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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

14 PEOPLE OF THE STATE OF
CALIFORNIA, and CITY OF
15 MANHATTAN BEACH, a municipal
corporation,

16 Plaintiffs,

17 v.

18 DOUGLAS CAMERON AZIZ, an
individual, and DOES 1 through 20,
19 inclusive,

20 Defendants.

Case No. 21TRCV00335

NOTICE OF RULING

Judge: The Hon. Gary Y. Tanaka

Date: March 23, 2022
Time: 10:00 a.m.
Ctm: B

Action Filed: May 3, 2021

[Exempt from filing fees pursuant to Govt. Code § 6103]

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that on March 23, 2022, at approximately 10:00 a.m., a
24 hearing was held in Department B of the above-entitled court, located at 825 Maple
25 Avenue, Torrance, California 90503, on Plaintiffs People of the State of California's and
26 City of Manhattan Beach's Motion for Preliminary Injunction ("Motion") against
27 Defendant Douglass Cameron Aziz ("Defendant"). Prior to the hearing, the Court
28

published a tentative ruling (the “Tentative Ruling”); a true and correct copy of the Court’s tentative ruling is attached hereto as **Exhibit A**.

The City appeared through its attorney of record, Jordan T. Smith of Richards Watson & Gershon. Defendant appeared *in pro per*. No other appearances were entered for any party.

After reviewing the Motion, Defendant’s Opposition, and all other papers submitted in support of and in opposition to the Motion, following oral argument, and for good cause shown, the Court **GRANTED** the City’s Motion and adopted the Tentative Ruling as final, thereby ruling as follows:

IT IS HERBY ORDERED that Defendant and any and all persons acting in concert with him, including but not limited to his agents, employees, representatives, officers, directors, or volunteers, are prohibited and restrained 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.

1 **IT IS FURTHER ORDERED** that no bond or undertaking shall be required,
2 pursuant to Code of Civil Procedure section 995.220.

3 The Court further ordered the City to give notice of its ruling.
4

5 Dated: March 28, 2022

RICHARDS, WATSON & GERSHON
A Professional Corporation
JENNIFER PETRUSIS
JORDAN T. SMITH

8
9 By: 

JORDAN T. SMITH
Attorneys for Plaintiffs
PEOPLE OF THE STATE OF
CALIFORNIA and CITY OF
MANHATTAN BEACH

EXHIBIT A

DEPARTMENT B LAW AND MOTION RULINGS

Case Number: 21TRCV00335 **Hearing Date:** March 23, 2022 **Dept:** B**LOS ANGELES SUPERIOR COURT – SOUTHWEST DISTRICT****Honorable Gary Y. Tanaka**
23, 2022
Department B
Calendar No. 8**Wednesday, March****PROCEEDINGS****The People of the State of California, et al. v. Douglas Cameron Aziz, et al.**
21TRCV00335**1. City of Manhattan Beach’s Motion for Preliminary Injunction****TENTATIVE RULING**

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 (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 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 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.

PROOF OF SERVICE

People v. Douglas Aziz

Case No. 21TRCV00335

I, Mary Greer, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within action. My business address is 350 South Grand Avenue, 37th Floor, Los Angeles, California 90071. On March 28, 2022 I served the within document(s) described as:

NOTICE OF RULING

on the interested parties in this action as stated below:

Douglas Cameron Aziz
1467 11th Street
Manhattan Beach, CA 90266
Tel: 310-344-6444
Email: dougaziz@gmail.com

☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (BY E-MAIL) By transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 28, 2022, at Los Angeles, California.

Mary Greer

Mary Greer