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Attorneys for Petitioner
ANN WALNUM

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AW150

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 03 2011

John A. Clarke, Executive Officer/Clerk
BY Nancy Alvarez, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

BS183198

ANN WALNUM, individually;

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal
corporation; the BOARD OF
RECREATION AND PARKS
COMMISSIONERS, a legislative body; and
DOES 1 through 10, inclusive,

Respondents.

AUTRY NATIONAL CENTER OF THE
AMERICAN WEST, a California non-profit
corporation; and ROES 1 through 10,
inclusive,

Real Party in Interest.

Case No. BS _____

**VERIFIED PETITION FOR WRIT OF
MANDATE AND FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

[Code Civ. Proc. § 1085, Brown Act,
Govt. Code § 54950, et seq., Declaratory
Judgment § 1060]

[

CIT/CASE: BS133193 LEA/REF#:
RECEIPT #: CCM51233048
DATE PAID: 08/03/11 03:24:28 PM
PAYMENT: \$395.00
RECEIVED: 0310

CHECK: _____
CASH: _____
CHANGE: _____
CARD: 395.00

88/83/11

1 through the act of specially "calling" the meeting and posting proof of such for public
2 view. A special meeting may only be initiated through the issuance of a "call" of the
3 meeting by a person or persons authorized by law to specially call a meeting. The Brown
4 Act authorizes only the presiding officer or a majority of the members of the legislative
5 body to specially "call" a meeting. Govt. Code § 54956 (First Sentence).

6 6. Unlike the statutory provision for regular meetings, Section 54956 refers to
7 a written document of the presiding officer or majority of members "calling" the special
8 meeting as: "the call." ("The call and notice shall specify the time and place of the special
9 meeting and the business to be transacted or discussed." and "The call and notice shall be
10 posted at least 24 hours prior to the special meeting in a location that is freely accessible
11 to members of the public.") Thus, in order to demonstrate that the authority to call a
12 special meeting has been lawfully exercised, either the presiding officer or a majority of
13 the members of a legislative body must issue a written "call" of the meeting, signed by
14 them to show they in fact called the meeting. The call and notice of the business to be
15 transacted at the meeting must be sent to the other members of the legislative body, sent to
16 the members of the press who are on file as requesting written notice of meetings, and
17 posted at least 24 hours in advance of the special meeting at a place freely accessible to
18 members of the public. Govt. Code § 54956. Failure to comply with these procedural
19 prerequisites results in a special meeting conducted without authority and actions taken at
20 such unlawful meeting are null and void.

21 7. Because a special meeting can be lawfully called with less than 72 hours
22 notice normally required for a regular meeting agenda, strict compliance with the
23 procedural mandates of the special meeting statute is critical or public bodies would be
24 tempted to issue special meeting notices in derogation of the usual public right to at least
25 72 hours notice of items of business. As the Brown Act is written by the Legislature,
26 special meetings are expected to be the exception, not the norm, and this is accomplished
27 by banning the conduct of any "other business" at a gathering of the legislative body to
28 conduct a special meeting.

PARTIES

1
2 8. Petitioner Ann Walnum is a property owner in the City of Los Angeles.
3 Petitioner is a founder of the Friends of the Southwest Museum Coalition, a First
4 Amendment advocacy group seeking to hold Real Party Autry National Center of the
5 American West ("Autry") accountable for merger commitments it made to rehabilitate
6 and continue the land use of the historic Southwest Museum at its Northeast Los Angeles
7 location in the community of Mount Washington/Highland Park. Petitioner attended the
8 June 30, 2009 public hearing on the Autry Building Expansion Project, and had a keen
9 interest in attending the May 20, 2011 Board of Recreation and Parks Commissioners
10 meeting, if it had been called in accordance with law.

11 9. Petitioner and the public have a substantial interest in ensuring that the
12 City's decisions and actions are in conformity with the requirements of law, and in having
13 those requirements properly executed and the public duties of the City enforced.
14 Petitioner is and will be adversely affected by impacts resulting from the City's actions
15 described herein, and is aggrieved by the past, present and continuing acts and omissions
16 of the City, *inter alia*, in violating the Brown Act, as alleged in this Petition. Petitioner is
17 suing on her behalf, and as applicable, on behalf of all others, as well as all citizens of the
18 City of Los Angeles and the State of California, who are affected by the City's past,
19 present and future violations of law.

20 10. Respondent City of Los Angeles is a California charter city located in Los
21 Angeles County, California. Hearings and meetings held by the City of Los Angeles and
22 its constituent bodies, commissions and agencies are governed by the Brown Act.

23 11. Respondent Board of Recreation and Parks Commissioners is an appointed
24 legislative body of the City that has discretionary authority over the City's parks,
25 including land in Griffith Park on which the Autry has a 50-year land lease.

26 12. Petitioner is informed and believes, and based thereon alleges, that Autry
27 National Center of the American West is a California tax-exempt, non-profit charitable
28

1 corporation, and the proposed developer of a Project to substantially expand Southwest
2 Museum land uses within its own museum building in Griffith Park.

3 13. Petitioner is ignorant of the true names of respondents sued herein as
4 DOES 1 through 10, inclusive, and therefore sues said respondents by those fictitious
5 names. Petitioner will amend the petition to allege their true names and capacities when
6 the same have been ascertained. Petitioner is informed and believes, and based thereon
7 alleges, that each of these fictitiously named respondents is in some manner responsible
8 for the wrongful conduct alleged in this petition. Petitioner is informed and believes, and
9 based thereon alleges, that these fictitiously named respondents were, at all times
10 mentioned in this petition, the agents, servants, and employees of their co-respondents and
11 were acting within their authority as such with the consent and permission of their co-
12 respondents.

13 14. Petitioner is ignorant of the true names of real parties sued herein as
14 ROES 1 through 10, inclusive, and therefore sues said real parties by those fictitious
15 names. Petitioners will amend the petition to allege their true names and capacities when
16 the same have been ascertained. Petitioner is informed and believes, and based thereon
17 alleges, that each of these fictitiously named real parties is in some manner responsible for
18 the wrongful conduct alleged in this petition. Petitioner is informed and believes, and
19 based thereon alleges, that these fictitiously named real parties were, at all times
20 mentioned in this petition, the agents, servants, and employees of their co-real parties and
21 were acting within their authority as such with the consent and permission of their co-real
22 parties.

23 **GENERAL ALLEGATIONS**

24 **The Public Interest In the Southwest Museum – Los Angeles' First Museum**

25 15. This case revolves around the rights of the public to petition the City of
26 Los Angeles about potential negative environmental and policy impacts associated with
27 ongoing efforts of the Autry Museum to move the land uses of the Southwest Museum
28 from its National Register of Historic Places location in Mount Washington into the

1 basement of the Autry Museum building in Griffith Park. At least 7,000 persons from Los
2 Angeles have signed petitions demanding that as a condition of any effort of the Autry to
3 ~~establish a new land use of Southwest Museum exhibition halls inside the Autry Building~~
4 in Griffith Park, Autry be held accountable for merger promises it made as a condition of
5 being entrusted with the assets of the Southwest Museum in 2003. Because the Autry
6 Museum building is constructed on public trust lands in Griffith Park for which it only
7 pays \$1 per year rent, according to the audited financial statements of the Autry, the
8 People of Los Angeles cross-subsidize the Autry Museum to the extent of the fair market
9 value of the land used – a subsidy estimated at about \$260,000 per year. Thousands of
10 California residents are opposed to the ongoing efforts of the Autry Museum to abandon
11 the historic Southwest Museum site instead of rehabilitating it for continued public service
12 -- especially because Autry's own experts have concluded in an exhaustive 227 page
13 report that rehabilitation of the historic site is physically and economically viable. They
14 are also opposed to Autry using their parkland in Griffith Park to accomplish the act of
15 unnecessarily destroying the Southwest Museum as an important economic and tourism
16 engine in Northeast Los Angeles – one of the few museum locations in the region with a
17 dedicated Metro Rail Station named "Southwest Museum" that could deliver visitors to its
18 front door. This is a \$25 million public works investment in the historic site that would be
19 stranded if Autry walked off with the Southwest's priceless 230,000 piece collection for
20 itself and failed to use the Southwest Museum to exhibit its collections.

21 16. In June 2009, during a prior effort of the Autry to obtain land use
22 entitlements from the City enabling it to expand its Griffith Park museum building so as to
23 move the entire Southwest Museum (exhibition halls, library, collections storage, and
24 administrative offices) into the expanded Autry building, thousands of people wrote
25 objection letters, faxes, and emails to the Los Angeles City Council, and so many people
26 came to the June 30, 2009 public hearing on the proposal that a Committee of the City
27 Council voted to delay decision to allow negotiation of a protective condition for the
28

1 historic Southwest Museum as a condition of Autry being allowed the expansion using
2 taxpayer land in Griffith Park.

3 17. So many people attended the June 30, 2009 City Council Committee
4 meeting that the Fire Department closed the Board of Public Works meeting room where
5 the meeting was originally scheduled. When people began chanting in the hallway to be
6 admitted to the meeting, the meeting was moved to the largest room in City Hall – the
7 City Council Chambers where every seat was taken and people stood around the perimeter
8 of the room. A majority of the persons in the room stood in support of protection of the
9 City’s first museum – the Southwest Museum. Seeking to avoid accountability for its
10 2003 promises and because it had failed to raise sufficient funds from the private
11 foundation and donor community to construct the building expansion, the Autry soon
12 thereafter withdrew the museum building expansion proposal to move the Southwest
13 Museum into Griffith Park.

14 18. In contrast to the June 30, 2009 meeting, on May 20, 2011 at the Board of
15 Recreation and Parks Commissioners meeting, a new project to convert spaces inside the
16 Autry’s Griffith Park building to move the Southwest Museum’s exhibition land uses
17 from Mount Washington to Griffith Park was considered and approved. The Project was
18 approved with just four employees of Autry giving testimony. Because of violations of
19 the Brown Act, no interested member of the public, including thousands of supporters of
20 the Friends of the Southwest Museum Coalition, knew of, and because of that lack of
21 adequate notice, did not attend the May 20, 2011 meeting of the Board of Recreation and
22 Parks Commissioners.

23 **Meeting History of the Board of Recreation and Parks Commissioners**

24 19. The Board of Recreation and Parks Commissioners has a reputation among
25 those who monitor or attend its meetings as one of the least transparent of the City’s
26 citizen commissions. Although the Board members have a set of known regular meeting
27 dates to enter into their appointment calendars and make their personal priority as
28 appointed Commissioners, cancellation of regular meetings, movement of regular

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1 meetings to other days and using special meeting notices, failing to issue regular meeting
2 agendas and instead using 24 hour special meeting notices on regular meeting days, and
3 the conduct of special meetings in the midst of regular meetings is common place. For
4 instance, since just the beginning of 2011, only 5 of the approximately 20 public meetings
5 conducted by the Board were regular meetings with at least 72 hours posted meeting
6 agenda notice. Thus, approximately 75% of the Board's meetings so far this year were
7 conducted using special meeting agendas where the posted notice to the public was less
8 than 72 hours, and more frequently the special meeting agendas were posted closer to only
9 24 hours notice. A review of the meeting agenda archive on the Board's website at
10 <http://www.laparks.org/commissionerhtml/2011/11/agendas.htm>, shows that these practices
11 have been common for a decade. The use of special meeting notices have become so
12 common that they have become the "regular" practice of the Board to routinely give the
13 public less than 72 hours posted notice of its proposed items of business.

14 20. Even though the Commissioners of the Board have known of the regularly
15 scheduled meeting dates of the Board months in advance, cancellation of Board of
16 Recreation and Parks Commissioners meetings occurs with some frequency. So far in
17 2011, the Board has cancelled at least 3 regular meetings. If the meetings were moved to
18 another day, the agenda was usually issued as a special meeting with less than 72 hours of
19 minimum notice to the public.

20 21. The Board also frequently issues special meeting notices with items of
21 business that could just as easily await placement on the next regular meeting agenda as
22 required by law. When this occurs, a meeting agenda was issued for a regular meeting
23 with at least 72 hours notice, but then about 24 hours prior to the regular meeting, the
24 Board's secretary issued and posted a special meeting agenda adding more items of
25 business to the same day's business as the regular meeting. On the day of the meeting, the
26 Board conducts its regular meeting and special meeting concurrently and as a result of this
27 practice, regular agenda items for which lawful 72 hour notice was given are considered at
28 the same gathering of the Board as the items given only 24 hour notice using the special

1 meeting agenda. Government Code Section 54956 prohibits the consideration of any
2 other business at a special meeting and this means the Board's routine practice of
3 considering regular meeting business at the same gathering of Board members as those
4 posted on the special meeting notice violates the Brown Act ("No other business shall be
5 considered at these [special] meetings of the legislative body.")

6 22. In this modern age of the Internet, the City has created an Early
7 Notification System ("ENS") for its meeting agendas that proactively sends notice of City
8 Council and Commission meetings and agendas to members of the interested public.
9 Under this system, a person may subscribe to the ENS for the Board of Recreation and
10 Parks Commissioners. When the Board posts a meeting agenda at its physical posting
11 location, the staff is responsible for uploading the Board's meeting notices and agendas to
12 the ENS which then automatically forwards the meeting notices and agendas to the email
13 addresses of persons subscribed to the ENS. A person subscribed to the ENS for a
14 particular city body can only be unsubscribed by returning to the ENS webpage and
15 requesting removal of his or her email address from the registered list of meeting notice
16 and agenda recipients.

17 23. Many supporters of the Friends of the Southwest Museum, in lieu of an
18 automobile trip downtown to monitor the Board's physical posting location, and in lieu of
19 remembering to check the Board's website every single day that a 24 hour special meeting
20 notice might get posted to the Board's website, are registered ENS recipients for Board of
21 Recreation and Parks Commissioners meeting notices and agendas. For the past years
22 leading up to the May 20, 2011 Board of Recreation and Parks Commissioners meeting,
23 they have been subscribed to ENS to monitor the meeting notices and attend Board
24 meetings when necessary.

25 **The May 20, 2011 Board Action to Approve A New Austry Project**

26 24. On May 18, 2011, the staff of the Recreation and Parks Department
27 physically posted a meeting notice for May 20, 2011. The amount of posted notice was
28 less than 72 hours prior to the start time of the meeting. The notice stated the meeting was

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1 a "Special Meeting". No "call" of the special meeting was posted with the notice of the
2 business to be transacted at the special meeting.

3 ~~25. At some unknown time, the Recreation and Parks Department staff posted~~
4 the Special Meeting agenda for the May 20, 2011 meeting to its website. Petitioner is
5 informed and believes, and thereon alleges, that this agenda was posted to the Recreation
6 and Parks website less than 24 hours prior to the start time of the meeting. May 20, 2011
7 is not a regular meeting date of the Board, so few members of the public would be visiting
8 the Department's website looking for a meeting agenda on May 18 or 19, 2011. No "call"
9 of the special meeting was posted on the Department's website along with the notice of
10 items of business to be transacted at the special meeting.

11 26. None of the persons from the Friends of the Southwest Museum Coalition
12 who were subscribed to the Board of Recreation and Parks Commissioners ENS list
13 received any email with the "call" of the special meeting or the notice of the items of
14 business to be transacted on May 20, 2011. Because they would have notified Petitioner
15 of the meeting had they themselves received notice of the meeting, Petitioner had no
16 notice of the May 20, 2011 special meeting.

17 27. The agenda of the May 20, 2011 special meeting had an item described as
18 "General Manager Reports – 11-0129 GRIFFITH PARK – AUTRY NATIONAL
19 CENTER – RENOVATION OF EXISTING EXHIBIT SPACE AT THE MUSEUM OF
20 THE AMERICAN WEST." The agenda description failed to give the public notice of
21 intent to take action on anything. The agenda description failed to give the public notice
22 of intent to grant a discretionary decision under the land lease agreement between Autry
23 and the City – in fact, the description failed to even mention the land lease at all.

24 28. Petitioner knows only one person who saw the May 20, 2011 meeting
25 agenda prior to the Board's meeting. That person informed the Friends of the Southwest
26 Museum Coalition that the agenda description was so innocuous sounding that they were
27 misled as to what the Board intended to do in connection with the item as described. The
28

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1 person was unaware that the Board would approve anything under the Autry land lease
2 in connection with the item of business as described in the special meeting notice.

3 ~~29. Petitioner is informed and believes, and thereon alleges, that when the~~
4 Autry item was called at the meeting, only four persons, all employees of the Autry,
5 testified in favor of approval of the item. The Board then voted to approve the item.

6 30. On June 20, 2011, Petitioner sent a letter to the Board of Recreation and
7 Parks Commission demanding that it cure and correct the violations of the Brown Act that
8 caused Petitioner and thousands of members of the Friends of the Southwest Museum to
9 be unaware of the Board's proposed action on May 20, 2011.

10 31. The City of Los Angeles and the Board of Recreation and Parks
11 Commissioners did not reply to the demand to cure and correct.

12 32. This action is timely filed after expiration of the time for the City and
13 Board of Recreation and Parks Commission to respond to the cure and correct demand
14 letter.

15 33. Petitioner has exhausted all administrative remedies prior to the filing of
16 this action.

17 **FIRST CAUSE OF ACTION**

18 **(Violation of the Brown Act – Failure to Issue And Post A Signed Call**
19 **of the Friday, May 20, 2011 Special Meeting of the Board of Recreation**
20 **and Parks Commissioners)**

21 34. Petitioner realleges and incorporates herein by reference the allegations of
22 Paragraphs 1 through 33, inclusive, of this petition.

23 35. In order to have legal authority to call a "special meeting" in derogation of
24 the normal minimum 72 hours notice required by the posting of a regular meeting notice,
25 the presiding officer or majority of the legislative body must issue a call of the special
26 meeting that objectively demonstrates that they themselves took an act to call the special
27 meeting. The Brown Act requires proof of this objective act with the requirement that the
28 "call and notice shall specify the time and place of the special meeting and the business to

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1 be transacted or discussed” and that the “call and notice shall be posted at least 24 hours
2 prior to the special meeting in a location that is freely accessible to members of the
3 public”.

4 36. Because there is no restriction on the subject matter of items that may be
5 placed upon a special meeting notice, absolutely strict conformity with the call and notice
6 prerequisites of the Brown Act for special meetings is mandatory in order for a legislative
7 body to gain authority to conduct the special meeting, because a special meeting, once
8 lawfully called, can be used to give far less than the normal 72 hours regular meeting
9 notice of items of the public’s business proposed to be taken up at the meeting.

10 37. Government Code Section 54954.4(c) sets forth the importance that the
11 Legislature assigns to full and complete compliance with the Brown Act, by stating: “The
12 Legislature hereby finds and declares that complete, faithful, and uninterrupted
13 compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
14 of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public
15 importance.”

16 38. The City’s actions in this matter are not “complete, faithful, or
17 uninterrupted compliance” with the mandates of the Brown Act, and as a result, the City
18 has failed to proceed in the manner required by law to the detriment of Petitioner and the
19 public who wished to appear at the hearing and/or speak in opposition to the Project.

20 39. The failure to issue or post a “call” of the special meeting rendered the
21 conduct of the May 20, 2011 meeting of the Board of Recreation and Parks
22 Commissioners null and void.

23 40. Accordingly, the action of the Board of Recreation and Parks to grant
24 discretionary approval, taken at an unlawfully conducted special meeting on May 20,
25 2011, is null and void.

26 41. Petitioner is entitled to the issuance of a writ of mandate invalidating the
27 Project approvals adopted on May 20, 2011.

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SECOND CAUSE OF ACTION

**(Violation of the Brown Act – Pattern and Practice of Ignoring The Call
Requirement of Government Code Section 54956.)**

42. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 41, inclusive, of this petition and complaint.

43. Government Code Section 54956 provides that the presiding officer or a majority of a legislative body may call a special meeting by delivering the “call” of the meeting and notice of the business to be transacted or discussed to each member of the legislative body and to each member of the press that has requested notice of such calls of special meetings in writing. That section also provides that the “call and notice shall be posted at least 24 hours prior to the special meeting in a location freely accessible to the public.” Nowhere in Government Code Section 54956 is the act of calling a special meeting permitted to be delegated to the staff of a legislative body. Only the presiding officer or a majority of the legislative body may take action to call a special meeting and evidence the valid exercise of that authority by issuing a written and signed “call” of the special meeting.

44. Petitioner is informed and believes, and based thereon alleges, that as a pattern and practice of the Board of Recreation and Parks Commissioners over the past decade, no written “call” of a special meeting, signed by either the presiding officer or a majority of the members of the Board of Recreation and Parks Commissioners to demonstrate the call authority has been validly exercised, has been issued or posted with each special meeting notice used by the Board.

45. Petitioner is informed and believes, and based thereon alleges, that as to the Board of Recreation and Parks Commissioners, neither the presiding officer of the Board nor a majority of the Board has issued or does issue a written “call” of any special meeting of the Board. As a result of these ongoing failures, members of the public, including Petitioner, are prejudiced because they cannot objectively see evidence that the call authority was validly exercised as mandated by the express language of the Brown

1 Act. These failures and omissions to issue a call of special meetings violate the
2 Legislature's intent expressed in the wording of Government Code Section 54956.

3 46. Petitioner is informed and believes, and based thereon alleges, that when
4 the Board Secretary of the Board of Recreation and Parks Commissioners issues and
5 posts a special meeting agenda, the special meeting agenda fails to demonstrate to the
6 public that the call of the special meeting was validly exercised which is the precise
7 purpose of the Legislature requiring the "call" of a special meeting to be posted along
8 with the notice of the items of business to be transacted at the special meeting.

9 Accordingly, the City has a pattern and practice of not posting an order, letter, petition,
10 or resolution signed by the presiding officer or a majority of legislative body members of
11 the Board of the Recreation and Parks Commissioners that would properly constitute the
12 call of a special meeting, in violation of Government Code Section 54956.

13 47. The City of Los Angeles, acting through its Board of Recreation and Parks
14 Commissioners systematically and consistently fails to proceed in accordance with
15 Government Code Section 54956 in connection with the call of special meetings.
16 Because the special meetings are not called in accordance with the requirements of
17 Government Code Section 54956, the City routinely conducts special meetings in
18 violation of law for which as little as 24 hours notice is given instead of placing the
19 business on a regular meeting agenda with a minimum of 72 hours notice. These
20 practices worked to the actual prejudice of Petitioner in this case and threaten to do so in
21 the future unless restrained.

22 48. Petitioner is entitled to a writ of mandate and declaratory and injunctive
23 relief commanding the City of Los Angeles and its Board of Recreation and Parks
24 Commissioners to fully and faithfully comply with the call, notice, and posting
25 requirements of Government Code Section 54956.

26 **THIRD CAUSE OF ACTION**

27 **(Violation of the Brown Act – Routine Pattern and Practice of Conducting Other**
28 **Business at a Gathering of the Board for a Special Meeting.)**

1 49. Petitioner realleges and incorporates herein by reference the allegations of
2 Paragraphs 1 through 48, inclusive, of this petition and complaint.

~~3 50. Government Code section 54956 provides in relevant part: "No other
4 business shall be consider at these [special] meetings by the legislative body." Because
5 the Brown Act is a remedial statute that must be construed liberally to protect the public
6 rights it confers, this prohibition must be read to expressly prohibit the concurrent
7 conduct of a regular meeting at the same gather of the legislative body as a special
8 meeting. The Legislature was aware of the potential abusive use of the 24-hour special
9 meeting notice to routinely deprive the public of normal 72 hours minimum notice of
10 proposed public business by public agencies. To prevent this from happening, the
11 Legislature expressly banned the conduct of any "other business" at a special meeting.~~

12 51. The pattern and practice of the Board of Recreation and Parks
13 Commissioners to routinely conduct special meetings concurrently with, immediately
14 before, or immediately after a gathering of the Board for a regular meeting violates the
15 remedial intent expressed by the Legislature in banning the conduct of any "other
16 business" at a special meeting.

17 52. The Board's routine use of special meetings at the same gathering as
18 regular meetings violates the Brown Act.

19 53. Without the grant of writ of mandate, declaratory or injunctive relief, the
20 Board of Recreation and Parks Commission will persist in its unlawful conduct of
21 regular and special meetings at the same gathering of the legislative body.

22 54. Petitioner is therefore entitled to relief from this Court to halt this ongoing
23 unlawful practice of concurrent or serial regular/special meetings that systematically
24 deprive Petitioner and the public of their right under the Brown Act to 72 hours
25 minimum notice of routine business before the Board at a regular meeting.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Petitioner prays entry of judgment as follows:

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1 (1) For issuance of a writ of mandate and a declaration by this Court that the
2 City violated the Brown Act in its improper noticing and agendizing in connection with
3 ~~the May 20, 2011 Board of Recreation and Parks Commissioner's meeting~~, and declaring
4 null and void all Project approvals adopted by the Board at such meeting.

5 (2) For issuance of a writ of mandate, a declaration and injunctive relief by this
6 Court prohibiting the calling of a special meeting without use of a "call" that provides
7 objective proof to the public inspecting the call that either the presiding officer or a
8 majority of the Board of Recreation and Parks Commissioners took action themselves to
9 call the meeting.

10 (3) For issuance of a writ of mandate and a declaration by this Court that the
11 Board of Recreation and Parks Commissioners is required to issue and then post with any
12 special meeting notice the order, petition, letter or resolution, signed by the presiding
13 officer or majority of Board calling a special meeting, in full compliance with
14 Government Code Section 54956.

15 (4) For issuance of declaratory and injunctive relief barring the Board of
16 Recreation and Parks Commission from conducting any "other business" including items
17 of business on a regular meeting agenda at the same gathering of the Board to conduct a
18 special meeting.

19 (5) For costs of suit.

20 (6) For an award of attorney fees, including pursuant to Government Code
21 Section 54960.5 and Code of Civil Procedure Section 1021.5.

22 (7) For such other and further relief as this Court deems just and proper.
23

24 DATED: August 3, 2011

THE LAW OFFICE OF DANIEL WRIGHT

25 By: 
26 _____

DANIEL E. WRIGHT

Attorneys for Petitioner Ann Walnum
27
28

VERIFICATION

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ss:

I, ANN WALNUM, declare as follows:

I am the Petitioner in this action. I have read the foregoing Petition for Writ of Mandamus and for Declaratory and Injunctive Relief and am familiar with its contents. The same is true of my own knowledge, except as to those matters that are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the 3rd day of August, 2011.


ANN WALNUM

PT/08/08

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
The Law Office of Daniel Wright
DANIEL WRIGHT (SBN 144490)
467 Crane Blvd.
Los Angeles CA 90065
TELEPHONE NO.: 213-925-2592 FAX NO.: fiberflash@gmail.com
ATTORNEY FOR (Name): Petitioner, Ann Walnum

FOR COURT USE ONLY
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
AUG 03 2011
John A. Clarke, Executive Officer/Clerk
BY Nancy Alvarez, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Central

CASE NAME:
Ann Walnum v. City of Los Angeles

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other P/PI/D/W/D (23) | Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) | Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20) |
| Non-P/PI/D/W/D (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-P/PI/D/W/D tort (35) | Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) | Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) |
| Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input checked="" type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 3 (Brown Act nullification, Brown Act pattern and practice violations)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 3, 2011
Daniel Wright
(TYPE OR PRINT NAME)

Daniel E. Wright
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

55/55/55

BS133193

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:
 JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL _____ HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

11/25/05

SHORT TITLE:

Walnum v. City of Los Angeles

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

11/23/85

SHORT TITLE:

Walnum v. City of Los Angeles

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
<input type="checkbox"/> A6123 Workplace Harassment		2., 3., 9.	
<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case		2., 3., 9.	
<input type="checkbox"/> A6190 Election Contest		2.	
<input type="checkbox"/> A6110 Petition for Change of Name		2., 7.	
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law		2., 3., 4., 8.	
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

TT/EE/BB

SHORT TITLE: Walnum v. City of Los Angeles	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input checked="" type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.	ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street Los Angeles, CA 9012	
	CITY: Los Angeles	STATE: CA

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: August 3, 2011


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

08/03/11