the City Clerk from her duties at City Hall.
- At trial, Everett Dorey plans to call 45 witnesses for an estimated 102.5 hours of direct examination. If the Court allows this, the trial will last for more than a month and will require at least 20 City employees and former employees to travel to downtown Los Angeles to testify. This is not an action that requires 45 witnesses.

7. The Agenda Report estimates that Everett Dorey's proposed increase in rates will "have an impact of an additional \$29,000 annually." That cannot be accurate. For example, if the increase in rates is retroactive to September 2, 2025 (as Everett Dorey requests), the increase will apply to hundreds of hours of work on the pretrial deadlines in the Insight action in September and October of this year. In September, I personally billed more than 160 hours to Insight for the enormous amount of work needed for pretrial filings. If the partners at Everett Dorey billed a comparable number of hours in September, then then ***the retroactive rate increase they propose would cost the City \$16,000 for September 2025 alone.***

It is concerning that staff is recommending the City Council approve a significant rate increase without accurate or complete information. Before voting on Everett Dorey's proposed rate increase, the City Council should have an accurate accounting of: (1) how much the City has paid Everett Dorey for all litigation over the past five years; and (2) how much the proposed rate increase will impact the City that accounts for Everett Dorey's billings from September of 2025.

Independent of the proposed rate increase, the Agenda Report indicates that City Council may "evaluate the performance of the consultant" (i.e., Everett Dorey) and "terminate the agreement if performance of the consultant is deemed unsatisfactory."

Insight's litigation is at a turning point where the City could either: (1) coordinate with plaintiffs to employ a streamlined trial strategy that avoids unnecessary costs and minimizes inconveniences for witnesses for all parties; or (2) continue to over-litigate this case to the detriment of all parties, including the City.

There may have been a time when an expensive "war of attrition" might have made sense for the City. It is certainly a strategy that benefits Everett Dorey. But the City is now facing a serious budget deficit. If Everett Dorey continues its heavy-handed litigation strategy, the City will incur the costs of an extraordinarily lengthy trial and experience disruptions in City operations while numerous City employees testify in downtown Los Angeles. The City Council should evaluate whether the costs of this strategy outweigh the benefits. Again, in connection with the preliminary injunction proceedings, the Court has already determined Insight and its former resident are likely to succeed on the merits. If that happens, the City will be responsible for Insight's and its former residents' legal fees and costs (as well as the City's own fees and costs).

The City is on the brink of incurring multiple millions of dollars in legal exposure. If Everett Dorey were willing to exercise civility and work with counsel for the other parties, we could significantly reduce that exposure. We respectfully request the City Council use this opportunity to provide direction to Everett Dorey to do so.

Alisha Patterson

18575 Jamboree Road, 9th Floor | Irvine, CA 92612
O. (714) 641-5100 | D. (714) 662-4663
apatterson@rutan.com | www.rutan.com



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LEGAL ADVOCACY UNIT
1831 K Street
Sacramento, CA 95811-4114
Tel: (916) 504-5800
Fax: (916) 504-5801
TTY: (800) 719-5798
Intake Line: (800) 776-5746
www.disabilityrightsca.org

October 7, 2025

Via email only to cityclerk@costamesa.gov

Costa Mesa City Council
77 Fair Drive
Costa Mesa, CA 92626

RE: Public comment on Consent Calendar Item #5

Dear Mayor Stephens and Members of the City Council:

Joined by Autumn Elliott and Christopher Brancart, Disability Rights California (DRC) writes to echo the public comment submitted by Alisha Patterson, which is attached to this letter for ease of reference, on Item 5 of the Consent Calendar (Everett Dorey, LLP's request for a rate increase). DRC is a non-profit agency established under federal law to protect, advocate for, and advance the rights of Californians with disabilities.¹ One of our top priorities is to ensure that people with disabilities have equal access to the housing of their choice in every community. Together with Ms. Elliott and Mr. Brancart, DRC represents Jane Doe, Insight's co-plaintiff in a fair housing case against the City of Costa Mesa.


¹ Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

We agree with Ms. Patterson that the Agenda Report on Item 5 omits critical information that the City Council should consider before approving a rate increase for Everett Dorey. In addition to the points raised by Ms. Patterson, we ask that the City Council also consider how a rate increase for Everett Dorey would harm Costa Mesa residents' access to housing in the city. Everett Dorey's litigation tactics have driven Insight out of business. That has left Ms. Doe and others like her with no housing options to meet their disability-related needs. Insight's housing was unique in that it provided a supportive living environment for people with mental health disabilities for whom a sober living/recovery home was not an appropriate option because they do not have a substance use disorder. Insight's housing has been life-saving for Ms. Doe and many others. When Insight closed, Costa Mesa lost a valuable asset to the community.

Insight and Ms. Doe's case against the City is set to begin trial later this month. We are at a pivotal moment when the City could save a tremendous amount of time and money by directing its counsel to approach the litigation in good faith with an eye towards the fair and efficient adjudication of the parties' claims. Or, the City could approve the requested rate increase without additional direction to its outside counsel, encouraging Everett Dorey to waste even more taxpayer money than has already been spent. We urge the City to consider the unmet housing needs of its residents when it makes its decision tonight.

Sincerely,

Zeena Hassan



Senior Attorney
Disability Rights California

Autumn Elliott
Law Office of Autumn Elliott

Christopher A. Brancart
Brancart & Brancart

Encl. Attachment A – Public Comment of Alisha Patterson

From: Patterson, Alisha <APatterson@rutan.com>
Sent: Monday, October 6, 2025 8:46 PM
To: Cityclerk@costamesaca.gov; john.stephens@costamesaca.gov;
manuel.chavez@costamesaca.gov; andrea.marr@costamesaca.gov;
mike.buley@costamesaca.gov; loren.gameros@costamesaca.gov;
jeff.pettis@costamesaca.gov; arlis.reynolds@costamesaca.gov
Cc: Mary Helen Beatificato; Autumn Elliott; Zeenat Hassan; Kimberly Hall Barlow
Subject: Public Comment on Consent Calendar Item #5 - October 7, 2025 City Council Meeting

ALERT / Third-Party Email from outside DRC - Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

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Alisha Patterson

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O. (714) 641-5100 | D. (714) 662-4663

apatterson@rutan.com | www.rutan.com



G.O.A.T.

Government Openness And Transparency

DOGE for Costa Mesa

Riffs on **Goat Hill &
Greatest Of All Time.**



Litigation Expenses:

A Taxpayer's Point of View



4 BIG Issues:

- 1. Litigation Expenses are out of Control**
 - Inadequate Staff Report
- 2. Council Needs to Audit**
 - The Process of Oversight
 - Outside Counsel
 - City Prosecutor
 - The quality of Representation
 - How can we settle, relieve the Tax Payer Burden
- 3. This Model of low hourly rate ... is flawed**
- 4. Continue Item, Seek Additional Information**
 - Request Closed Session Accounting of Legal Expenses
 - Demand Warrant Staff Report summarize Legal expenses
 - Compare top prior period & YAG

CLOSED SESSION - 4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION – TWO CASES
Pursuant to California Government Code Section 54956.9 (d)(4), Potential Litigation.
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION OF LITIGATION – THREE CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa; People of State of Cal. v. D'Alessio Investments LLC, et al.
440 Fair Dr. and 1779 Newport Blvd.
Orange County Superior Court Case No. 30-2020-01170520
4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: D'Alessio Investments LLC v. City of Costa Mesa
Orange County Superior Court Case No. 30-2020-01132646
5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: D'Alessio v. City of Costa Mesa, et al.,
United States District Court, Central District of CA, Case No. 8:25-cv-00679-DOC-DFM
6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Farrell Harrison v. City of Costa Mesa, et al.,
Orange County Superior Court Case No. 30-2025-01495293-CU-WM-CJC

Frivolous
Defend Vigorously !

EVERY MEETING

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

Good at getting into Litigation ...
Terrible at avoiding or ending!



TAXPAYER BILLS
STACKING UP

Here's the “Shinny Object” Model ... Don't be fooled



1) WIN! With low cost hourly rates



2) Throw bodies at every case



**3) Crank up the hours,
REFUSE TO SETTLE,
REFUSE TO TAKE
OFFERS TO COUNCIL**

020454	07/25/25	P	Jones Mayer	0000014653
020595	09/12/25	P	Jones Mayer	0000014653

134,303.20
 80,863.35



<p><i>Line Description:</i></p> <p>130657-Ohio House LLC</p> <p>130658-Oshiro, Maxine</p> <p>130629-Nasiri, Soheila</p> <p>130634-Percival, Zoe M</p> <p>130656-O'Keefe, Jeanie</p> <p>130623-Farrell Harrison</p> <p>130653-Alexander, James</p> <p>130637-RDK Group Holdings</p> <p>130641-Wilson, L Theodore</p> <p>130659-Phillips, Danielle</p> <p>130618-440 Fair Dr/1179 NP</p> <p>130640-Veramancini, Juan D</p> <p>131343-Opioid</p> <p>131349-Schaefer</p> <p>131327-Abdulmagid</p> <p>131336-Jahanbin 2</p> <p>131338-Litigation</p> <p>131339-May, Julia</p> <p>131334-Harvey, Lori</p> <p>131337-Leik, Judith</p> <p>131345-Peper, Aidia</p> <p>131340-Mood, Ivin #3</p> <p>131330-D'Alessio 1983</p> <p>131332-DBO Invest. CM</p> <p>131342-Ohio House LLC</p> <p>131344-Oshiro, Maxine</p> <p>131348-Rivera, Nathan</p> <p>131350-Vargas, Angela</p> <p>131341-O'Keefe, Jeanie</p> <p>131346-Percival, Zoe M</p> <p>131328-Alexander, James</p> <p>131333-Farrell Harrison</p> <p>131329-Banegas, Dorado, A</p> <p>131335-Insight Psychology</p> <p>131347-RDK Group Holdings</p> <p>131352-Wilson, L Theodore</p> <p>131326-440 Fair Dr/1179 NP</p> <p>131351-Veramancini, Juan D</p>	<p><i>Line Description:</i></p> <p>Munoz, Armando</p> <p>130619-Abdulmagid</p> <p>130626-May, Julia</p> <p>130620-Coats, Damon</p> <p>130624-Harvey, Lori</p> <p>130625-Leik, Judith</p> <p>130633-Peper, Aidia</p> <p>130636-Querry, Jake</p> <p>130654-Mood, Ivin #3</p> <p>130621-D'Alessio 1983</p> <p>130622-DBO Invest. CM</p> <p>130638-Rivera, Nathan</p> <p>130639-Vargas, Angela</p> <p>130652-Schaefer</p> <p>130627-Mood, Ivin #3</p> <p>130628-Munoz, Armando</p> <p>130630-O'Keed, Jeanie</p> <p>130631-Ohio House LLC</p> <p>130632-Oshiro, Maxine</p> <p>130651-Salehpour, Ali</p> <p>126093-Mood, Ivin 1/16</p> <p>130647-Alexander, James</p> <p>130650-Jahanbin, Khosrow</p> <p>130635-Phillips, Danielle</p> <p>130649-Insight Psychology</p> <p>130648-Insight Development</p>
---	---

← **SETTLE**

← **Frivolous**
Defend Vigorously !



- **No Bills in Warrants**
 - September
 - August?
- **Yet bills are**
 - Known
 - Knowable
- **Shouldn't the Taxpayer know how much this retroactive pay will cost?**



Please, **SAVE THE TAXPAYER**



CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa,
U.S. District Court, Central District of California, Case No. 8:20 cv 00504 JVS JDE

← **SETTLE**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Ohio House, LLC v. City of Costa Mesa, USDC, Central District of CA,
Case No. 8:19 cv 01710 DOC (KESx)

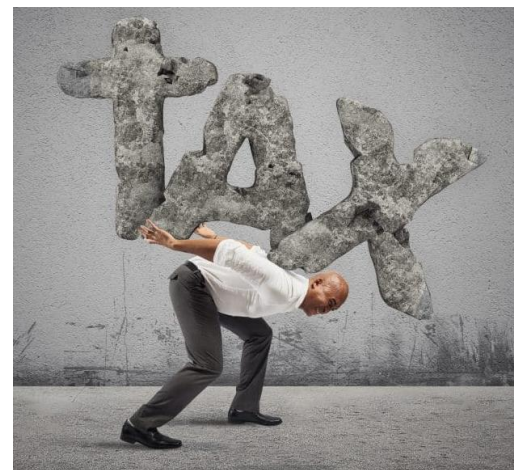
← **SETTLE**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Farrell Harrison v. City of Costa Mesa, et al.,
Orange County Superior Court Case No. 30-2025-01495293-CU-WM-CJC

← **Frivolous
Defend Vigorously !**



RELIEVE THE BURDEN

From: [Dave Procuk](#)
To: [CITY CLERK](#)
Subject: Public Comment for file #25-440 (Oct 7 appeal meeting)
Date: Sunday, October 5, 2025 10:38:38 PM

I am writing regarding planning file #25-440, APPEAL OF PLANNING APPLICATION 23-14 AND TENTATIVE PARCEL MAP 2023-117 FOR A RESIDENTIAL SMALL LOT SUBDIVISION TO CREATE TWO PARCELS, EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE AND AN ATTACHED TWO-CAR GARAGE AT 2308 SANTA ANA AVENUE.

My wife and I are the neighbors at 308 23rd street, which is the southern neighboring property of parcel 2 of this project. Both my wife and I spoke at the August 11, 2025 meeting to voice our concerns with the project.

We are thankful the commission heard our voices and laid out additional actions required for approval.

14. The applicant shall work with staff to remove as many palm trees as possible on Parcel 2 from the scope of work and include trees along the southern side property line of Parcel 2 to sufficiently screen the project from the abutting property.

We see the revised landscaping plan does remove the three (3) windmill palms in the southeast corner and replaces them with two (2) Zuni crape myrtles and one (1) Podocarpus macrophyllus. The applicant has also added three (3) additional Podocarpus macrophyllus along the southern property line (requirement of approval). Three Podocarpus is better than zero, but certainly not equivalent to a property screen as desired in the condition for approval. With only three (3) it leaves large gaps and we would like to see more added and closer together without the large gaps in between them. Furthermore, the large apartment complex on the eastern property line has actually lost some privacy trees in the new revised plan as the two (2) centered windmill palms are not replaced by anything, adding to additional privacy/line of sight concerns for not only our property, but for parcel 2 itself.

On our property at 308 23rd St., the eastern and western property lines of our backyard are lined with podocarpus trees and it take a lot more than just three to create privacy screening.

Additional Water and Drainage

As mentioned, there is concern of additional water flowing to our property. As mentioned in the Aug 11 meeting, we already have water issues during heavy rains. If ground elevation at the project site rises and additional slope is to shed water towards our property, it will undoubtedly lead to more problems. Our property is already below street level and as a result, we've installed additional drainage to help. However, due to our low elevation, we use a sump pump to divert water during rains. Any additional water that flows to our property will require an upgrade to the pump system in order to handle additional output. This should not be at our cost due to a city approval to increase ground elevation to adjacent properties. Doing so sets a bad precedent for all nearby and impacted properties.

Mature Trees

The installation of the property block walls must be done so with care to ensure the safety of the mature and established trees which currently line our property. Our property is lined with mature citrus trees and a nearby large avocado tree. We value these mature trees for the fruit, the shade, and the privacy they provide. If the roots are damaged to the point any tree(s) itself is damaged or even dies, the applicant is fully responsible and liable, up to triple the replacement and replanting costs for each impacted tree. Reference: California Civil Code § 3346 and Code of Civil Procedure § 733.

Closing:

We understand this project was approved 7-0 by the planning commission and it is likely to pass again unless there are other matters of concern. However, it is important we voice these concerns laid out

above and have them documented on record through this process. We should not have to be burdened with additional expenses to upgrade drainage or suffer the loss of mature trees as a result of a project the city approves without some reassurances that there are identified persons or groups to cover financial repercussions of the project if any of the above concerns come to fruition.

Thank you,
Dave and Kelly Procuk

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Appeal of Mike Czajkowski and Jing Zhang Czajkowski of the City of Costa Mesa of Planning Commission decision to approve the project at 2308 Santa Ana Ave., Costa Mesa, CA 92627, PA-23-14, Resolution PC-2025-15

October 6, 2025

Applicant: This appeal is submitted by Mike Czajkowski and Jing Zhang Czajkowski, the owners of the property at 300 23rd. St., Costa Mesa, CA 92627

REASON FOR THE APPEAL

This appeal is made based on the following:

1. Not enough time frame of notice about the project before the Planning Commission hearing,
2. The Planning Commission decision lacks sufficient evidence or relied on incorrect assumptions,
3. Incomplete study of the project's adverse effects on my property,
4. Vague Conditions of Approval.

1. NOT ENOUGH TIME FRAME OF NOTICE ABOUT THE PROPOSED PROJECT:

The project drawings were posted by the Costa Mesa Planning Department on Friday evening, August 8 and the Planning Commission hearing took place Monday evening, August 11

Realistically, only 1 business day was given by the Planning Department for neighbor to review the proposed project documents before the Planning Commission hearing.

My wife and I were out of town at that time and could only use an iPhone to see the proposed design and write any comments we had regarding the project for the Planning Commission hearing. Apparently, the project was going on for about 2 years and neither the City nor the applicant reach out to us to discuss the project. We are directly affected neighbors.

City of Costa Mesa Planning Commission hearing notifications are primarily governed by state laws (like [California Government Code](#) sections) and the City's own municipal code, specifically the [Costa Mesa Municipal Code \(CMC\)](#), and are subject to the procedural rules outlined in the City Council's adopted procedures for meetings, such as those found within the Costa Mesa Planning and Zoning Code. These regulations mandate the content, timing, and method of providing public notice for hearings on planning matters.

For the Costa Mesa Planning Commission, hearings that involve a public notice require notification at least 10 days before the hearing.

At that time the Planning Department should provide the address or web link where copies of the project materials, staff report, and other relevant documents, like the project study reports and drawings, can be reviewed by the public.

This information has not been provided in timely matter as required by the code.

We had just 1 business day to review the project documents and utilize our technical or legal consultants to review the project and to act upon with and comments and concerns they might have that adversely affect their property.

In California, the residential project information required before a Planning Commission hearing is mandated by state law, including the Government Code and the California Environmental Quality Act (CEQA). Specific submittal requirements and local zoning laws also add to what must be provided.

Among the key information that must be included is:

Detailed project plans: Scale drawings showing property lines, building locations and elevations, landscaping, drainage, parking, and utility plans. This may also include a materials board with proposed building materials.

Physical features: Identification of existing features on the site, such as trees, hydrants, power poles, and existing structures.

(Government Code §§ 65000 et seq.) 2024

Given only 1 business day the time frame by the Planning Department, we could not be, and were not able to review hundreds of pages of the project documents, consult with technical or legal advisers in order to raise our concerns about the proposed project to the Planning Commission during the hearing.

Therefore, we respectfully demand the project proposal be sent back to the City of Costa Mesa Planning Department for the proper due process that we entitled to.

1. PLANNING COMMISSION DECISION TO APPROVE THE PROJECT LACKS SUFFICIENT EVIDENCE OR RELIED ON INCORRECT ASSUMPTIONS.

1.1 The maximum building height of 27 feet is specified in the Zoning Code. (Attachment 2)

The 27-foot height limit has been established by the Zoning Code for the benefit of the neighbors.

Key purposes of the 27-foot height restriction:

- Aesthetics: The limit helps maintain a consistent visual environment, preventing the construction of overly large structures that could detract from the look and feel of residential areas.
- Privacy: To protect the privacy of neighbors, the height limit is paired with other regulations, such as window offsets on second stories. These rules are designed to minimize direct views into neighboring properties from new construction.
- Minimized mass: The code includes provisions for second-story recessions, This prevents the upper story from creating a massive or overbearing facade that could loom over neighboring single-story homes.
- Neighborhood compatibility: The limit is a tool used by the city to ensure new development is consistent with the scale of existing homes. This helps maintain what the city refers to as "neighborhood stability and cohesiveness".

The building height limit restriction as required by the Zoning code, should serve the neighbors multiple purposes, including providing adequate light, air, and privacy, protecting neighboring properties, and ensuring the integrity of surrounding developments.

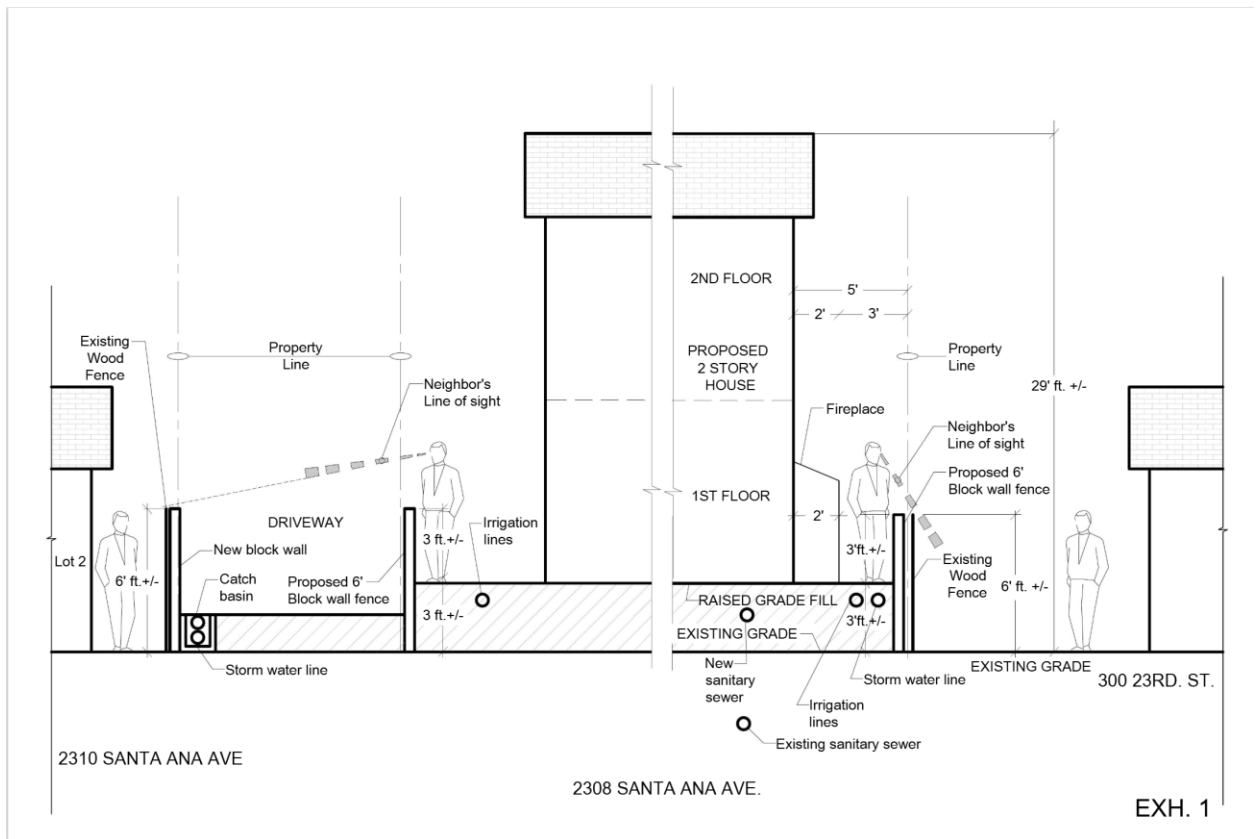
The city should use the code prescribed height limit to prevent new construction, such as two-story homes from appearing too bulky or out of scale with the surrounding area.

In the case, the P Planning and Zoning Staff Report states, in at least 3 places that this lot and the neighbor's lots are LEVEL or FLAT:

. "The project site is an interior lot located on a level, rectangularly shaped 9,450 square foot parcel.",

"The property is relatively flat regarding topography,"

"The parcel has been previously graded, is relatively flat and has an average slope less than 20 percent."



To achieve the higher building height, the project applicant proposed to raise the entire lot No.1 by approximately 2.5 feet, approximately 3 feet at our Northern property line. The lot No.2 is raised even higher.

In other words, the applicant proposes to build a hill on his flat lot, in the middle of the surrounding flat lots of the neighbors.

In addition, the proposed house, which has been approved by the Planning Commission, has 9.1- foot ceiling heights for both the 1st and the 2nd story.

A common and code-compliant ceiling heights are 8 foot.

The city should require a reduction of the building height to compensate for the rise of the top of the foundation and to reduce the proposed 29-foot building height, which, if approved, will always have to be confronted from the neighbor's perspective.

The question is why the grade of the entire lot has been significantly increased?

Is this because the Geotechnical requirements? It's not.

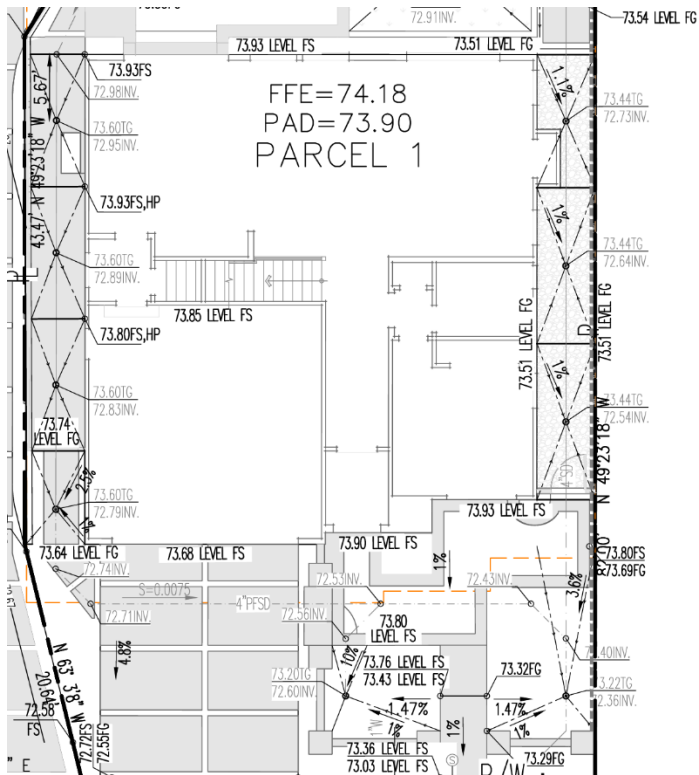
The Geo Notes (See attachment 1.), that are included on the drawings, specify that only about the existing soil to be over-excavated and recompacted. It requires that only the soil within the building footprint (slab-on-grade portion) is removal and recompacting to prepare the site for construction. And, it says that "if more compacted soil is needed, the compacted fill blanket will be achieved by reworking (scarifying) the upper 12 inches of the existing grade. "

The Geotechnical Notes included on the drawings do not require the entire lot to be raised using the imported soil.

The Geotechnical Notes don't mention that the project will need approximately 800 cubic yards(CYS) of imported fill. That's about 100 dump trucks of imported soil to build a hill in the middle of the flat neighborhood. With the Geotechnical required 3 feet of the minimum depth of the existing soil to be excavated and recompacted, that is at least 1500 CYS or 180 dump trucks of soil to be graded on the flat lot. The amount of grading work that is proposed here is equal to some very sizable hillside grading project in the hills of Anaheim Hills or Laguna Beach.

The Code requirements for the house's Finished Floor Elevation:

The house's FFE (Finish Floor Elevation) is shown at 74.18 FT



BUILDING CODE SEC. 1808.7.4

TOP OF EXTERIOR FOUNDATION = FFE-5 INCH SLAB THICKNESS TOP OF EXT.

FOUNDATION FRONT BUILDING = $74.18 - 0.42 = 73.76 > 73.27$

TOP OF EXT. FOUNDATION REAR BUILDING = $74.25 - 0.42 = 73.83 > 73.27$

STREET GUTTER ELEVATION AT POINT OF DISCHARGE = 72.07

$72.07 + 1 + 0.02(10') = 73.27$

There is the Building Code 1808.7.4 requirement, found in the [California Building Code](#), dictates that on graded sites, the top of any exterior foundation must extend at least 12 inches (305 mm) plus an additional 2 percent of the elevation of the street gutter or approved drainage device inlet at the point of discharge.

The applicant chose the street gutter as a point of discharge. It appears, that's how the whole idea about raising the entire lot and building a hill in the middle of flat lots got conceived.

Drawings calculation shows 73.27 Ft elevation for the top of the foundation that is required if the street gutter is used as the point of discharge. However, the Finished Floor Elevation (FFE) that shown on the drawings, and that was approved by the Planning is 74.18 that is even higher by 1-Foot (-1/2 inch). The provision of the code 1808.7.4 specifies a requirement for the house floor elevation and not for adjacent soil elevation.

The applicant set the higher FFE and brought the outside soil to Elevation 73.90 that is higher than the calculated house's FFE.

Well-known house drainage design rules revolve around ensuring that water, both surface and subsurface, is directed away from the foundation. The lower you keep the soil and away from the house's finished floor, the less chance your house will get flooded.

You don't have to look far to see where this well know engineering principle is utilized.

At Balboa Peninsula developments, where the houses floor needs to be above the minimum of 9 Ft (NAVD88) flood level despite, a lot of side yard grades are set lower, so the storm water can be kept as low as possible and away from the house's finish floors.





Is the lot in the Flood Zone? It is not.

Per drawings notes: The lot is located in the FEMA Flood Zone X which is not prone to flooding. There are no watercourse crossing the site or adjoining properties. Land is not subject to overflow.

Is it because of the site drainage conditions? It is not.

The state promotes and requires LID (Low Impact development) strategies/methods for new development and redevelopment projects. This approach uses design techniques to infiltrate, filter, evaporate, and store runoff close to where it falls, rather than thoughtlessly dumping it on the street and the neighbors.

Some of the landscape and vegetation methods include:

Redirect downspouts: Guide water from your roof gutters away from paved areas like driveways and onto permeable surfaces like lawns or garden beds. This allows the soil to absorb the water rather than having it rush to the street.

There was no roof drainage plan included in the drawings.

Install a rain garden: A rain garden is a shallow, planted depression designed to hold and absorb stormwater runoff from a roof, driveway, or lawn. The garden's special soil mix and deep-rooted native plants help filter pollutants and allow the water to soak slowly into the ground.

Plant more trees and native vegetation: The deep root systems of trees and other native plants increase the soil's capacity to absorb water. The tree canopy also intercepts rainfall, slowing it down.

There was no trees proposed along the side yard

Dry stream beds: For a more decorative option, a dry stream bed is a gravel-filled trench that acts as a swale to channel water away from problem areas.

Make the long driveway paving permeable to allow the soil to absorb the water rather than having it rush to the street.

Any excess water can be handled with a sump pump. It appears that other neighbors in the area use sump pumps to handle excess water, so why not on this project?

There is an existing underground stormwater system that serves the area along Santa Ana Avenue. If the existing system needs improvement to be connected to, the City should require the developer to contribute to its improvement rather than putting all the burden on the neighbor and having him lose his privacy and allowing his yard to be flooded.

A new hill, which has been approved, shows great disregard for neighboring property. Rather than considering all available options to handle runoff close to where it falls, connecting directly to the street's underground storm water system, or installing sump pumps to handle excess water, the Planning approved raising the entire lot by at least 2.5 feet and exposing our property to flooding and property damage.

Per the approved drawings, the back of the Lot 1 starting point of the slope elevation is 73.54 Ft

The back of the Lot 2 starting point of the slope elevation is 73.02 Ft. It is less than Lot's 1 even though the Lot 2's slope starting point is about twice of a distance from the street as compared to the location of the slope starting point of the Lot 1

The Lot 1 has plenty of room on the front for directing the storm water outlet to the lower elevation of the street gutter (to El. 72.05').

It appears the storm water outlet for Lot 1 has been intentionally located at the higher elevation of the street gutter, yet again, raising the area grade for the raising the house Finished Floor Elevation and the height of the house. This design action affects us directly as it raises the stormwater pipe higher and brings the outlet closer to our property, thus exposing it even more to potential flooding.

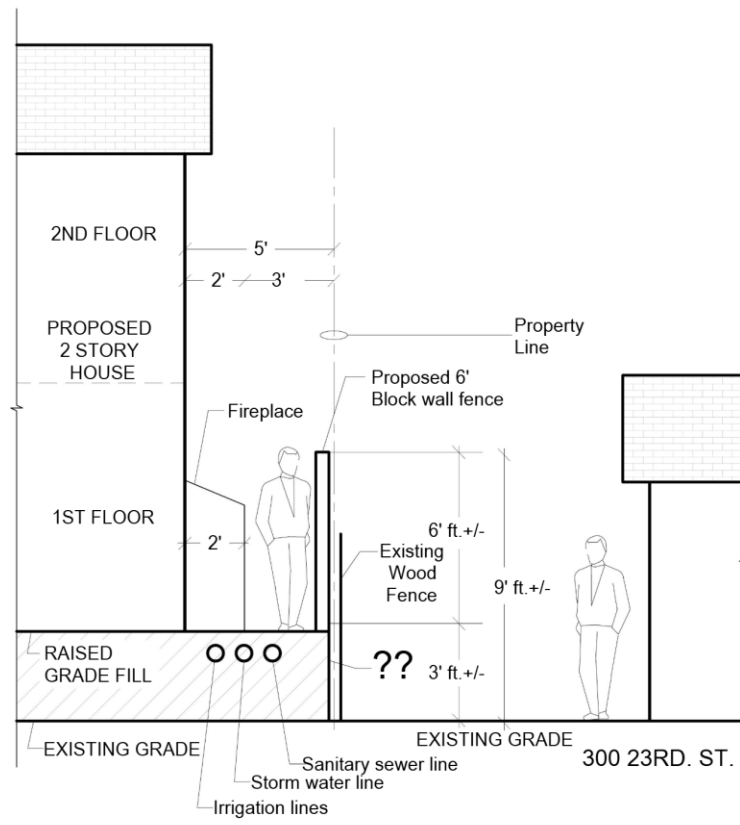
It appears there is no other reason to make the proposed building higher by 2.5 feet than having a better view of the neighbor's backyard and to spy on the neighbor's private life.

The Planning approved 29' max height (27' is the limit) without the variance. The Planning overlooked the height manipulation by the applicant who plans to import approximately 800 CYS of the soil and raise the whole property by at least 2.5' for a reason of gaining 2.5 more feet in the proposed house height.

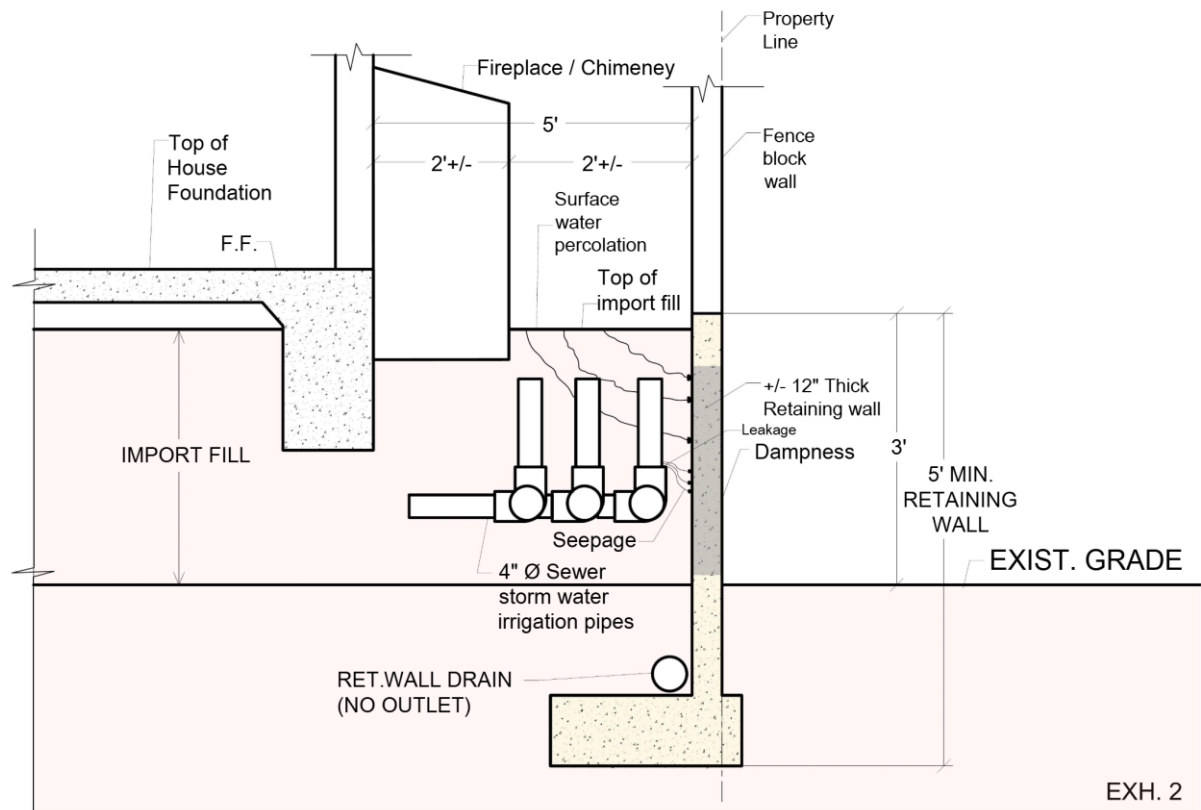
The approved drawings show approx. 3-foot of the upward grade change at our property line. In other words, the approved project will allow building a hill on the flat lot to bypass the 27' max height requirement, which has been established by the city code for the neighbors. With the added approx. 3' of soil at the property lines, there needs to be a retaining wall installed all around the property lines. The retaining wall will need to be at least 5' tall. The Staff Report does mention the property line retaining wall, and the drawings do not show any details that would make the neighbor aware how what the proposed retaining wall at the property line would look like.

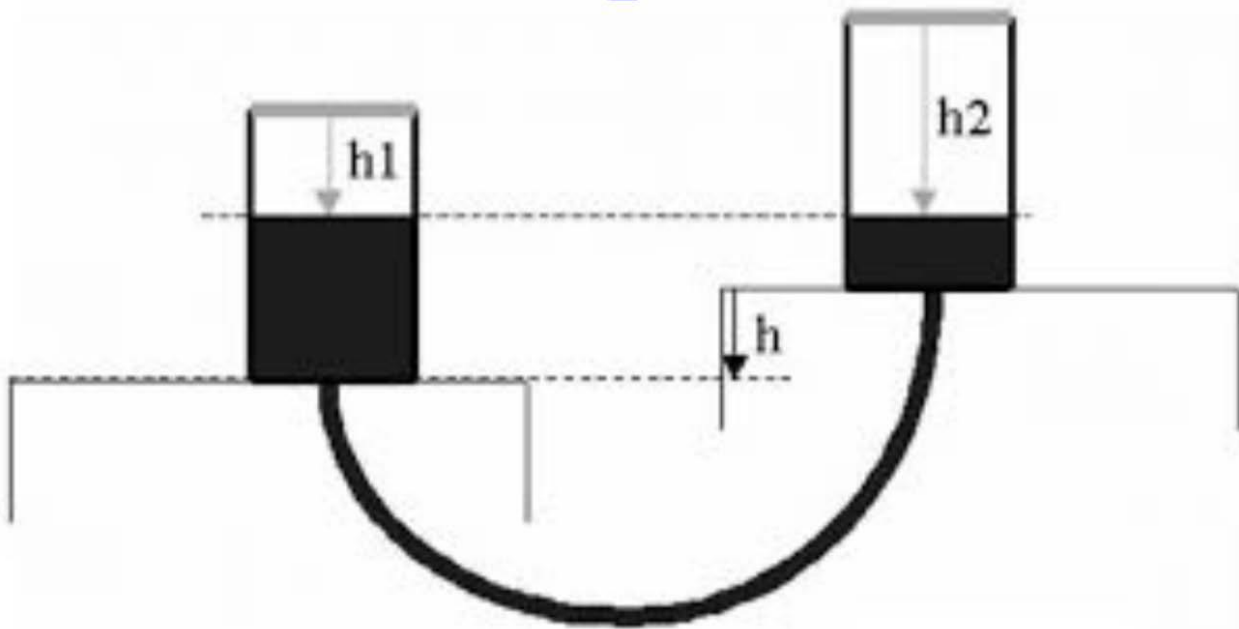
This was very important Planning item that has been omitted by the Planning.

Because of the significant grade change at the property line, the retaining wall construction, we the neighbors, will be exposed not only to the higher building that has been approved without the variance but also to the construction of tall retaining walls that serve no other purpose other than manipulating the building's height limit.



EXH. 1A





Pascal's Principle of Communicating Vessels.

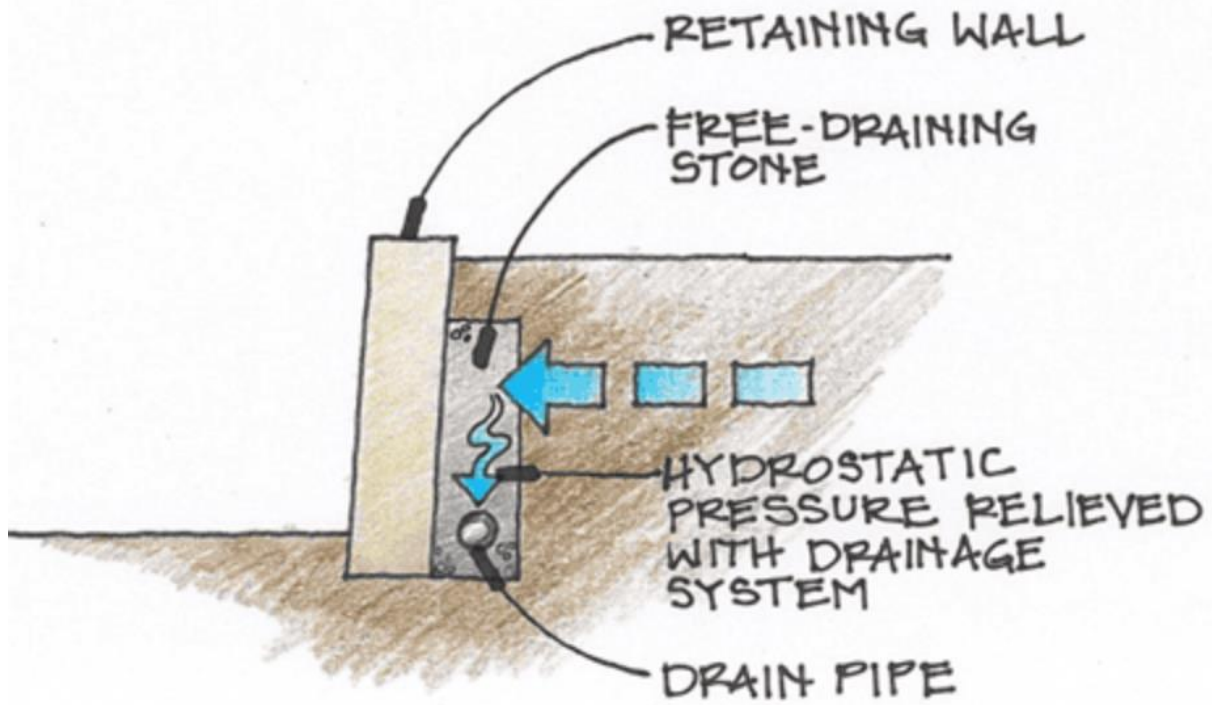
Storm water tends to find it way to settle to the same level in all vessels, regardless of their shape or volume. Soil and block wall are permeable.



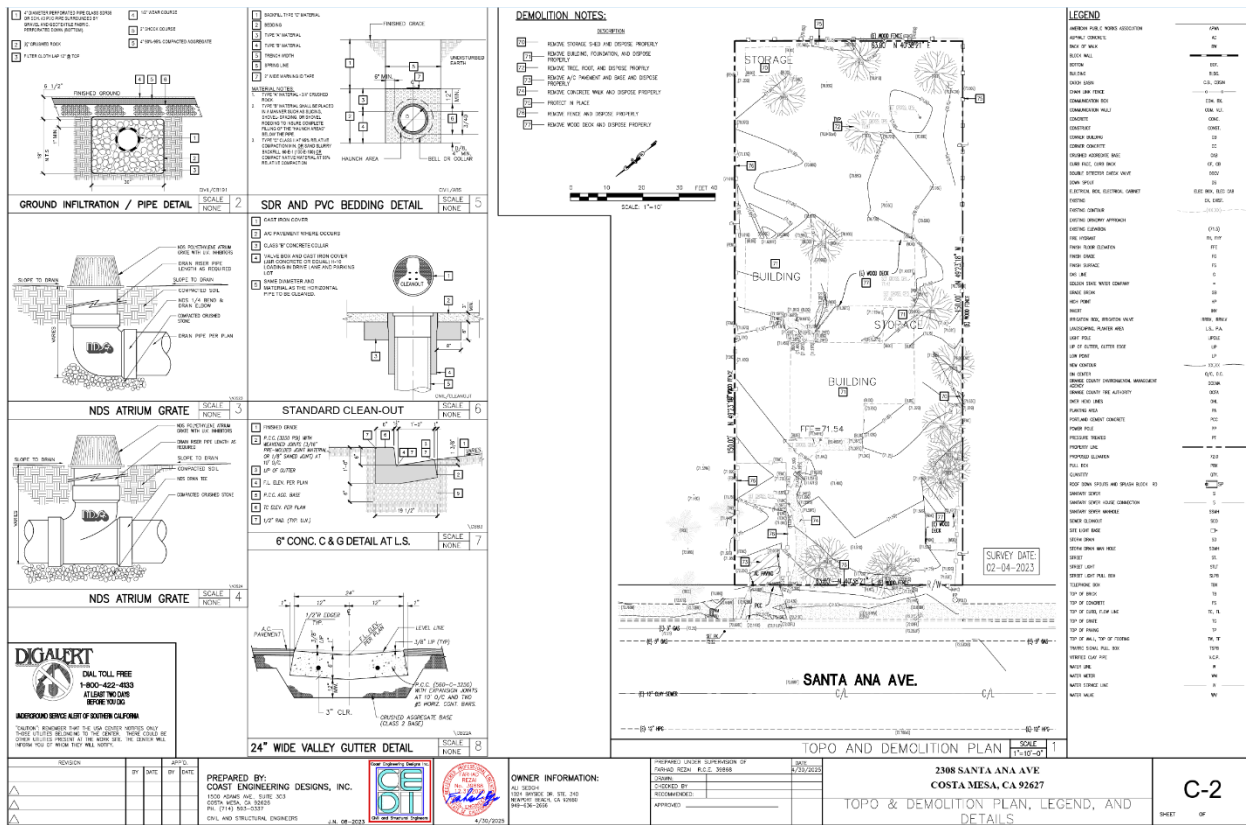


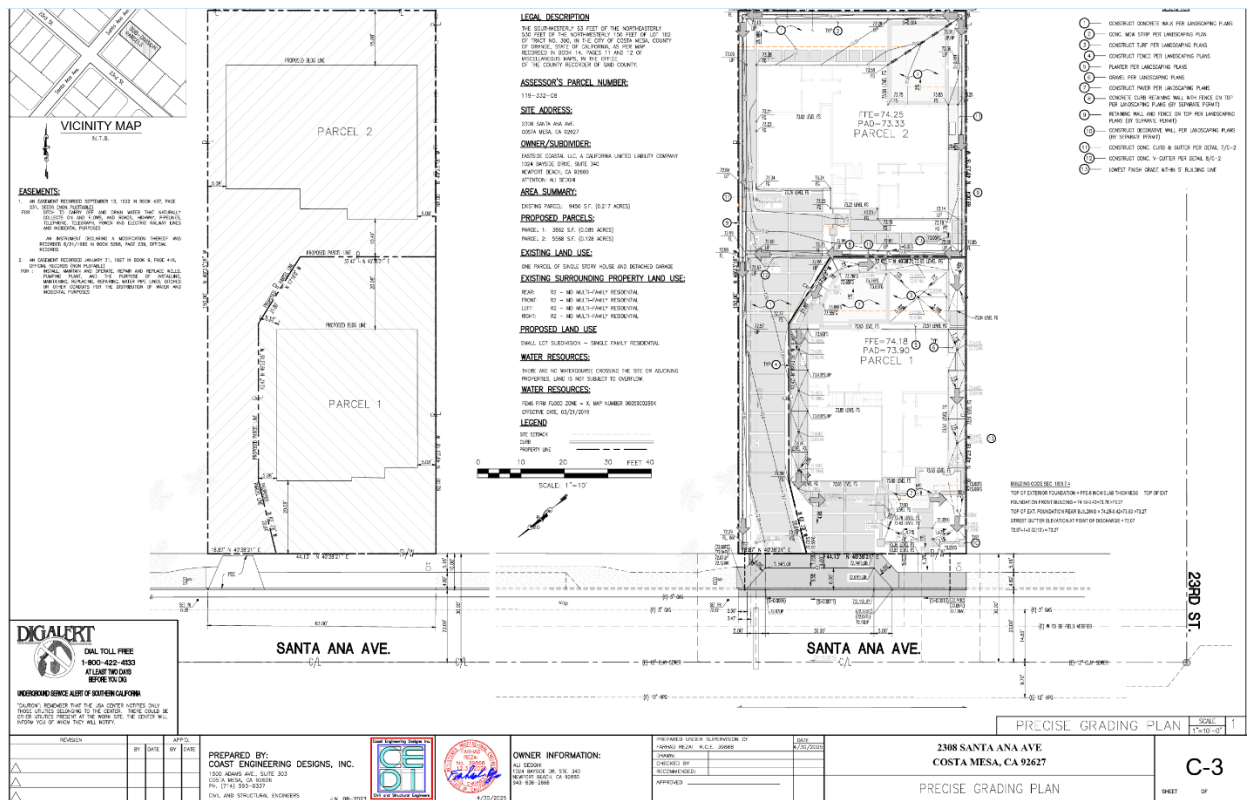


Gravel doesn't stop water flow. If there is a retaining wall installed at the property line, its drain will need to be installed below the top of our lot's grade to be effective. The drain will then have no outlet as it will fall below the street gutter elevation. Water will be trapped and seep into our backyard.



Location/orientation of the property line as shown and certified on the drawings is not legitimate.





Drawing C-2 and C-3 shows their Southern property line about 2 feet inside our property (past our existing wood fence).

We compared these drawings with our Tentative Parcel Map drawing that has been prepared for us prepared for us in 2007 by the Licensed Surveyor, Matthew Gilbert, (State of California Professional Land Surveyor No. 6723).

Our drawing does not show the property line about 2 feet inside our fenced property but shows that property line matches our wood fence.

We confirmed with the State of California Board of Registration for Professional engineers and Land Surveyors that Civil Engineer (Lic. No. 39868) is not the California licensed Surveyor and therefore cannot legally certify property boundaries. Only a licensed Professional Land Surveyor can perform and certify the work involving the property boundaries.

Therefore, we have a reason to believe that project drawings show property line incorrectly and that other details of the project that were based on the property line location/orientation like the proposed house location and setbacks from property line or the existing grade levels at property line are incorrect.

Because the entire Planning part of the project was based on false Surveying assumptions, we feel that project approval by the Planning should be deemed null and void until clarifications/corrections to the Surveying of the property lines are made and certified by the Professional Surveyor, licensed in the State of California.

A formal complaint has been filed with the California Bord of Registration for Professional Engineers, Land Surveyors, and Geologists. Complaint reference number: 2025-424

In Costa Mesa, drainage at a property line must not create adverse conditions on adjacent properties. California code states that excess or concentrated drainage must be contained on-site or directed to an approved drainage facility.

Key drainage regulations and best practices include:

Preventing cross-property drainage. You cannot divert water from its natural path to cause harm to a neighbor's property. For example, new grading cannot increase the amount of drainage flowing onto an adjacent lot compared to pre-construction conditions.

General surface slope. For proper drainage, graded surfaces should have a minimum 5% slope, for unpaved surface, away from a structures, that includes the property line retaining wall, according to common landscaping guidelines.

Drawings show 1%-2% slope.

3. INCOMPLETE STUDY OF THE PROJECT'S ADVERSE AFFECTS ON MY PROPERTY

The project documents should include but not be limited to:

- Soil investigation and report,
- Environmental investigation and report for the existing structures asbestos and substructures and utilities contamination of the soil. There is a history of the sewer system back up and leakage,
- Cross drainage study and report.

4. VAGUE CONDITIONS OF APPROVAL

Vague Conditions The Planning Commission Resolution No. PC-2025-15 for the project includes the conditions for further approval by the city, however, it appears at this time that we, the neighbors, will have no part in making sure those conditions are met, and no more chances to raise our objections to the Planning Commission in case the project, when finally approved for construction, but still includes deviations from the code or design inconsistencies, or still could adversely affect our property, privacy, safety and security, etc..

Below are our stated comments and objections to some Conditions of Approval:

Condition No. 3

It says: "Second floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties, and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition."

This sound almost exactly like a Design Guidelines that supposedly to be followed for last 2 years of the Planning Plan Check.

The windows that were approved by the Planning Commission were not sized nor located on plans. There are no dimensions shown for the proposed windows. The windows as approved, are pretty much a "free ride" for the developer.

The responsibilities of the Planning Department are guiding not only present but also future developments, balancing the community's needs with economic, environmental, and social considerations. The department's plans reviews should ensure the plans are consistent with the neighborhood's existing character and vision.

Our house is a 1-story house; however, it is zoned as an R2 lot that is suitable for 2-story houses.

Should we decide add a 2nd story to the house, do our 2nd story window facing our back yard should be higher and smaller, or with the sceened glass to mitigate the privacy issues that that will be caused by the side yard facing window of this proposed house??

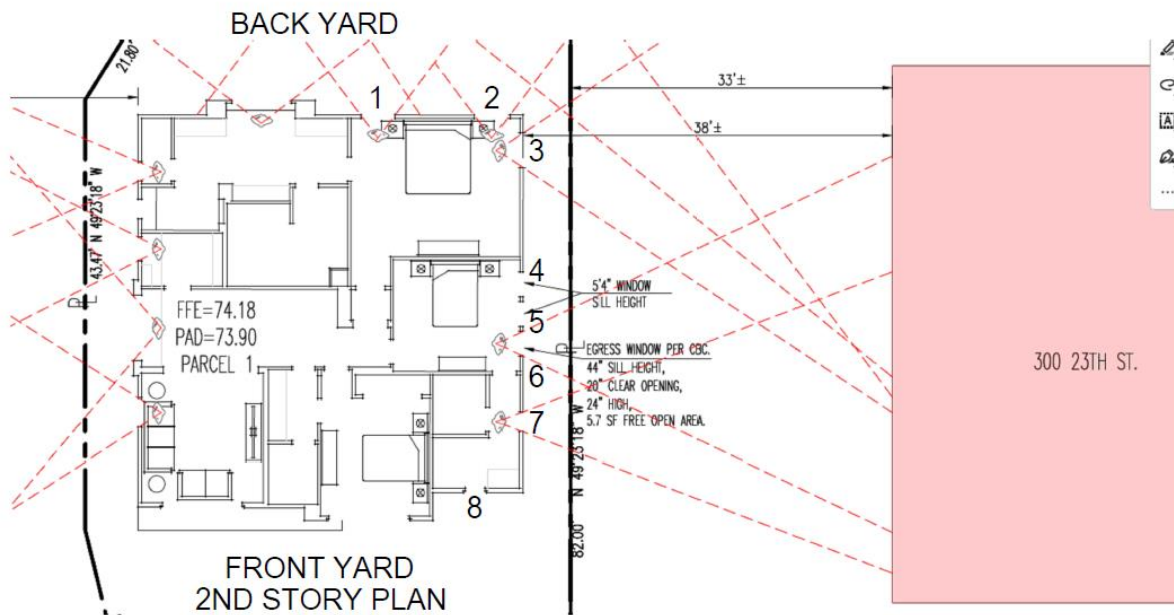
The Privacy Exhibit drawing has been used by the Planning to conclude in their report the following:

“ Consideration for design and privacy has been provided in locating the windows on the property. The applicant provided a “line of sight study” which demonstrates that the second-story windows facing north, and south are located without direct views into the neighboring structures. Windows with direct views into usable side and rear yards provide privacy with either glazing or by utilizing a five-foot sill height. One window in Bedroom 2 of Unit 1 is required to meet egress requirements for the California Building Code. In this case, the window has been designed to meet the minimum size required by the Building Code to meet egress requirements in order to mitigate privacy impacts to the neighboring backyard. The first-story windows are located behind the proposed six-foot block wall.”

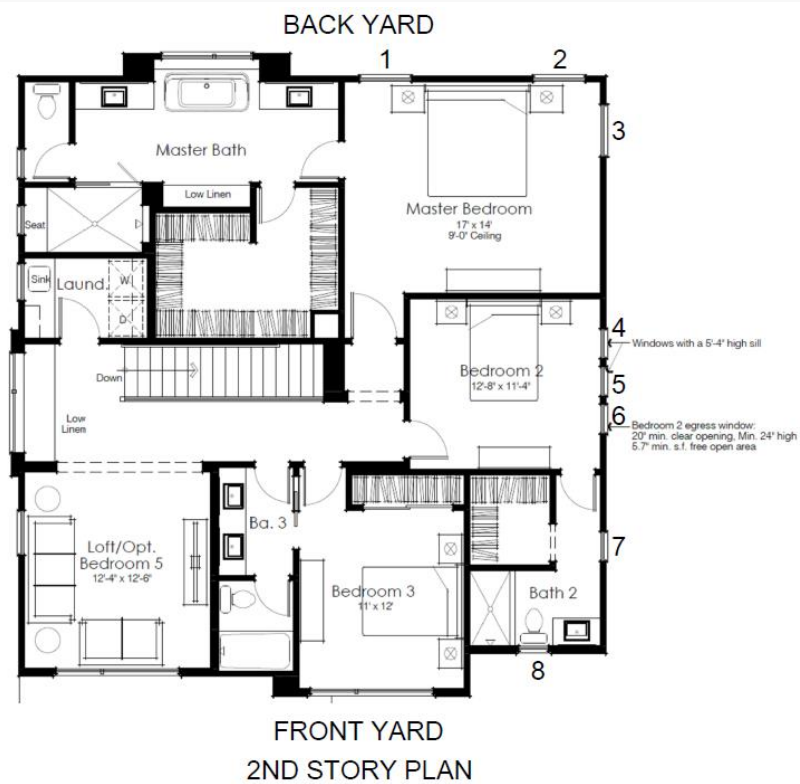
IT IS NOT WHAT THE APPROVED DRAWINGS SHOW.

SHOWH WINDOWS ARE NOT DIMENSIONED/LOCATED ON THE PLAN VIEW and NOT SIZED INDIVIDUALLY. CLEAR OR SCREANED GLAZING IS NOT SPECIFIED.

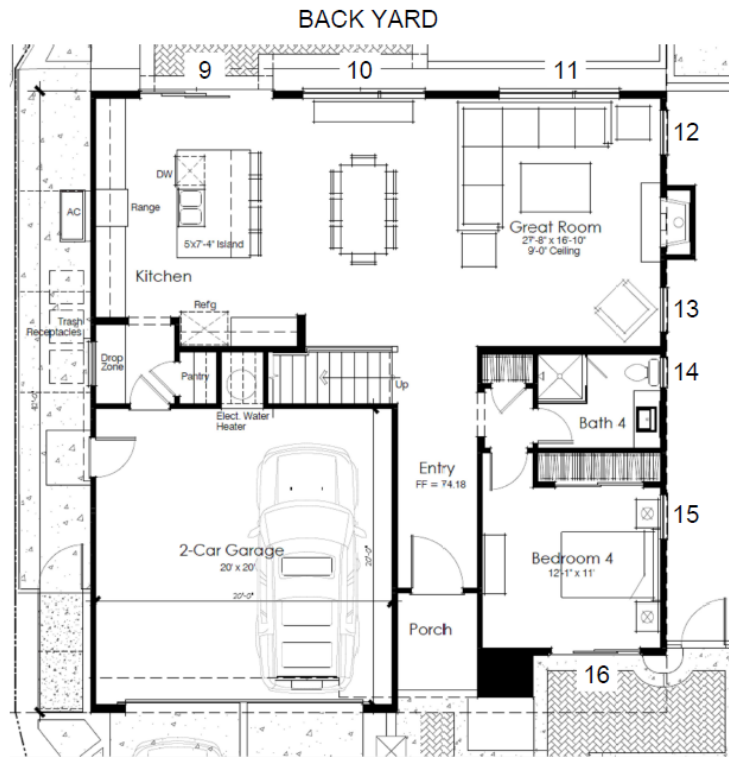
WINDOWS SHOWN ON THE APPROVED PLANS ARE BASICALLY, “FREE FLOATING WINDOWS”.



EXH. 10

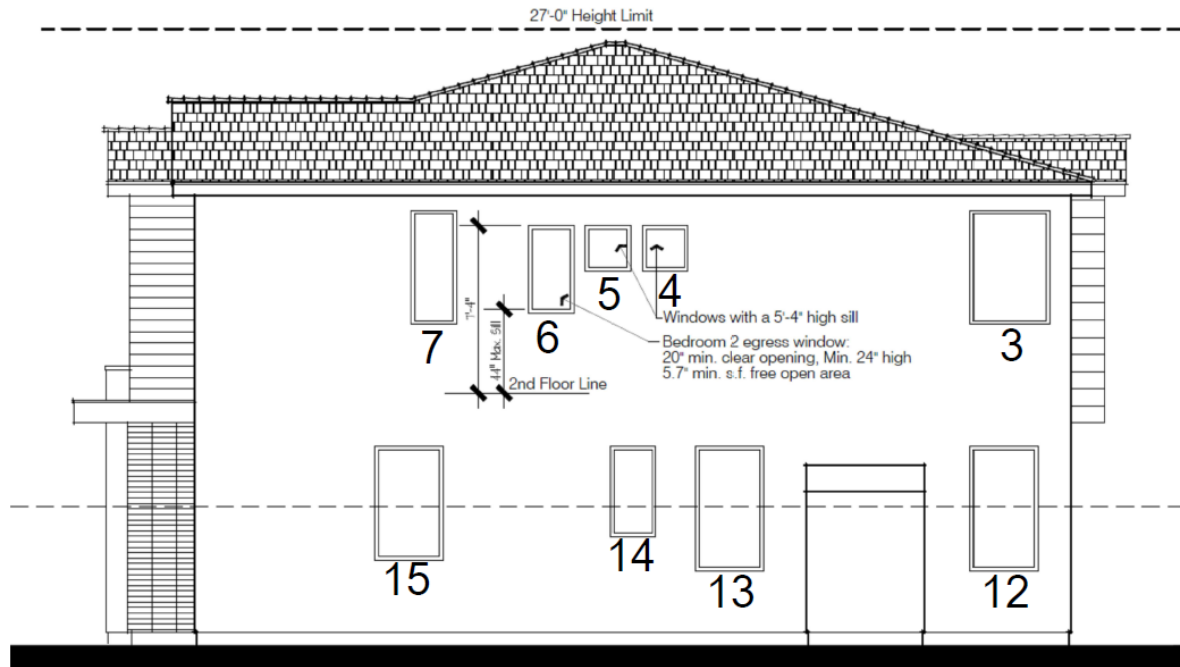


EXH. 8



FRONT YARD
FIRST STORY PLAN

EXH. 9



Right Elevation
FACING 300 23RD ST, BACK YARD

EXH. 7

Proposed Side Yard Windows, Aiming at our Back Yard:

2nd Story windows:

Window No. 7 is an upstairs bathroom window. It is shown not dimensioned and big. The same bathroom already has the window on the front yard side (window No. 8). The window No.7 should be eliminated.

The big upstairs window No.3 is the bedroom window. The plans do not dimension this window. The same bedroom has 2(two other windows) facing own back yard (Windows No. 1 and No.2)

Window No. 3 should be eliminated.

Window No.6 shows 44 inches maximum sill height but, it didn't show the minimum sill height. Practically, the approved dimension allows the bottom of this window to be at the floor level.

The dimension to the sill level should be fixed dimension, required by the Planning.

1st Story windows:

Two big windows No. 12 and No.13 are great room windows and have no dimensions and are free floaters as far as location. The Great room has already plenty of windows (No. 9, No.10 and a sliding glass door (No.11) facing its own back yard side.

Windows No. 12 and No. 13 should be eliminated to protect neighbor's privacy.

The 1st story windows are not located behind the six-foot block wall, as stated by the Staff Report.

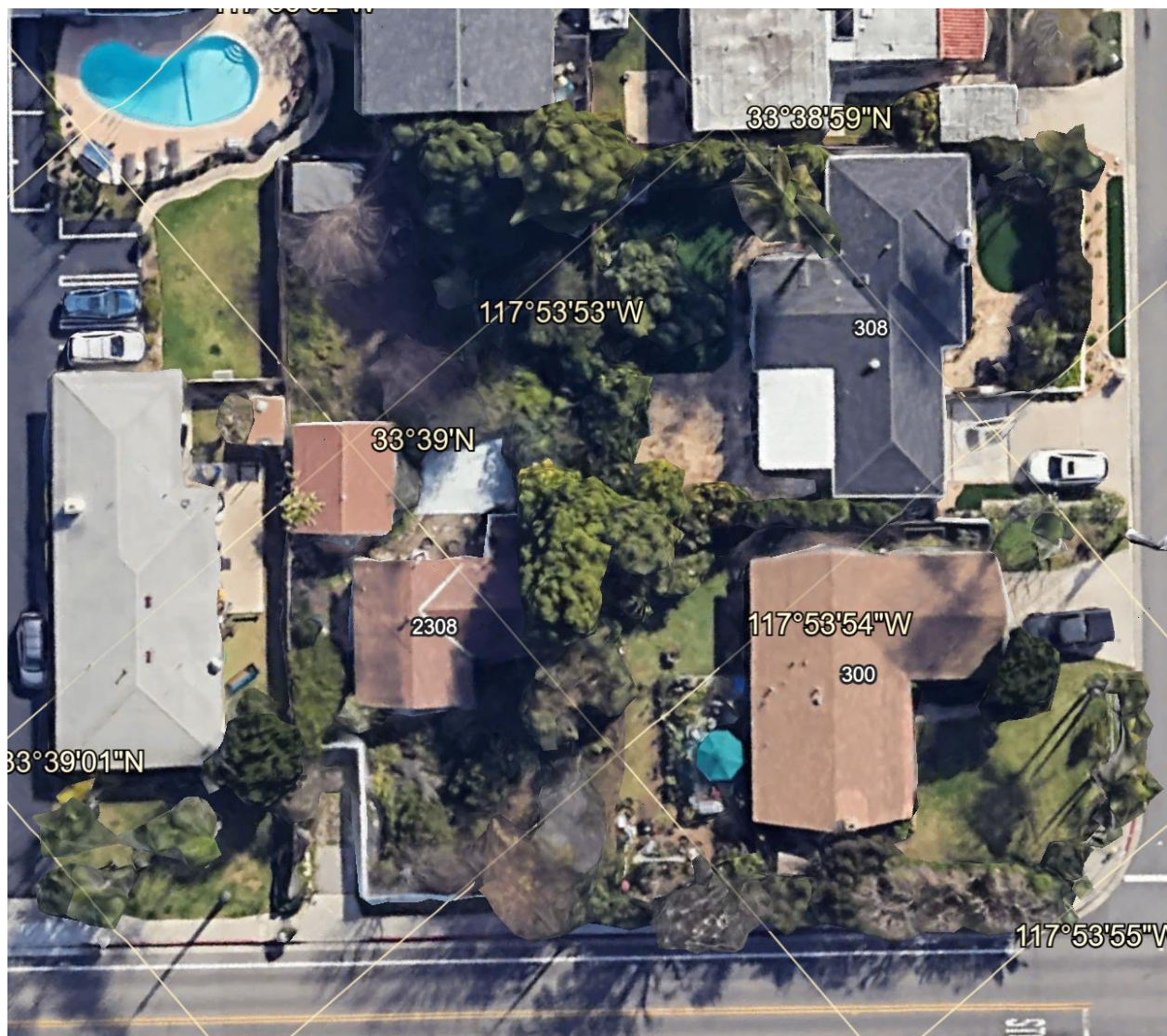
Exhibit 5 Neighboring Property Street View Examples



SAMPLES of NEIGHBORS WINDOWS-PRIVACY SENSITIVE DESIGN.



Property Line Trees:



Digging in the property line for installing the retaining wall, will most likely undermine our existing old and slow growing trees, and most likely will kill some of them. There is no study on project's files to address this important matter.

Condition 4.

The present subdivision map should not be recorded with the county as it was based on the topo map and property lines Surveying done by a person who is not a licensed Professional Land Surveyor in the State of California.

Condition 5.

The six-foot block wall is not feasible with the proposed 3-foot grade split at the property line. The property line grade should be lowered and the building height adjusted to meet the 27-foot maximum height limit. The block wall should be installed on the applicant's property. Our trees near property line should be protected from any damage. The privacy trees should be added between the block wall and the proposed new house.

Condition 6.

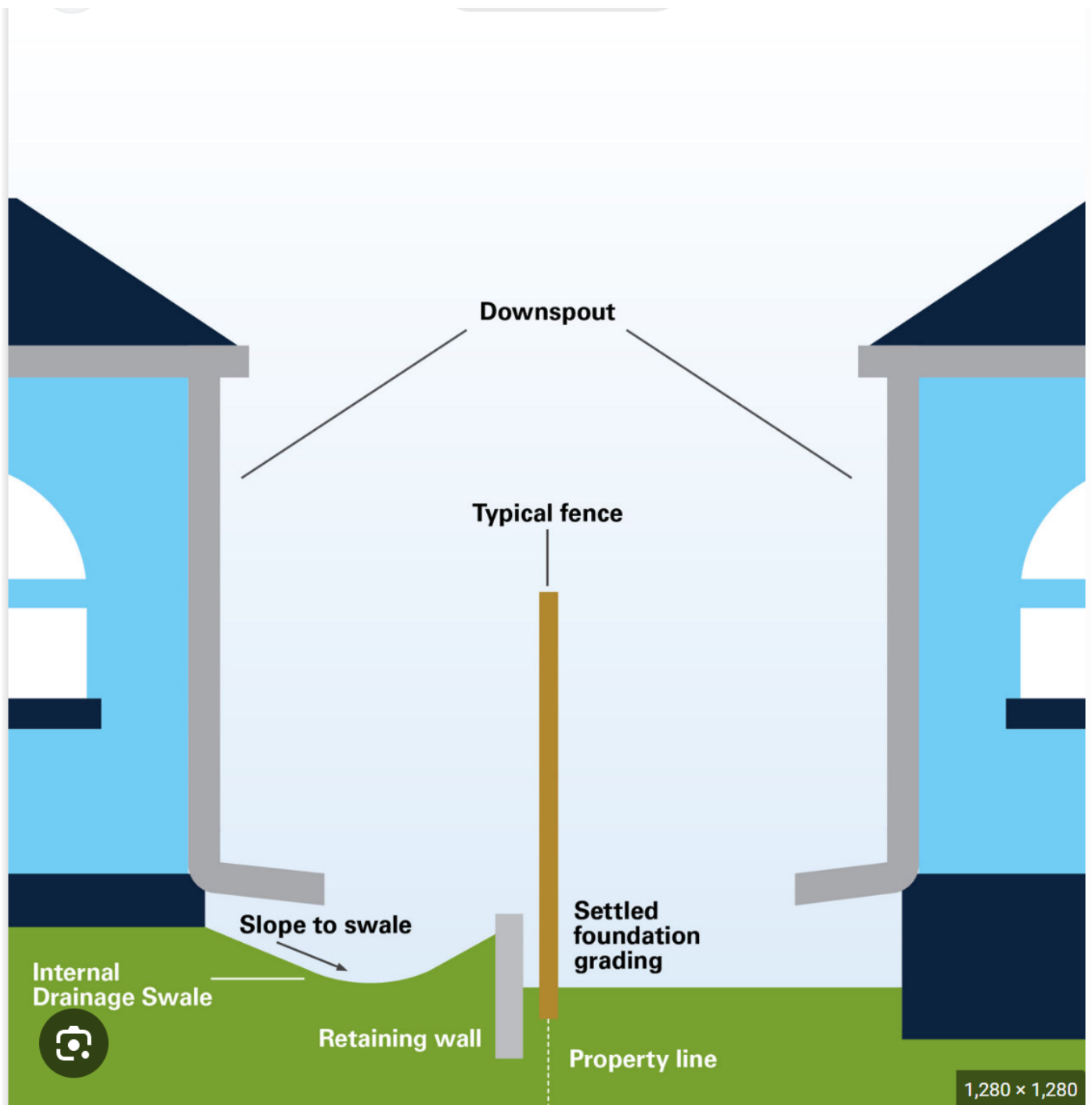
The developer should install the block wall on his property and not the neighbor's property as incorrectly indicated on the topographic map.

The wall should be constructed per the City Standard with the minimum excavation as required for the fence wall and not the retaining wall.

Condition 7

The building top of the roof elevation is not shown on the drawings. It is needed to be shown as it will tie the top of the roof elevation to the **NAVD 88** vertical control datum that should be used for the Surveying of the lot grades.

33. Drawings do not show any drainage system for the roofs. There are omitted roof gutters and downspouts to be located in the 4 foot space (1 foot roof overhang) of the side yard? Drawings do not show how will downspouts connect to the proposed storm water system? A drainage study for the roof, yards, and cross property drainage is not included in the project files.



Summary:

In our summary, we would like to emphasize and put on record that the project approved by the City of Costa Mesa Planning Commission didn't follow a due process of the public notice before the Planning Commission hearing and was not ready for the Planning Commission hearing and approval, as it raises very serious design, privacy, security, and safety concerns and exposes us, the neighbors, to potential legal litigations and monetary damages.

After approximately 2 years of the department's Plan Check, some very important, Planning-related details of the project are either incomplete or they are totally omitted.

The approved Surveying drawing that includes property line location and orientation has been prepared and PE-certified by an unlicensed professional.

In this case, the Planning decision to approve drawings certified by the unlicensed professional exposes us to an immediate legal dispute with the developer.

The 27-foot height limit was set for the neighbor's perspective and privacy.

We oppose the raising of the grade level on the flat lot to subvert the building height limit.

We do not have a problem with the proposed house's floor being higher to meet the street gutter elevation level. However, we categorically oppose raising the natural grade at our property line, thus altering the natural storm water flow and drainage patterns that will adversely affect our property and cause damage.

We respectfully demand that the project be sent back to the Planning Department for completion of the Plan Check that should address all the above-mentioned Planning-related design omissions and flaws, and to resolve the professional licensing/certification issues.

If this hill in the middle of flat lots is passed, as approved by the Planning Commission, it could have significant negative repercussions down the road. It would establish a dangerous precedent for our neighborhood.

The 27-foot height limit will lose its meaning.

Our Costa Mesa neighborhood will look like a chessboard, with black squares representing newly built hills and white squares representing lower lots. (or vice versa).

The neighborhood will become like an old-time neighborhood of "lords and commoners", with some property owners having tall houses on the hills overlooking neighbors' private back yards, and the lower proprietors losing their sunlight and privacy, and getting outside water (and possibly even sewer) being naturally squeezed out from the neighbors' built-up hills down and across to their yards.

Allowing the "chessboard" type developments undoubtedly can lead to disputes between neighbors. Some disputes could even lead to causes of action.

Sincerely,

Mike Czajkowski and Jing Zhang Czajkowski

October 6, 2025

300 23rd. St., Costa Mesa, CA 92627

REFERENCE:

1. City of Costa Mesa Planning Commission August 11, 2025 Hearing: Agenda and Attachments,



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 11, 2025

ITEM NUMBER: PH-1

SUBJECT: DESIGN REVIEW (PA-23-14) AND TENTATIVE PARCEL MAP 2023-117 REQUEST FOR A RESIDENTIAL SMALL LOT SUBDIVISION TO CREATE TWO PARCELS, EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE AND AN ATTACHED TWO-CAR GARAGE AT 2308 SANTA ANA AVENUE

**FROM: ECONOMIC AND DEVELOPMENT SERVICES
DEPARTMENT/PLANNING DIVISION**

PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER

**FOR FURTHER
INFORMATION CAITLYN CURLEY
714-754-5692**

CONTACT: Caitlyn.Curley@costamesaca.gov

2.

PLANNING COMMISSION

Agenda

August 11, 2025

PUBLIC HEARINGS:

1. [DESIGN REVIEW \(PA-23-14\) AND TENTATIVE PARCEL MAP 25-411 2023-117 REQUEST FOR A RESIDENTIAL SMALL LOT SUBDIVISION TO CREATE TWO PARCELS, EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE AND AN ATTACHED TWO-CAR GARAGE AT 2308 SANTA ANA AVENUE](#)
3. RESOLUTION NO. PC-2025-15 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING DESIGN REVIEW PLANNING APPLICATION (PA) 23-14 AND TENTATIVE PARCEL MAP 2023-117 TO CREATE TWO PARCELS EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE IN THE MULTIPLE-FAMILY RESIDENTIAL, MEDIUM DENSITY (R2-MD) ZONE FOR PROPERTY AT 2308 SANTA ANA AVENUE, Including Exhibit B: Conditions of Approval.
4. Project drawings set for 2308 Santa Ana Ave., Costa Mesa, PE certified dated 04.30.2025,
5. City of Costa Mesa Title 13 the section of the City of Costa Mesa's Municipal Code that governs Planning, Zoning, and Development. (eCode360 or eLaws.us websites.). Including applicable Planning Commission Ordinances and Resolutions: PC-2020-17.
6. City of Costa Mesa Codes Adopted:

4.1 [California Building Code](#) (2022 Edition): Governs most construction and structural requirements for various building types.

4.2 [California Residential Code](#) (2022 Edition): Specifically addresses residential construction.

4.3 [California Plumbing Code](#) (2022 Edition): Deals with plumbing system requirements.

4.4 [California Energy Code](#) (2022 Edition): Establishes energy efficiency standards for buildings.

4.5 [California Green Building Standards Code](#) (2022 Edition): Promotes environmentally friendly construction practices.

4.6 [Orange County Grading and Excavation Code](#) (Various Editions): Adopted for regulations specific to grading and excavation work.

5. The latest edition of the Orange County Grading Manual.

7. Costa Mesa sanitary District (CMSD)-Standard Plans and Specifications for the Construction of the Sanitary Sewers

8. State of California-Water Quality-Low Impact development

9. City of Costa Mesa- 03-06-2025 Code of Ordinances_ Title 5_Buildings and Structures, including Amendments to Construction Codes Adopted:

§ 5-1 Construction codes adopted.

§ 5-1.1 Amendments to the 2022 California Building Code.

§ 5-1.3 Amendments to the 2022 California Residential Code.

§ 5-1.4 Adoption of the Orange County Grading and Excavation Code.

§ 5-1.4.1 Amendments to the Orange County Grading and Excavation Code.

10. Latest edition of the Orange County Grading Manual.

Dwg. C-1 GEO REPORT RECOMMENDATIONS:

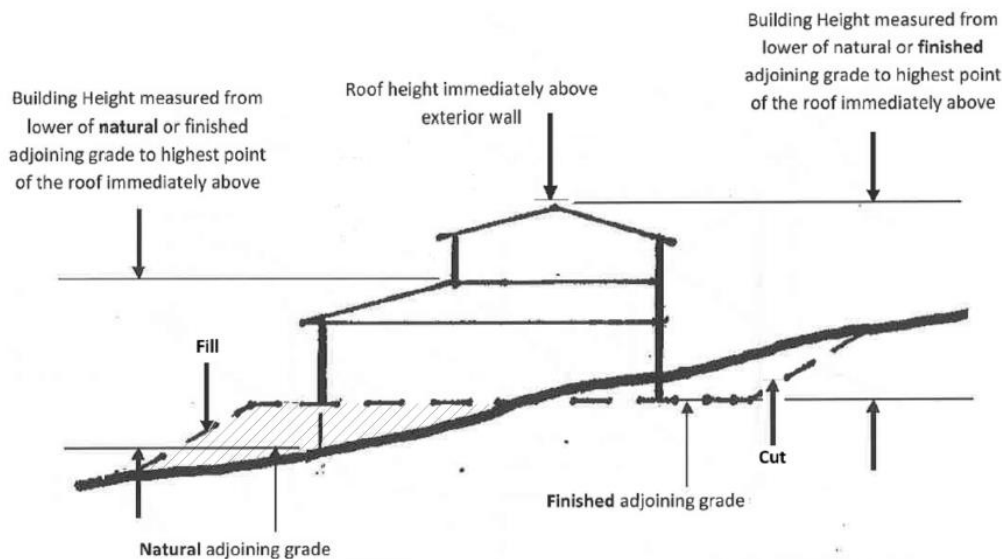
GEO REPORT RECOMMENDATIONS THE FOLLOWING SECTIONS DISCUSS THE PRINCIPLE GEOTECHNICAL CONCERNS WHICH SHOULD BE CONSIDERED FOR PROPER SITE RE-DEVELOPMENT. EARTHWORK GRADING AND EARTHWORK SHOULD BE PERFORMED IN ACCORDANCE WITH THE FOLLOWING RECOMMENDATIONS AND THE GENERAL EARTHWORK AND GRADING GUIDELINES INCLUDED IN APPENDIX C. IT IS OUR UNDERSTANDING THAT THE MAJORITY OF GRADING WILL BE LIMITED TO THE RE-GRADING OF THE BUILDING PAD FOR THE PROPOSED CONSTRUCTION. IN GENERAL, IT IS ANTICIPATED THAT THE REMOVAL OF THE UPPER 3 FEET WITHIN THE BUILDING FOOTPRINT (SLAB- ON-GRADE PORTION) WILL REQUIRE REMOVAL AND RECOMPACTION TO PREPARE THE SITE FOR CONSTRUCTION. WE RECOMMEND A 5 FT ENVELOPE BE EXCAVATED FOR THE BUILDING PAD, WHERE FEASIBLE. THE REMOVALS SHOULD BE ACCOMPLISHED SO THAT ALL FILL AND BACKFILL EXISTING AS PART OF THE PREVIOUS SITE USE AND DEMOLITION OPERATIONS ARE REMOVED. CARE SHOULD BE TAKEN TO PROTECT THE ADJACENT PROPERTY IMPROVEMENTS. A MINIMUM ONE FOOT THICK FILL BLANKET SHOULD BE PLACED THROUGHOUT THE EXTERIOR IMPROVEMENTS (APPROACHES, PARKING AND PLANTER AREAS). THE FILL BLANKET WILL BE ACHIEVED BY RE WORKING (SCARIFYING) THE UPPER 12 INCHES OF THE EXISTING GRADE. SITE PREPARATION PRIOR TO EARTHWORK OR CONSTRUCTION OPERATIONS, THE SITE SHOULD BE CLEARED OF SURFACE STRUCTURES AND SUBSURFACE OBSTRUCTIONS AND STRIPPED OF ANY VEGETATION IN THE AREAS PROPOSED FOR DEVELOPMENT. REMOVED VEGETATION AND DEBRIS SHOULD THEN BE DISPOSED OF OFF-SITE. A MINIMUM OF 3 FEET OF THE SOILS BELOW EXISTING GRADE WILL REQUIRE REMOVAL AND RECOMPACTION IN THE AREAS TO RECEIVE BUILDING PAD FILL. FOLLOWING REMOVAL, THE EXCAVATED SURFACE SHOULD BE INSPECTED BY THE SOILS ENGINEER OR HIS DESIGNATED REPRESENTATIVE PRIOR TO THE PLACEMENT OF ANY FILL IN FOOTING TRENCHES. HOLES OR POCKETS OF UNDOCUMENTED FILL RESULTING FROM REMOVAL OF BURIED OBSTRUCTIONS DISCOVERED DURING THIS INSPECTION SHOULD BE FILLED WITH SUITABLE COMPACTED FILL. FILLS THE ON-SITE SOILS ARE SUITABLE FOR REUSE AS COMPACTED FILL, PROVIDED THEY ARE FREE OF ORGANIC MATERIALS, DEBRIS, AND MATERIALS LARGER THAN FOUR (4) INCHES IN DIAMETER. AFTER REMOVAL OF ANY LOOSE, COMPRESSIBLE SOILS, ALL AREAS TO RECEIVE FILL AND/OR OTHER SURFACE IMPROVEMENTS SHOULD BE SCARIFIED TO A MINIMUM DEPTH OF 12 INCHES, BROUGHT TO AT LEAST 2 PERCENT OVER OPTIMUM MOISTURE CONDITIONS AND COMPACTED TO AT LEAST 90 PERCENT RELATIVE COMPACTION (BASED ON ASTM: D 1557). IF NECESSARY, IMPORT SOILS FOR NEAR-SURFACE FILLS SHOULD BE PREDOMINATELY GRANULAR, POSSESS A LOW OR VERY LOW EXPANSION POTENTIAL, AND BE APPROVED BY THE GEOTECHNICAL ENGINEER. LIFT THICKNESSES WILL BE DEPENDENT ON THE SIZE AND TYPE OF EQUIPMENT USED. IN GENERAL, FILL SHOULD BE PLACED IN UNIFORM LIFTS NOT EXCEEDING 8 INCHES. PLACEMENT AND COMPACTION OF FILL SHOULD BE IN ACCORDANCE WITH LOCAL GRADING ORDINANCES UNDER THE OBSERVATION AND TESTING OF THE GEOTECHNICAL CONSULTANT. WE RECOMMEND

THAT FILL SOILS BE PLACED AT MOISTURE CONTENTS AT LEAST 2 PERCENT OVER OPTIMUM (BASED ON ASTM: D 1557). WE RECOMMEND THAT OVERSIZE MATERIALS (MATERIALS OVER 4 INCHES) SHOULD THEY BE ENCOUNTERED, BE STOCKPILED AND REMOVED FROM THE SITE. TRENCH EXCAVATIONS AND BACKFILL SHALLOW EXCAVATIONS TO 10 FEET AT THE PROJECT SITE CAN BE EXCAVATED WITH A MODERATE EFFORT USING CONVENTIONAL CONSTRUCTION EQUIPMENT...

Attachment 2

Building height : 27' max.

Example 2 Measuring Distance from Adjoining Grade to Highest Part of the Roof Immediately Above



EXH. 3

21-326 Version: 1

Type:	Report	Status:	Agenda Ready
File created:	8/19/2021	In control:	REGULAR CITY COUNCIL AND HOUSING AUTHORITY*
On agenda:	9/7/2021	Final action:	
Title:	FIRST READING TO AN ORDINANCE AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL (ZONING CODE) TO CLEAN UP INTERNAL INCONSISTENCIES BETWEEN VARIOUS CHAPTERS OF THE ZONING CODE AND TO CONFORM TO RECENT REVISIONS TO AND REQUIREMENTS OF STATE LAW (CODE AMENDMENT 2020-02)		
Attachments:	1. Agenda Report , 2. Ordinance No. 2021-XX , 3. Exhibit A , 4. Exhibit A Red Line , 5. PC Resolution 2020-17		

- Text

Building height. The distance from the finished grade (as defined in this section) to the highest point on the roof, including roof-top mechanical equipment and screening. (Justification for revision: clarifying that building height is measured from finished grade as opposed to natural grade; applicable to situations with sloped lots or when extensive grading is proposed)

- *Finished grade. Means the surface of the ground at a stated location as it exists after completion of precise grading. (Justification for revision: added definition for clarity, as this term is used in “building height”)*

Orange County Power Authority’s Basic Choice GHG emissions were nearly twice that of SCE in 2024

2024 Power Content Labels, released Oct 1, 2025, are California Energy Commission-mandated disclosures for greenhouse gas (GHG) emissions.

2024 POWER CONTENT LABEL					
Southern California Edison Company					
	SCE Default Rate	50% Green Rate	100% Green Rate	DAC-GT Rate	Community Renewable Rate
Greenhouse Gas Emissions Intensity (lbs of CO ₂ e emitted per megawatt hour)	515	258	0	0	230

2024 POWER CONTENT LABEL				
Orange County Power Authority				
	100% Renewable Choice	Smart Choice	Basic Choice	CA Utility Average
Greenhouse Gas Emissions Intensity (lbs of CO ₂ e emitted per megawatt hour)	0	403	942	359

OCPA’s lack of transparency about power purchases was cited by the County of Orange, including Supervisor Foley (former Costa Mesa mayor) and Huntington Beach as reasons why they exited OCPA.

G.O.A.T.

Government Openness And Transparency

DOGE for Costa Mesa

Riffs on **Goat Hill** &
Greatest Of All Time.



3 BIG Issues:

1. HCD Data indicates Costa Mesa is the slowest in Orange County

- What we have known all along
- Permits take longer in Costa Mesa
- TESSA cost \$3.5m
 - We have **NEVER** seen reports
 - How long?
 - How many cycles?
 - What Departments Good, or Bad?

2. Mesa Vista was supposed to Help Veterans

- More Calls for Service than the Vagabond Inn?
- And, now do it again at Travel Lodge?

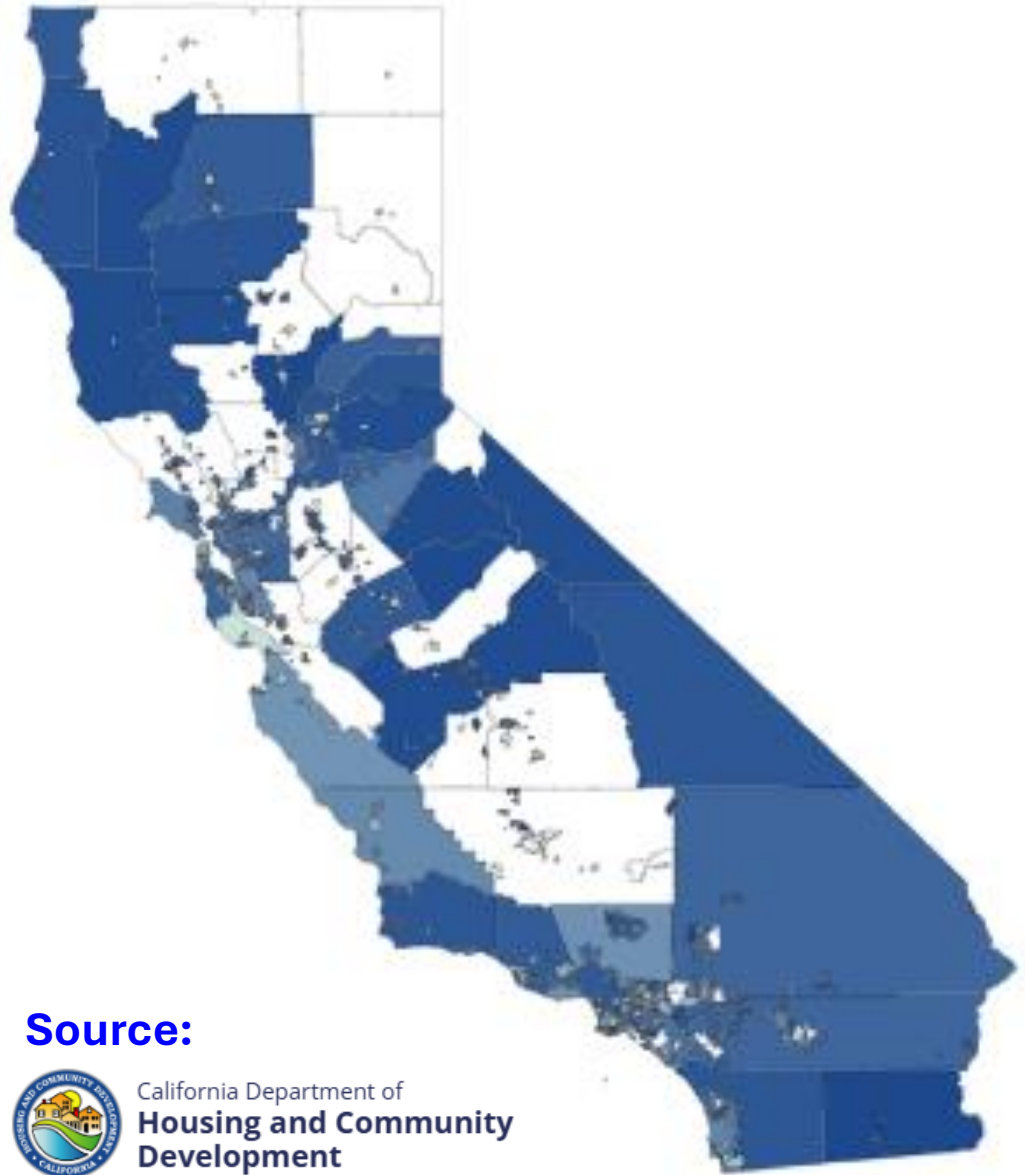
3. Structural Budget Deficit

- Why are residents not provided promised facts & data?

Faster

CALIFORNIA

Slower



Source:

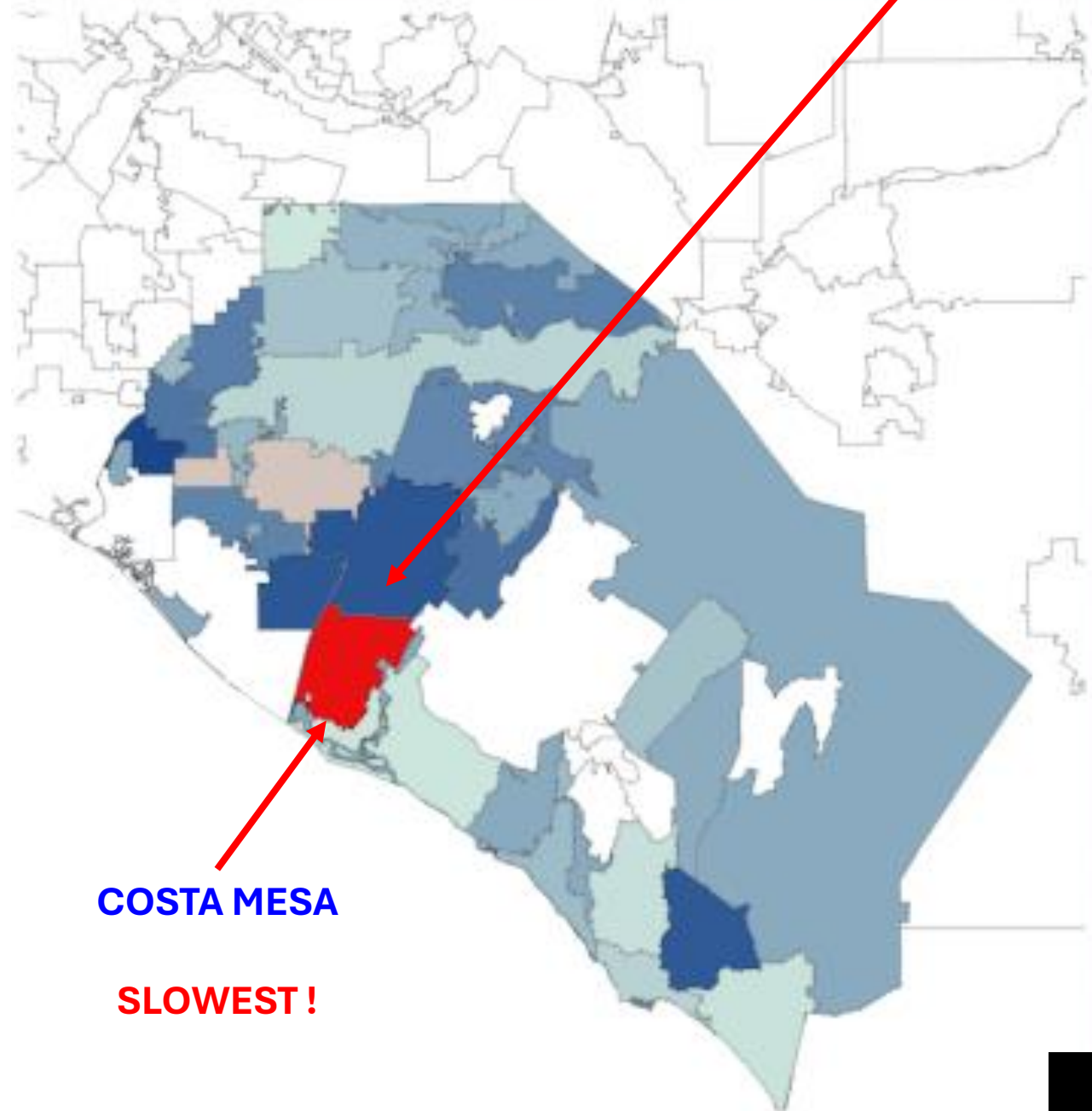


California Department of
**Housing and Community
Development**

Faster

ORANGE COUNTY

Slower



COSTA MESA

SLOWEST !



COTTIE
PETRIE-NORRIS
CALIFORNIA STATE ASSEMBLY



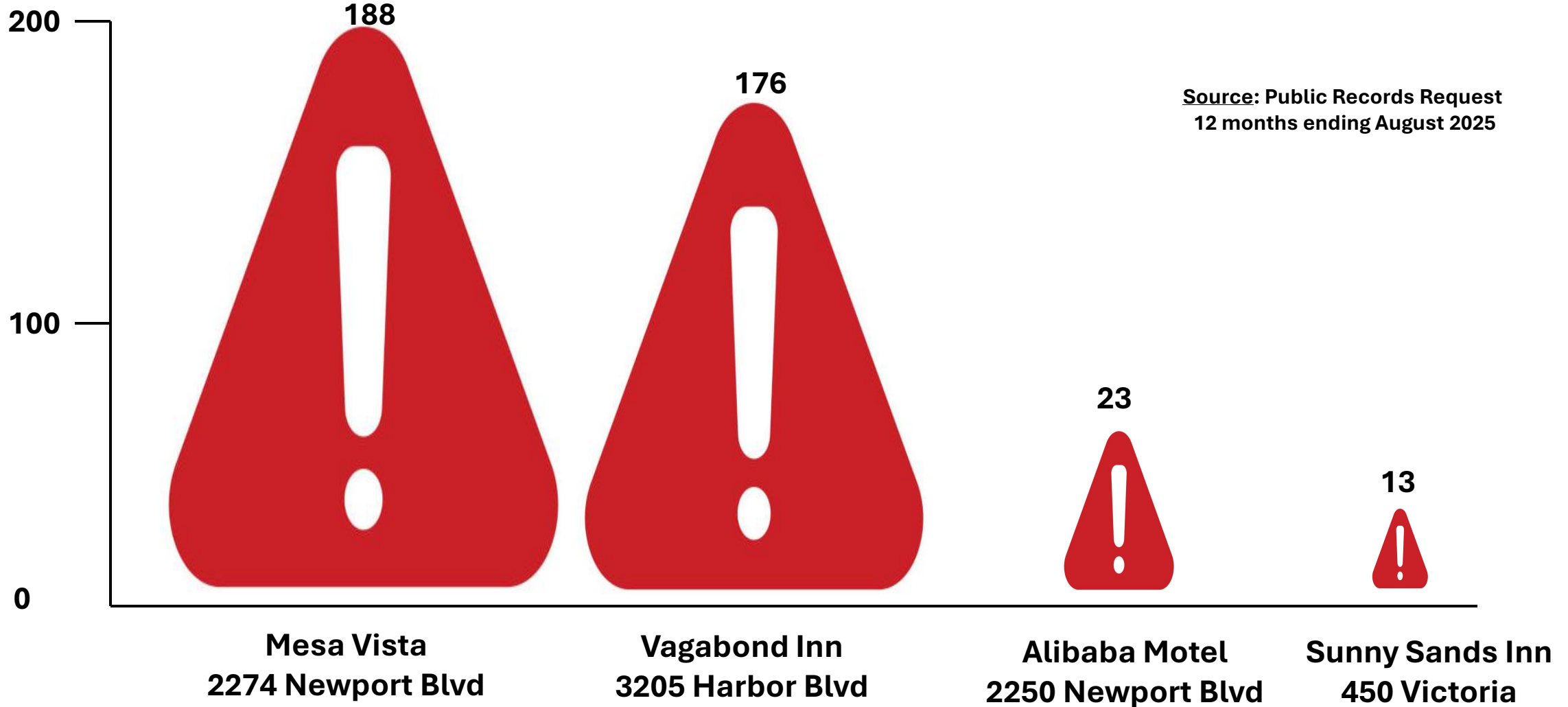
JOE STAPLETON
NEWPORT BEACH MAYOR

CITY COUNCIL

City Manager



Calls for Service – Police & Fire (1 Year)



TO: DISTRIBUTION

FROM: CAROL MOLINA, FINANCE DIRECTOR

DATE: **AUGUST 26, 2025** **Late to Publish, 1 month lag to Website**

SUBJECT: SALES TAX INFORMATION – 1ST QUARTER (JAN.2025 – MAR. 2025)

Attached are the First Quarter Sales Tax Receipts Report (Jan thru Mar 2025). Adjusting for reporting aberrations, actual sales for the City of Costa Mesa were up 4.7% versus the same period in 2024. The percentage increase of the results differs from the increase in receipts for Orange County (1.0%), and Statewide (0.3%), due to strong autos-transportation activity, solid returns by multiple suppliers, and an increase in the countywide use tax pool allocation from local point-of-sale increases.

In the City's second largest sector – autos and transportation – consumers looking for value due to high interest rates and the elevated price of vehicle ownership resulted in strong used car sales and improved leasing activity. In addition, solid returns by multiple suppliers including office furniture merchants and electrical equipment providers pushed business-industry results higher. Fuel providers and service station receipts were negatively impacted by sustained lower global crude oil cost, partially offsetting the positive outcome.

Looking ahead, we continue to track key economic indicators and leverage available expertise such as HdL in order to anticipate impacts to the City's sales tax revenues.

Please feel free to reach out to me directly if you have any questions.



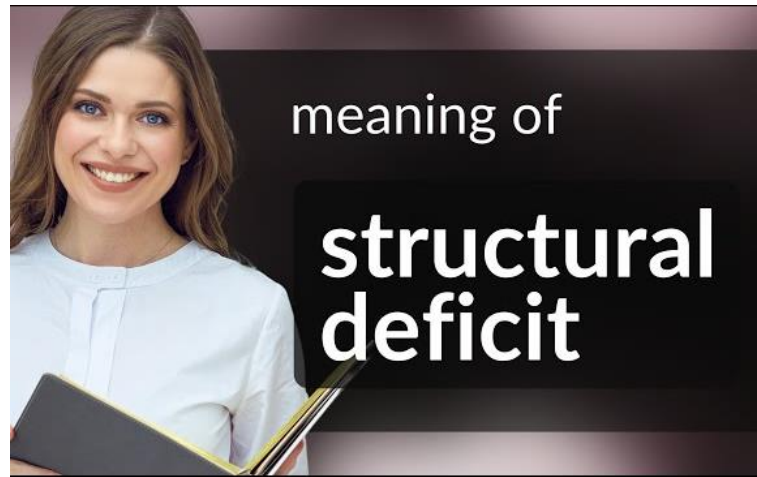
Carol Molina
Finance Director

Attachments
Distribution:

- City Council Members (7)
- Planning Commissioners (7)**
- Department Directors and Staff
- Finance and Pension Advisory Committee (7)
- Chamber of Commerce

}

**NONE of the Resident Council,
Commission, Committee
Members nor Chamber of
Commerce can confirm receipt**

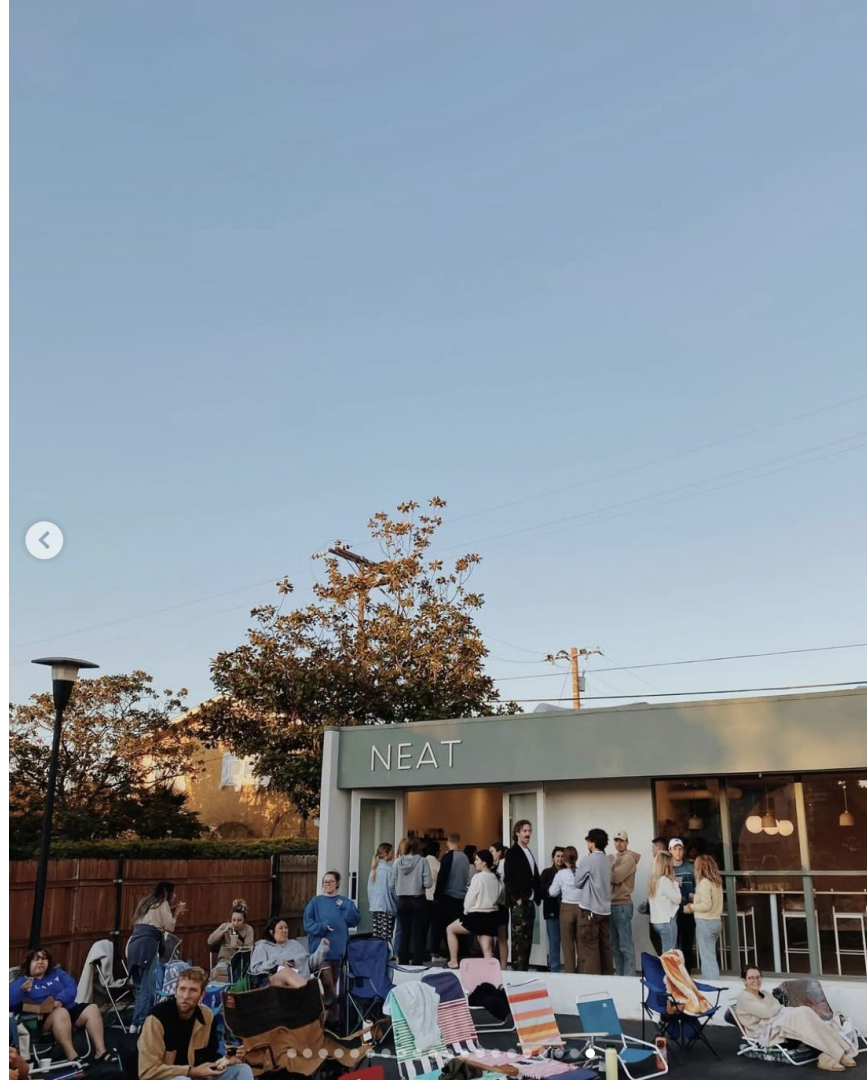


**Why is the Public Being Shielded from
important data, in the reality of facing a
STRUCTURAL BUDGE DEFICIT?**

The Story of Two Business and one government regulation

Marc Vukceovich









Neat Coffee almost didn't exist















EATER

How to Eat Through Orange County in 24 Hours

From morning to night, one
epic day of OC dining

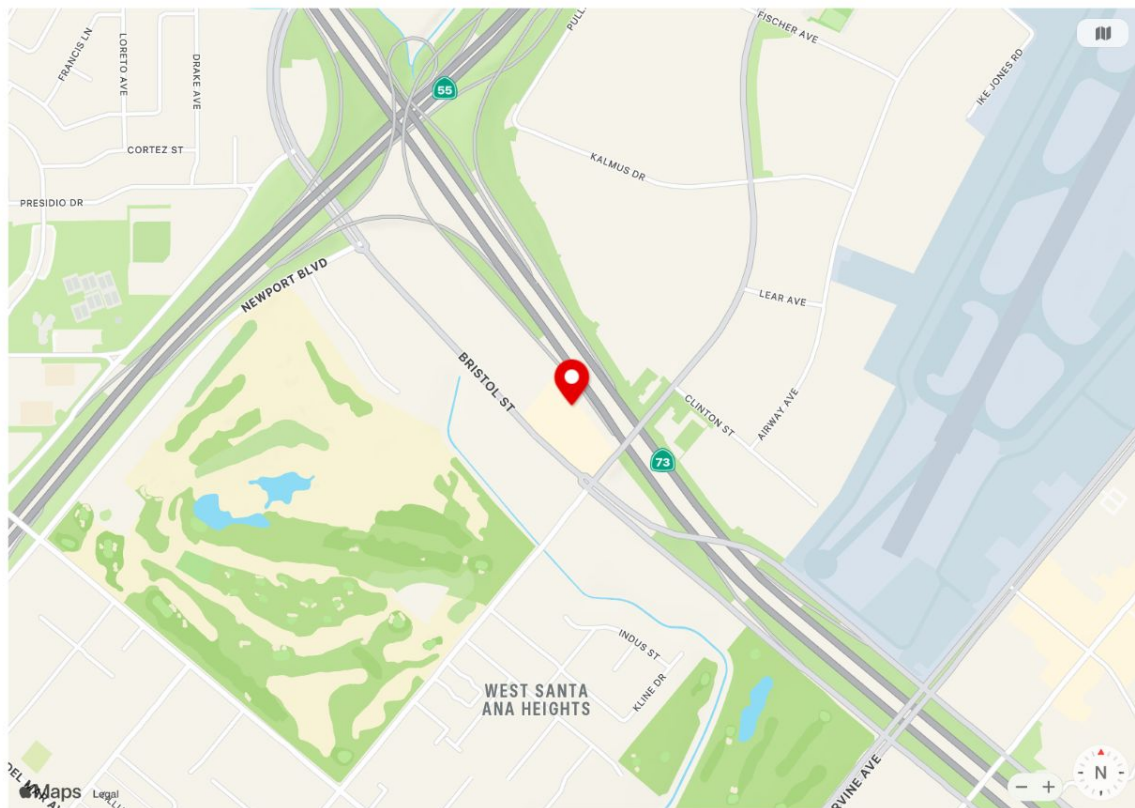
Boil & Bake [🔗](#)

Boil & Bake is worth the drive from Los Angeles. This Orange County operation has legions of fans who happily line up outside the Costa Mesa strip mall outlet, ready for breakfast sandwiches or whatever owner Carlos Perez has in mind. Try a bagel by itself, or with schmear, at first to appreciate the complex flavor that comes from its natural leavening process. Sandwiches here use ingredients sourced from local purveyors like Valdivia Farms heirloom tomatoes and La Bahn Ranch eggs.

📍 270 Bristol St #114, Costa Mesa, CA 92626, USA
📄

☎ (714) 494-9609

🌐 Visit Website



MORE MAPS IN EATER LA



The Best New Restaurants in Los Angeles



Take the Whole Family to These Kid-Friendly Restaurants in Los Angeles



The Best Los Angeles Coffee Shops With Free Wi-Fi



The Best Restaurant in Downtown Los Angeles

See more maps →





112

BOIL BOIL BOIL
BAKE BAKE BAKE
BOIL **BIG**
THINGS ARE
COMING...
2025 / 2026
BAKE BAKE BAKE
BOIL BOIL BOIL



114



How many businesses never even saw the light of day due to our parking standards?

“Parking requirements in zoning ordinances
create... unoccupied parking spaces.”

Parking does in fact induce traffic and driving

Example:

Hive Live was going to provide 1.25 the parking spaces over the minimum

All the while -- 580 Anton only has a parking utilization rate of 0.66*

*From memory

Private development should choose how much parking they need and if anything our city should consider parking maximums

The government does not know how much
parking a:

Mortuary

Housing development

Flower shop

Call center

An accountant's office

...actually needs to flourish

In sum, please end government mandated
parking requirements