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By _____

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Attorneys for Plaintiffs

Gerard Del Colliano, an individual, and

Krista Del Colliano, an individual

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

GERARD DEL COLLIANO, AN
INDIVIDUAL AND KRISTA DEL
COLLIANO, AN INDIVIDUAL

Plaintiffs,

v.

PALISAIR HOME OWNERS ASSOCIATION
and Does 1 THROUGH 50,
Inclusive,

Defendants.

Case No. BC 541 387

Notices of Deposition of

Designated Members of the Board

of Directors of Defendant

Palisair Home Owners Association

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

2 PLEASE TAKE NOTICE that Plaintiffs Gerard Del Colliano and
3 Krista Del Colliano will take the depositions of the following
4 individuals, in their representative capacities, as Members of the
5 Board of Directors of Defendant Palisair Home Owners Association
6 and/or Members of the Plans Committee of the Palisair Home Owners
7 Association (created pursuant to the Declaration of Restrictions
8 recorded in the Los Angeles County Recorder covering Tracts 15944,
9 15948 and 19890), as these Members specifically implemented the
10 Declaration of Restrictions in processing (and approving or
11 disapproving) Plaintiffs' Request for a Building Variance (the
12 construction of a partial second story) at 16163 Anoka Drive,
13 Pacific Palisades, California 90272 on the following dates and at
14 the following times:

15	DEPONENT	DATE:	TIME:
16	1) Steve Di Saia	8/21/2014	10:00 a.m.
17	2) Karen Olan	8/21/2014	12:00 noon
18	3) Diana Ungerleider	8/21/2014	2:00 p.m.
19	4) Francine Kirkpatrick	8/21/2014	4:00 p.m.
20	5) Syd Vinnedge	8/22/2014	10:00 a.m.
21	6) Patti Gallagher	8/22/2014	12:00 noon
22	7) Vi Walquist	8/22/2014	2:00 p.m.
23	8) Hal Erdley	8/22/2014	4:00 p.m.

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25 Notices of Depositon and Request for Production of Documents Directed to
Members of the Board of Directors of Palisair Home Owners Association

Each deposition will be taken at the offices of Personal Court Reporters at 11400 West Olympic Blvd, Suite 140, Los Angeles, CA 90064 before a certified court reporter and will continue from day to day, except Saturdays and Sundays, until completed.

PLEASE TAKE FURTHER NOTICE that the depositions may be videotaped pursuant to California Civil Code Procedure §2026.220 and/or recorded by stenographic method, through the instant visual display of testimony, to be used for all purposes, including use during discovery and at trial

PLEASE TAKE FURTHER NOTICE that, in addition to appearing in their respective representative capacities, each deponent is required to produce at the taking of his/her deposition, pursuant to Code of Civil Procedure §2025-220 et seq., the following:

DEFINITIONS AND INSTRUCTIONS

1. The term "person" or "persons" means any natural person, corporation, partnership, unincorporated association, trust, governmental entity or other legal or natural entity.

2. The terms "You" and "Your" refer to the party to whom these discovery requests are directed and shall include any and all representatives, employees, agents and all other persons presently or formerly acting or purporting to act on the behalf of the party to whom these discovery requests are directed.

1 3. The terms "document" or "documents" refers to all
2 writings as that term is defined in Evidence Code Section 250,
3 including the original (as defined in Evidence Code Section 255)
4 and copies which are different from the original, with notes made
5 on such copies or otherwise. These terms include, but are not
6 limited to, all audited and unaudited financial statements, work
7 papers, reports, letters, notes, correspondence, file book,
8 records, memoranda, calendars, diaries, billing records,
9 engagement letters, contracts, agreements, computer printouts,
10 photographs, audio tapes, video tapes, computer disks, computer
11 files, computer databases, computer hard drives, and so on.

12 4. The phrases "all documents relating to" and "all other
13 documents relating to" mean and include all documents that in any
14 manner or form relate in any way to the subject matter in
15 question, including, without limitation, all documents that
16 contain, record, reflect, summarize, evaluate, comment upon, or
17 discuss the subject matter or that in any manner state the
18 background of, or were the basis for, or that relate to, record,
19 evaluate, comment upon, or were referred to, relied upon,
20 utilized, generated, transmitted, or received in arriving at
21 conclusions(s), opinion(s), estimate(s), position(s), decision(s),
22 beliefs(s), or assertion(s) concerning the subject matter in
23 question.

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1 5. The term "any" includes each, every and all persons,
2 places, or things to which the terms refers.

3 6. The terms "and" and "or" are to be construed either
4 conjunctively or disjunctively to bring within the scope of this
5 request any information that might otherwise be considered to be
6 beyond their scope.

7 7. The singular form of a word should be interpreted as
8 plural, and the plural form of a word should be interpreted as
9 singular, to bring within the scope of this request any
10 information that might otherwise be considered to be beyond their
11 scope.

12 8. The terms "relating to," "regarding," "referring to,"
13 "reflecting to," or "pertaining to" shall mean directly or
14 indirectly mentioning or describing, or being connected with, or
15 reflecting upon a stated subject matter, document, event or
16 person.

17 9. The terms "communication" refers to any transmission of
18 information, including electronic transmission, correspondence,
19 telephone calls, or conversations.

20 10. The term "Lawsuit" or "shall" refer to the above-
21 captioned matter.

22 11. Unless otherwise stated, the words herein used should be
23 given their everyday common meaning.

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REQUEST FOR PRODUCTION OF DOCUMENTS AT DEPOSITION

REQUEST FOR PRODUCTION OF DOCUMENT NO.1:

1. Each and every WRITING or DOCUMENT that verifies, supports, evidences, contradicts or contains any information regarding YOUR statement in the February 23, 2014 correspondence (A copy of which is attached hereto as Exhibit "A" and incorporated hereat by this reference) stating that the "variance was not approved by the Board for a number of reasons."

REQUEST FOR PRODUCTION OF DOCUMENT NO.2

2. Each and every WRITING or DOCUMENT that verifies, supports, evidences, contradicts or contains any information regarding YOUR statement in the February 23, 2014 correspondence (A copy of which is attached hereto as Exhibit "A" and incorporated hereat by this reference) stating, "we were initially concerned about the height and location of the proposed second story, and its impact of privacy for the neighboring property at 1100 Las Lomas. "

REQUEST FOR PRODUCTION OF DOCUMENT NO.3

3. Each and every WRITING or DOCUMENT that verifies, supports, evidences, contradicts or contains any information regarding YOUR statement in the February 23, 2014 correspondence (A copy of which is attached hereto as Exhibit "A" and incorporated hereat by this

1 reference) stating "Still the nature of the proposed structure,
2 which would loom over the adjacent back yard, in not consistent
3 with the ambiance this small community has enjoyed."

4 **REQUEST FOR PRODUCTION OF DOCUMENT NO.4**

5 4. Each and every WRITING or DOCUMENT that verifies, supports,
6 evidences, contradicts or contains any information regarding YOUR
7 statement in the February 23, 2014 correspondence (A copy of which
8 is attached hereto as Exhibit "A" and incorporated hereat by this
9 reference) stating, "the natural morning sunlight that reaches the
10 same property would be diminished, which an independent
11 professional appraiser, hired at the Board's expense, determined
12 to have a negative impact on the property value."

13 **REQUEST FOR PRODUCTION OF DOCUMENT NO.5**

14 5. Each and every WRITING or DOCUMENT that verifies, supports,
15 evidences, contradicts or contains YOUR statement in the February
16 23, 2014 correspondence (A copy of which is attached hereto as
17 Exhibit "A" and incorporated hereat by this reference) stating,
18 "some found the appearance of the roof line to also be
19 inconsistent with the neighborhood."

20 **REQUEST FOR PRODUCTION OF DOCUMENT NO.6**

21 6. Each and every WRITING or DOCUMENT that verifies, supports,
22 evidences, contradicts or contains any information regarding YOUR
23 statement in the February 23, 2014 correspondence (A copy of which
24 is attached hereto as Exhibit "A" and incorporated hereat by this

1 reference) stating, "We have worked with the Board's architect to
2 determine and define a possible compromise which might meet the
3 needs of all concerned."

4 **REQUEST FOR PRODUCTION OF DOCUMENT NO.7**

5 7. Each and every WRITING or DOCUMENT that verifies, supports,
6 evidences, contradicts or contains any information regarding YOUR
7 statement in the February 23, 2014 correspondence (A copy of which
8 is attached hereto as Exhibit "A" and incorporated hereat by this
9 reference) stating, "We request that you change the proposal for
10 an inverted pitch roof over the second story to a standard pitch
11 roof with a normal pitch of reasonable magnitude."

12 **REQUEST FOR PRODUCTION OF DOCUMENT NO.8**

13 8. Each and every WRITING or DOCUMENT that verifies, supports,
14 evidences, contradicts or contains any information regarding YOUR
15 statement in the February 23, 2014 correspondence (A copy of which
16 is attached hereto as Exhibit "A" and incorporated hereat by this
17 reference) stating, "It is our understanding that a more
18 conventional roof line will lower the side of the structure
19 adjacent to 1100 Las Palmas by several feet, addressing any impact
20 on privacy and mitigating the obstruction of natural light and
21 thus the resulting impact on valuation."

22 **REQUEST FOR PRODUCTION OF DOCUMENT NO.9**

23 9. Each and every WRITING or DOCUMENT that verifies, supports,
24 evidences, contradicts or contains any information regarding YOUR

1 statement in the February 23, 2014 correspondence (A copy of which
2 is attached hereto as Exhibit "A" and incorporated hereat by this
3 reference) stating, "We should note as well that any new view
4 created by the new second story will not be protected by the
5 CC&Rs."

6 **REQUEST FOR PRODUCTION OF DOCUMENT NO.10**

7 10. All calendars, diaries, date books or other similar
8 records maintained by you for the last five years that reflect any
9 meeting in person, telephonic or otherwise, with any member of the
10 Plans Committee of the Palisair Home Owners Association.

11 **REQUEST FOR PRODUCTION OF DOCUMENT NO.11**

12 11. Each and every WRITING or DOCUMENT that evidences any
13 communication with Steve Di Saia, Chair, Plans Committee, Palisair
14 Home Owners Association in connection with the review of plans
15 submitted by Plaintiffs in connection with a building variance
16 located at 16163 Anoka Drive, Pacific Palisades, Ca 90272.

17 **REQUEST FOR PRODUCTION OF DOCUMENT NO.12**

18 12. ALL WRITINGS and DOCUMENTS upon which you relied or which you
19 reviewed in connection with YOUR approving or disapproving the
20 variance requested by Plaintiffs Jerry Del Colliano and Krista Del
21 Colliano.

22 If for any reason the deposition is not completed on said
23 date, the taking thereof will be continued from day to day
24

1 thereafter, not necessarily in consecutive order, excluding
2 Saturdays, Sundays and holidays, until completed.

3 Further Notice is Hereby Given that the deposition may be
4 videotaped for all purposes, including use during discovery and
5 at trial.

6 If the services of an interpreter are required, please
7 notify the undersigned immediately of the language and/or dialect
8 necessary.

9
10 DATED: August 11, 2014

Law Office of Terrance P. Huber
A Professional Corporation

11 By: 

12 Terrance P. Huber, Esq.
13 Attorneys for Plaintiffs
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Palisair Home Owners Association
A NON-PROFIT CORPORATION
P.O. Box 901
Pacific Palisades, CA 90272
www.palisair.org

The association itself is a "Tract Committee"
under the Declaration of Restrictions covering
Tracts 15944, 15948 and 19890, and operates as
such through its Board of directors and its Officers

February 23, 2014

BY E-DELIVERY ONLY

Mr. Jerry Del Colliano
16163 Anoka Drive
Pacific Palisades, CA 90272
Mr. Del Colliano:

We wanted to add more detail to the electronic correspondence we have had with you on your application for a variance for the project proposed at 16163 Anoka Drive. Specifically, you have sought the addition of a second story, bringing the elevation of the home to 26'11", which would substantially exceed the 15'6" limitation established in the CC&Rs for the Palisair Home Owners Association ("PHOA").

As you know, the Board for the PHOA has dedicated a good deal of time to the investigation of the potential impact on the affected neighbors. You were kind enough to erect story poles to aid in that evaluation.

As has been discussed, the variance was not approved by the Board for a number of reasons. We were initially concerned about the height and location of the proposed second story, and its impact on privacy for the neighboring property at 1100 Las Lomas. The discussion at our meeting provided some relief for that concern.

Still the nature of the proposed structure, which would loom over the adjacent back yard, is not consistent with the ambience this small community has enjoyed. In addition, the natural morning sunlight that reaches the same property would be diminished, which an independent professional appraiser, hired at the Board's expense, determined to have a negative impact on property value.

Further, some found the appearance of the roof line to also be inconsistent with the neighborhood. Specifically, there was a feeling that it lacked conformity to the widely and commonly accepted appearances and design found in our neighborhood. These are all factors which the Board is required to consider in the determination on a request for variance under Article III, Section 1 and Article IV, Section 2 of the CC&Rs.

As suggested in our earlier email, we have worked with the Board's consulting architect to determine and define a possible compromise which might meet the needs of all concerned.

EXHIBIT A

Jerry Del Colliano
February 23, 2014
Page 2

Based on that effort, we request that you change the proposal for an inverted pitch roof over the second story portion to a standard pitch roof with a normal pitch of reasonable magnitude. The views created and maximum height above the original grade level would be unchanged. It is our understanding that a more conventional roof line will lower the side of the structure adjacent to 1100 Las Lomas by several feet, addressing any impact on privacy and mitigating the obstruction of natural morning light and thus the resulting impact on valuation.

Please discuss this approach with your architect to determine if it is acceptable. With the appropriate plans and a review by the Board, we feel you would have a significant chance of gaining approval. We should note as well that any new view created by the new second story will not be protected by the CC&Rs.

This proposal has been assembled by the Board in the spirit of compromise and concession on your behalf, despite the extreme accusations you have made and the fact that, to date, you have not offered to make a single revision to the proposed plan for the structure to address the issues raised by your neighbors. Yes, you have offered to work with planting, trees, and fences on their behalf, but the privacy and lighting issues presented by the structure, and the corresponding effect on value, have remained.

We sincerely hope that this compromise position results in a resolution and that you and your family will thereafter enjoy your new home in the wonderful Palisair neighborhood.

Sincerely,

Larry Friedman
President

Steve Di Saia
Chair, Plans Committee

cc: Terrence Huber, Esq. (by e-mail)

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LAW OFFICE OF TERRANCE P. HUBER