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March 5, 2025

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
VIA HAND DELIVERY

Jacqueline Marie Pal
C/O Edgar Saenz, Esq.
Law Office of Edgar Saenz
8921 S. Sepulveda Blvd., Suite 101
Los Angeles, CA 90045

VIA ELECTRONIC MAIL & U. S. MAIL

Aaron Klapper
The Klapper Group/eXp Realty of California, Inc.
424 CA-1
Hermosa Beach, CA
[**Aaron@KlapperGroup.com**](mailto:Aaron@KlapperGroup.com)

Aaron Klapper
The Klapper Group/eXp Realty of California, Inc.
2603 Camino Ramon, Suite 200
San Ramon, CA 94583

Re: **Notice of Lien Hearing regarding recovery of nuisance abatement costs
for 1467 11th Street, Manhattan Beach**

Dear Mr. Klapper, Ms. Pal, Mr. Saenz, and Estate of Mr. Douglass Aziz:

My office represents the City of Manhattan Beach ("City"). The City is aware that you are the listing agent of real property at 1467 11th Street in Manhattan Beach, also known as Los Angeles County Tax Assessor's Parcel Number ("APN") 4167-001-025 ("Property"), which the City understands is currently owned by the estate of Mr. Douglass Aziz, for whom Ms. Jacqueline Pal is serving as the executor, who is represented by Mr. Edgar Saenz.

As you are likely aware, the City has been involved in a several-years long attempt to abate several nuisances at the Property, including but not limited to the City's lawsuit against Mr. Aziz

which was filed on May 3, 2021. As part of that lawsuit, the City successfully obtained a preliminary injunction on March 23, 2022, which is attached hereto as **Exhibit A**. As part of this injunction, the Court ordered Mr. Aziz to refrain from further violating the Manhattan Beach Municipal Code and to abate the existing nuisances on his property.

To date, the City has expended **\$112,445.15** to abate the nuisances at the Property as alleged in the City's lawsuit. Attached to this letter as **Exhibit B** is a true and correct copy of the City's itemized written report of the costs incurred related to the abatement of nuisances on the Property.

This letter serves as official notice that on May 20, 2025, under Manhattan Beach Municipal Code Chapter 9.68, subsections 130 and 140, the City will hold a City Council hearing to recover its reasonable attorneys' fees incurred in abating the nuisances at the Property, which is currently **\$112,445.15, plus any additional city costs and legal incurred in connection with abating the nuisance and/or holding the City Council hearing**. Upon approval of the record of the City's costs of abatement, the City will then either record a nuisance abatement lien pursuant to the Manhattan Beach Municipal Code against the Property or impose a special assessment pursuant to the Code against the Property.

If you have any questions regarding the City's nuisance abatement at the Property or the May 20, 2025 City Council hearing to approve the City's abatement cost report, please do not hesitate to contact Quinn Barrow, City Attorney, at (213) 626-8484.

Sincerely,



Jordan T. Smith

Attachment(s)

cc: Quinn Barrow, City Attorney

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EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Southwest District, Torrance Courthouse, Department B

21TRCV00335

PEOPLE OF THE STATE OF CALIFORNIA, et al. vs

DOUGLAS CAMERON AZIZ

March 23, 2022

10:00 AM

Judge: Honorable Gary Y. Tanaka

Judicial Assistant: J. Ahn

Courtroom Assistant: M. Fondon

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Jordan Smith for Robert Pierce (Telephonic)

For Defendant(s): Douglas Cameron Aziz (Self Represented Litigant)

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Injunction

Matter is called for hearing.

The above captioned motion is held.

Plaintiff submits on the Court's tentative ruling, and the Defense argues the motion.

The Court having fully considered the arguments of all parties, both written and oral, adopts the tentative ruling as a final ruling as follows:

1. City of Manhattan Beach's Motion for Preliminary Injunction

City of Manhattan Beach's Motion for Preliminary Injunction is granted.

Background

Plaintiffs filed the Complaint on May 3, 2021. Plaintiffs alleges the following facts: Defendant owns real property located at 1467 11th St., Manhattan Beach - APN 4167-001-025 ("Property"). Defendant is maintaining the following nuisance conditions: discharge of storm water into the municipal sewer system, discharging paint onto the curb, altering or demolishing a building on the property without permits, maintaining the residence in an unsafe condition, and allowing for the accumulation of junk on the property. Plaintiffs allege the following causes of action: 1. Public Nuisance; 2. Public Nuisance; 3. Declaratory Relief.

Request for Judicial Notice

Plaintiff's request for judicial notice is granted pursuant to Evidence Code sections 452(b)(c) and

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(h).

Motion for Preliminary Injunction

Plaintiff moves for a preliminary injunction as follows: “[A]gainst defendant Douglas Cameron Aziz (“Defendant”), and each and all of his agents, employees, representatives, officers, directors, and any and all persons acting in concert with him, to enjoin and restrain them from allowing, maintaining, permitting, and/or facilitating the following conditions on the real property located at 1467 11th Street, Manhattan Beach, California, and also known as Los Angeles County Tax Assessor’s Parcel Number 4167-001-025 (“Property”): 1. Any condition on the Property constituting a public nuisance under the Manhattan Beach Municipal Code or the laws of the state of California; 2. The drainage of any non-storm water into the Municipal Separate Storm Sewer System (MS4) at or from the Property; 3. The repairing, adding to, altering, relocating, demolishing a building at the Property, and/or causing such work to be performed, without first obtaining the required permits; 4. The construction of or addition to any makeshift kayak slide on or above any building on the Property; 5. The accumulation of junk, trash, debris, building materials, rocks, and/or pieces of concrete at the Property not subject to any valid building permit; and 6. The removal of any yellow tags placed on the Property by the City indicating that the Property is fit for “Restricted Use” only.” (Notice of Motion, page 2, lines 6-24).

“In determining whether to issue a preliminary injunction, the trial court considers two related factors: (1) the likelihood that the plaintiff [or cross-complainant] will prevail on the merits of its case at trial, and (2) the interim harm that the plaintiff [or cross-complainant] is likely to sustain if the injunction is denied as compared to the harm that the defendant [or cross-defendant] is likely to suffer if the court grants a preliminary injunction. The latter factor involves consideration of such things as the inadequacy of other remedies, the degree of irreparable harm, and the necessity of preserving the status quo.” 14859 Moorpark Homeowner’s Assn. v. VRT Corp. (1998) 63 Cal.App.4th 1396, 1402.

As to the first factor, Plaintiff has established a likelihood of success on the merits its claims. Plaintiff submitted competent evidence including the declaration of Code Enforcement Supervisor Gilbert Quijada, as well as corroborating photographs showing that Plaintiff is not in compliance with the Municipal Code as follows: Defendant discharged non-storm water into the MS4. Defendant repaired, altered, relocated, or damaged a building on the property without permits. Defendant has constructed a makeshift kayak slide. Defendant accumulated junk, building materials, rocks, and/or concrete without permits. Defendant removed the City’s yellow

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tags, which were placed on the Property by the City's code enforcement personnel. (Decl., Quijada, ¶¶ 4-18.)

Defendant does not meaningfully dispute these claims with competent evidence. Instead, Defendant argues that any violations were not material or harmful and/or that Defendant has complied or is attempting to comply. No competent evidence has been submitted to show that Defendant has complied with the Municipal Code other than Defendant's self-serving statements. In addition, the Court notes that the exhibits attached to Defendant's opposition are not authenticated. Therefore, Plaintiff has met its burden to show that it is likely to prevail on the merits at trial.

"[T]he legislature has the power to declare certain uses of property a nuisance and such use thereupon becomes a nuisance per se.' [Citation.] ... Nuisances per se are so regarded because no proof is required, beyond the actual fact of their existence, to establish the nuisance. Cities are constitutionally authorized to make and enforce within their limits all local, police and sanitary ordinances and other such regulations not in conflict with the general laws. Government Code section 38771 provides, "By ordinance the city legislative body may declare what constitutes a nuisance." "[E]ven without this section cities would have the power to abate public nuisances (Code Civ. Proc., § 731)[.] City of Costa Mesa v. Soffer (1992) 11 Cal.App.4th 378, 382-383 (internal citation and quotations omitted; emphasis in original).

As to the second factor, Plaintiff has established that the harm that it is likely to suffer if the injunction is denied is greater than the harm that Defendant may suffer if the injunction is granted. Plaintiff has provided evidence to show that the Defendant's maintaining of the conditions outlined above is causing harm to the public. (Decl., Quijada, ¶¶ 4-19.) Defendant has not provided competent evidence to show that the harm he may suffer is greater than the harm that may engender to the public. "Defendants, of course, cannot claim harm from any restrictions in the activities that constitute the public nuisance." People ex rel. Reisig v. Acuna (2010) 182 Cal.App.4th 866, 882. "Where a governmental entity seeking to enjoin the alleged violation of an ordinance which specifically provides for injunctive relief establishes that it is reasonably probable it will prevail on the merits, a rebuttable presumption arises that the potential harm to the public outweighs the potential harm to the defendant." IT Corp. v. County of Imperial (1983) 35 Cal.3d 63, 72.

The Court notes that a primary focus of Defendant's opposition is his contention that Plaintiff should not be awarded the requested attorneys' fees of \$40,623.45. It is unclear where this argument originated as the notice of motion, declarations, and memorandum of points and

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authorities make no mention of any request for attorneys' fees.

Therefore, Plaintiff's motion for preliminary injunction is granted.

Plaintiff is ordered to give notice of this ruling.

The Motion for Preliminary Injunction filed by People of the State of California, City of Manhattan Beach on 01/21/2022 is Granted.

Case Management Conference is scheduled for 7/20/2022 at 08:30 AM in Department B at Torrance Courthouse.

Plaintiff's counsel to give notice.

EXHIBIT B

Invoice Date	Invoice Number	Fees	Hard Cost	Soft Cost	Total
10/20/2020	228976	6,642.50	0.00	0.00	6,642.50
11/11/2020	229199	123.75	155.19	0.50	279.44
1/20/2021	230213	297.00	0.00	0.00	297.00
2/22/2021	230676	175.95	0.00	0.00	175.95
3/19/2021	230968	175.50	0.00	0.00	175.50
5/21/2021	231900	590.15	0.00	0.00	590.15
6/28/2021	232387	1,139.25	36.00	0.00	1,175.25
7/15/2021	232778	11,172.50	150.60	10.74	11,333.84
8/20/2021	233203	6,917.60	98.80	(90.45)	6,925.95
9/17/2021	233607	3,254.10	46.75	49.46	3,350.31
10/15/2021	234031	2,497.30	0.00	0.00	2,497.30
11/11/2021	234464	4,450.30	12.00	0.73	4,463.03
12/8/2021	234808	2,704.70	12.00	0.53	2,717.23
1/26/2022	235422	279.00	0.00	0.00	279.00
2/24/2022	235811	10,317.85	27.48	20.53	10,365.86
3/31/2022	236401	1,290.55	12.00	5.00	1,307.55
4/20/2022	236694	5,069.00	996.50	2.09	6,067.59
5/27/2022	237275	482.40	0.00	0.00	482.40
6/23/2022	237661	361.80	12.50	0.00	374.30
7/31/2022	238242	1,392.40	0.00	4.78	1,397.18
8/16/2022	238411	1,715.00	12.50	1.36	1,728.86
9/30/2022	239145	35.00	0.00	0.00	35.00
10/25/2022	239386	673.00	0.00	0.00	673.00
11/4/2022	239683	311.20	0.00	0.00	311.20
12/15/2022	240427	60.30	0.00	0.00	60.30
3/21/2023	241650	1,353.30	18.95	1.50	1,373.75
4/12/2023	242194	427.05	0.00	0.60	427.65
5/31/2023	242497	100.70	0.00	0.00	100.70
7/24/2023	243330	434.00	0.00	0.00	434.00
9/29/2023	244427	658.00	0.00	0.00	658.00
10/17/2023	244714	164.50	0.00	0.00	164.50
11/22/2023	245296	342.60	0.00	0.00	342.60
1/22/2024	246095	2,540.60	0.00	1.83	2,542.43
2/21/2024	246509	6,727.50	0.00	0.00	6,727.50
3/31/2024	247151	343.20	0.00	0.00	343.20
4/19/2024	247385	2,849.70	0.00	2.28	2,851.98
5/29/2024	247940	9,268.50	0.00	163.78	9,432.28
6/30/2024	248500	1,214.40	0.00	0.00	1,214.40
7/11/2024	248664	389.40	0.00	0.00	389.40
8/29/2024	249322	202.50	0.00	0.00	202.50
9/17/2024	249511	2,681.10	0.00	1.59	2,682.69
10/21/2024	250149	5,664.60	16.95	44.63	5,726.18
11/29/2024	250646	1,711.80	0.00	0.00	1,711.80
12/19/2024	251084	3,983.00	0.00	561.99	4,544.99
1/31/2025	251594	3,947.40	0.00	81.11	4,028.51
2/18/2025	251775	2,840.40	0.00	0.00	2,840.40
		109,972.35	1,608.22	864.58	112,445.15