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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION  
THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

JEFFREY POWERS, et al,

Plaintiffs,

Case No. LACV22-8357

vs.

DENIS RICHARD MCDONOUGH,

Defendants.

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REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS  
TRIAL DAY 6  
Tuesday, August 13, 2024  
8:30 a.m.  
LOS ANGELES, CALIFORNIA

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**STEVEN EDWARD BRAVERMAN**

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1                   **LOS ANGELES, CALIFORNIA; TUESDAY, AUGUST 13, 2024**

2                                   **8:30 A.M.**

3                                   **--oOo--**

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5  
6                   THE COURT: Then we're on the record. All counsel are  
7 present. Parties are present. Dr. Braverman has resumed the  
8 stand. Good morning.

9                   Counsel, you can continue direct examination.

10                                   DIRECT EXAMINATION (continued)

11 BY MR. ROSENBAUM:

12 Q           Good morning, Dr. Braverman. How are you?

13 A           Good morning. I'm well. Thanks. How are you?

14 Q           I'm good. I hope you had a nice evening.

15                   Yesterday, you talked a bit with us about the process by  
16 which developers -- what developers would have to go through in  
17 order to be authorized to construct the permanent supportive  
18 housing on the 388 acres.

19                   Do you remember that, generally?

20 A           Yes.

21 Q           Okay. And one part of that process that we touched on,  
22 you call it funding acquisition; is that right? You actually  
23 get the monies to go forward?

24 A           Okay.

25 Q           Do you know what I'm referring to?

1 A Yes.

2 Q During the period of time, sir, when that funding  
3 acquisition process took place for the buildings currently  
4 planned on the 388 acres, do you know how much time it took for  
5 the private developers to secure that funding?

6 A I don't.

7 Q Okay. Do you have any information as to how much delay,  
8 specifically, was occasioned by the time expended in funding  
9 acquisition?

10 MR. ROSENBERG: Objection, Your Honor. Assumes  
11 facts not in evidence that there was a delay associated with  
12 receiving funding as opposed to the process normally playing  
13 out for funding.

14 THE COURT: Overruled. If you can answer the  
15 question, sir, you can answer it.

16 THE WITNESS: I don't know the specifics to the time  
17 it takes to get that funding.

18 BY MR. ROSENBAUM:

19 Q All right. You never actually inquired into that  
20 question; isn't that true?

21 A I think what I would -- I would respond by saying that we  
22 would get reports on whether funding would be acquired in time  
23 in order to meet the timelines that we set for, you know,  
24 beginning of construction and turning over of parcels.

25 Q In your prior position, Dr. Braverman, from 1990 -- I'm

1 sorry, from 2019 to 2023, you were concerned about the  
2 sufficiency of outreach to veterans in Los Angeles; isn't that  
3 true?

4 A I would say that I always thought that we could do more,  
5 if possible.

6 Q Well, I'm asking a slightly different question.

7 Isn't it true, sir -- didn't you tell me that you were  
8 concerned about the sufficiency of outreach to unhoused  
9 veterans in Los Angeles?

10 A I don't remember using the word "concern," but what I  
11 would say is that I would have always pushed to try to maximize  
12 the outreach that we could do.

13 Q Well, let's go to your deposition, sir. Can we get  
14 Volume 2, page 15, line 19.

15 A Yeah. If you say I said it, that is fine. I just don't  
16 remember the exact words.

17 So, sure, I will agree that if I said it and it's in the  
18 transcript that I said it.

19 Q All right. Thank you.

20 And, Dr. Braverman, outreach includes searching for  
21 unhoused veterans; is that right?

22 A Yes.

23 Q And it also includes finding out about the existence of  
24 unhoused veterans and connecting them with VA services; isn't  
25 that true?



1 A Yes.

2 Q And it can include follow-up services with veterans who  
3 are already engaged with VA services; am I correct?

4 A Yes.

5 Q And it's a fact, is it not, sir, that you don't know the  
6 number or even the approximate number of outreach workers who  
7 were employed by the VA during your tenure with the VA Greater  
8 LA Healthcare System between September 2019 and April 2023;  
9 isn't that true?

10 A Not to that specificity, yes, that's true.

11 Q You don't know for any of those years; isn't that true?

12 A Correct.

13 Q Or the numbers of outreach workers who are veterans?

14 A I don't know the specifics, no.

15 Q Or anything about the demographics of the outreach workers  
16 who were employed by the VA?

17 A I don't know the specifics of that.

18 Q You don't know the number of veterans your outreach  
19 workers contacted in 2019; isn't that true?

20 A That's true.

21 Q And if I say the same question for 2020, 2021, 2022, 2023,  
22 and 2024, your answer is going to be the same; isn't that  
23 correct?

24 A Yes.

25 Q Or the maximum number of outreach workers that were

1 employed at any one time during any of those years?

2 A I don't know the specifics for outreach workers, correct.

3 Q Or the number of unhoused veterans contacted by outreach  
4 who, in fact, got permanent supportive housing, you don't know  
5 that, do you, sir?

6 A No.

7 Q Or the number of unhoused veterans who were contacted by  
8 outreach who got permanent supportive housing within any  
9 period?

10 MR. ROSENBERG: Objection, vague.

11 THE COURT: Do you understand the question?

12 THE WITNESS: No.

13 THE COURT: I don't either. Sustained.

14 BY MR. ROSENBAUM:

15 Q Isn't it correct, sir, you don't know the number of  
16 unhoused veterans who were contacted by outreach who got  
17 permanent supportive housing?

18 A In 2022, we started tracking the number of unsheltered  
19 veterans who were contacted, but I don't know the number of how  
20 many went on to get housing.

21 Q All right. You talked to me yesterday about how close you  
22 thought we were to Skid Row, correct?

23 A Yes.

24 Q Okay. Have you been to Skid Row?

25 A Yes.

1 Q On how many occasions?

2 A Twice.

3 Q The -- can you tell me today with 100 percent certainty  
4 that there are no unhoused veterans in Skid Row today?

5 A No.

6 Q Another important part of the supportive services who are  
7 employed by the VA -- case management, sir, in your judgment,  
8 case managers play a very important role in the delivery of  
9 supportive services; isn't that true?

10 A Yes.

11 Q And case manager -- case management, in part, is about  
12 steering whatever socioeconomic and health issues veterans  
13 have.

14 Isn't that the way you put it?

15 A Yes.

16 Q And it's about making certain that veterans get the  
17 services that they may need; isn't that correct?

18 A It's about maximizing the capacity and capability to do  
19 that. I don't know about certainty.

20 Q And buildings 209, 208, 207, and 205, those buildings,  
21 sir -- there have been contracts that have been let out for the  
22 management of those buildings; is that right?

23 A Yes.

24 Q So those buildings are not directly managed by the VA?

25 A Correct.

1 Q And for some of those buildings, the management was let  
2 out to an outfit called Shangri-La; is that right?

3 A Not entirely.

4 Q You are right. I will correct that.

5 You are welcome to continue the answer. I screwed up.

6 A Okay. Go ahead.

7 Q Okay. Shangri-La is the owner of -- was the entity who  
8 leased control of those buildings, some of those buildings;  
9 isn't that right?

10 A They are the leaseholder for the buildings and the  
11 developer, yes.

12 Q All right.

13 A Or were.

14 Q All right. Thank you for straightening that out.

15 And which buildings were those?

16 A Well, 209, 205, and 208.

17 Q And you are aware that Shangri-La has been sued by the  
18 State of California; isn't that right?

19 A Yes.

20 Q Do you know when?

21 A No.

22 Q Have you read the complaint?

23 A Probably the news clips associated with it, but I don't --  
24 I don't remember the details.

25 Q If I said to you that the state of California filed a

1 321-page complaint against Shangri-La, does that jibe with what  
2 you read in the media?

3 A I don't know the number, but I -- I know that there was a  
4 complaint. And I know that they have turned over ownership.

5 But the expertise on that is Mr. Brett Simms from the  
6 Office of Asset and Enterprise Management.

7 Q And have they, in fact, turned over ownership of those  
8 three buildings?

9 A I believe that they either have or that they are in the  
10 process of.

11 I don't know if it's been completed or not yet.

12 Q Okay. Do you know how long they maintained ownership of  
13 those buildings from the time that the State of California  
14 filed its lawsuit?

15 A No.

16 Q And even prior to that lawsuit, there were problems with  
17 Shangri-La; isn't that correct?

18 A I don't know the answer to that.

19 Q And Shangri-La has filed for bankruptcy; isn't that right?

20 A I understand that to be correct.

21 Q And do you know when that happened?

22 A Sometime in the past year or so, but I don't know the  
23 specifics.

24 Q And Shangri-La employs the case managers in those three  
25 buildings; isn't that true?

1 A No, it's not true.

2 Q Where do the case managers come from?

3 A The contract for the case management is through Step Up on  
4 Second.

5 Q Oh, great. Thank you.

6 What is the relationship between Shangri-La and Step Up?

7 A I believe it's a contractual relationship.

8 Q Yeah. I really appreciate that correction.

9 Shangri-La contracts with Step Up; isn't that right?

10 A Yes.

11 Q And Shangri-La, besides its running the buildings or  
12 leasing the buildings on the 388 acres, it also runs buildings  
13 throughout Southern California; isn't that right?

14 A It may be. I don't know their portfolio.

15 Q And you've never investigated --

16 THE COURT: Get that mic just a little closer.

17 THE WITNESS: Sure. Sorry. I will project more,  
18 too.

19 BY MR. ROSENBAUM:

20 Q And you've never investigated that portfolio, have you?

21 A Personally, no.

22 Q And do you know, sir, whether or not in some of those  
23 other projects that Shangri-La has also contracted with Step  
24 Up?

25 A I don't know that personally.

1 Q Like in Redlands, for example?

2 MR. ROSENBERG: Objection. Vague. Assumes facts  
3 not in evidence, and relevance.

4 THE COURT: It's a question. Are you referring --  
5 when you say, "Like in Redlands, for example," that assumes  
6 that there is a project out in Redlands.

7 First of all, I'm going to sustain your objection, my  
8 apologies.

9 I need to know more about what you are referring to, and  
10 I think the witness does also, if there is even a project  
11 that he's aware of.

12 BY MR. ROSENBAUM:

13 Q Okay. Do you know if there is a project that Shangri-La  
14 runs in Redlands?

15 A I don't know.

16 Q Do you know if -- can you name me any place where  
17 Shangri-La is also running projects?

18 A I don't know the answer to that.

19 What I do know is that in the past, when there were  
20 allegations that were given to the VA, then there were leaders  
21 in the VA under OAEM, the Office of Asset and Enterprise  
22 Management, that reviewed that to determine whether or not  
23 there was a legal challenge for the ability for Shangri-La to  
24 have those leases, but I don't know the -- I don't know the  
25 details.

1 THE COURT: Is there a way to quickly resolve this  
2 between the two of you, if you choose, just a suggestion.

3 Why don't you simply attach that Shangri-La complaint  
4 from the state as an item of evidence.

5 Why don't both of you look at that and see if any  
6 Redlands project, for instance, is mentioned in that. And  
7 maybe we can simply get a stipulation, because I don't expect  
8 you to know --

9 MR. ROSENBAUM: No problem.

10 THE COURT: -- every project by Shangri-La. It's a  
11 pretty difficult position for you to be in to say I don't know,  
12 I don't know, when, in fact --

13 THE WITNESS: I don't know.

14 THE COURT: -- I don't know. Yeah.

15 So the end result, I think, instead of taking him down  
16 that, you know, kind of bloody path of I don't know, which,  
17 you know, puts him in a really difficult position, I don't know  
18 why there isn't a stipulation that this complaint be entered  
19 into evidence.

20 Quite frankly, we could all look at it, including you.  
21 And then we could ask questions if there even is a Shangri-La  
22 project.

23 I'm assuming that the state, if they filed 321 pages,  
24 filed a number of allegations. So can we have a stipulation it  
25 be received in evidence.



1 MR. ROSENBAUM: Fine with me, Your Honor. It's a  
2 good suggestion.

3 MR. ROSENBERG: I have not seen that complaint.

4 THE COURT: I haven't either.

5 MR. ROSENBERG: And it is, of course, just a  
6 complaint and allegations so --

7 THE COURT: Yeah. Just the allegations. I'm not  
8 taking that as factual. There has not been a suit, but at  
9 least I know what the accusations are and I need to know --  
10 that way, I know if there even is a project, how wide this is,  
11 allegedly.

12 MR. ROSENBERG: I would just ask that plaintiffs'  
13 counsel provide that to us.

14 THE COURT: Okay. Counsel, why don't you do that.  
15 I'm going to receive it. All right.

16 MR. ROSENBAUM: Perfect.

17 THE COURT: So the Shangri-La -- have it marked.  
18 Let's receive that into evidence. These are simply  
19 allegations.

20 There is no criminal indictment at the present time that  
21 I am aware of, and there are allegations by the state.

22 And that way we can all look at it.

23 BY MR. ROSENBAUM:

24 Q Actually, talking about criminal activity, are you aware  
25 that Shangri-La accused its chief financial officer of

1 embezzling millions of dollars in company money to live in a  
2 lavish lifestyle with that person's girlfriend?

3 Do you remember reading that?

4 MR. ROSENBERG: Objection. The question, "remember  
5 reading that" assumes a fact not in evidence.

6 THE COURT: Here is the problem. This was all over  
7 the Southland. It was on -- you folks are from different parts  
8 of the country, but you couldn't help but turn on the TV,  
9 whether it was Channel 5 or Channel 7, and this was pretty well  
10 known.

11 I mean, I literally shut off one of the telecasts,  
12 trying to be ethical. But by the time I did, Shangri-La was  
13 there.

14 So, it's kind of hard to live in society and not watch  
15 the news. But I'm not sure that you folks from the East Coast  
16 would be aware of that kind of local notoriety so --

17 Well, better yet, are you aware of these news casts and  
18 some of the accusations made against the chief financial  
19 officer?

20 THE WITNESS: Yes.

21 THE COURT: Okay. I think anybody who lives here  
22 was.

23 BY MR. ROSENBAUM:

24 Q The --

25 THE COURT: By the way, this is more reflective --

1 not on the VA. This is more reflective on other parts of the  
2 case that this Court is involved in.

3 You focus is on VA, but, remember, I have got  
4 settlements, lawsuits, and Shangri-La somehow came up,  
5 unrelated to this, in someplace, at some time.

6 But at the time I received whatever -- I can't recall  
7 about Shangri-La -- this kind of information hadn't come out.

8 I think it was that Shangri-La, along with U.S. vets, et  
9 cetera, were some of the contracting entities out there. And  
10 that is how I first heard Shangri-La a year ago, two years ago.  
11 It even could have been with you, Doctor. I don't know,  
12 because there was a huge group out there.

13 And I think, then, you had to go back to the hospital at  
14 the time at some point.

15 So I'm not sure what -- but Shangri-La has come up, not  
16 in an accusatory way.

17 Shangri-La came up on the Court's radar screen a number  
18 of years ago as one of the entities out there involved as one  
19 of the lessees or management people, okay.

20 Counsel, I'm sorry.

21 MR. ROSENBAUM: No worries. I appreciate all of  
22 that.

23

24 By MR. ROSENBAUM:

25 Q So let's start making those connections right now.

1           The Step Up, you told me a moment ago, contracted with  
2 Shangri-La; isn't that right?

3       A     Yes.

4       Q     And that means that the team that was working with the  
5 individuals -- the unhoused veterans who were living in those  
6 buildings, that was a Step Up team; isn't that right?

7       A     Yes. But they weren't unhoused. They were living in the  
8 buildings.

9       Q     Right. That was a Step Up team that was working with  
10 them; isn't that right?

11      A     Yes.

12      Q     And that was a Step Up team that was charged with  
13 providing the supportive services?

14      A     The case management.

15      Q     The --

16      A     So supportive services would also include the medical care  
17 and other sorts of things that is our responsibility at the VA  
18 for those who are eligible for medical care.

19            So not everybody that lives in those enhanced-use leased  
20 permanent and supportive buildings were housed for VA medical  
21 care.

22      Q     Do you know sir, what -- whether -- strike that.

23            You are aware, are you not, that Step Up had staffing  
24 problems?

25      A     Yes.

1 Q And when we saw yesterday that chart with VA staffing,  
2 that isn't the staffing that is in those buildings; isn't that  
3 correct?

4 A I don't know what chart you saw yesterday.

5 Q But the staffing there, that doesn't involve VA staff?

6 MR. ROSENBERG: Objection. Maybe I'm just  
7 misremembering.

8 Was that chart used during his testimony?

9 MR. ROSENBAUM: I don't recall. I meant -- I was  
10 talking -- yes. I'm glad to withdraw that part of it.

11 BY MR. ROSENBAUM:

12 Q That team, sir, that is not a VA team. That is a Step Up  
13 team. Am I correct, sir?

14 MR. ROSENBERG: Objection. Vague and confusing.

15 THE COURT: Overruled. You can answer that. But  
16 make sure you understand the question.

17 THE WITNESS: So if you are asking does the Step Up  
18 staff count as VA staff, the answer is no.

19 BY MR. ROSENBAUM:

20 Q And you don't know what the staffing ratios are or were  
21 that Step Up was using?

22 A I specifically don't know.

23 Q And you don't know how those staffing ratios relate to the  
24 specific mental disabilities of the veterans in the units;  
25 isn't that right?

1 A I personally don't know.

2 Q And you don't know how many social workers Step Up  
3 employed for those buildings, do you, sir?

4 A No. At my level, I didn't know that information.

5 Q And you don't know whether or not Step Up employed any  
6 clinical social workers; isn't that correct, sir?

7 A I will just say I don't know the makeup of the Step Up  
8 staffing model.

9 Q And the -- so, just to shortcut it, you can't tell me what  
10 particular positions Step Up employed, if any; isn't that  
11 right?

12 MR. ROSENBERG: Objection. This whole line of  
13 questioning is vague. And, also, assumes facts not in  
14 evidence.

15 THE COURT: Overruled. And let me suggest the  
16 following:

17 First of all, let me assume, hypothetically, the Court  
18 might have great confidence in you or Kuhn or other people who  
19 are innovative, exemplary. I'm not making that finding yet,  
20 but let's just assume that, hypothetically.

21 The question that the Court might have, if we ever got  
22 to injunctive relief, is in this outsourcing of workers to Step  
23 Up or any other entity and with these unproven allegations of  
24 Shangri-La that have been quite noteworthy, would your ability  
25 and direct control through the VA be a better management tool

1 in terms of our case workers, our service to the veterans,  
2 through the administration, than what has occurred with this  
3 kind of notoriety, which I will state to you is unfounded right  
4 now?

5 And, eventually, if we get there, that is one of the  
6 questions I'm going to ask, okay.

7 In other words, honestly, if I'm depending upon you and  
8 Kuhn to come back and give the Court advice, if we get there,  
9 the tough question is going to be -- and don't answer it right  
10 now, talk to the attorneys first, if we were to reconstruct  
11 this, would the ability and competency of the VA be a better  
12 management tool than the outsourcing that is taking place?

13 Okay. Now, that may apply to a number of other areas.

14 And you don't have to answer that now. In fact, I  
15 really encourage you to talk to Dr. Harris, to talk to counsel.  
16 But if we get to that injunctive relief, that is going to be  
17 one of the first questions out of the box.

18 You know, with the competence that is here at this  
19 level, hypothetically -- and I know from hindsight -- and we  
20 have direct control, would that give the veterans, the  
21 administration -- you know, so don't worry about the past, we  
22 have been through this with so many other administrations that,  
23 quite frankly, may have done little or nothing.

24 So I will leave that to you as a policy decision. But I  
25 will be asking that question. It will also include financing,

1 if we get there, as well, okay.

2 All right. Counsel.

3 BY MR. ROSENBAUM:

4 Q Dr. Braverman, there are currently veterans housed in  
5 those buildings who are being evicted. Isn't that right?

6 A That may be correct. I don't know any specifics.

7 Q During your tenure, sir, there were veterans in those  
8 buildings who were evicted, served with papers by Step Up;  
9 isn't that true?

10 A Yes.

11 Q Do you know how many?

12 A No.

13 Q Do you know what happened to them?

14 A Not individually, no.

15 Q Do you know the cause of those evictions?

16 A There are a variety of causes ranging from not making the  
17 payments that they were supposed to make to physical  
18 destructions of property, to arrests from drug use, to assaults  
19 and other crimes. There is a variety of reasons.

20 Q Do you know if any of those causes could have been  
21 ameliorated by strong case management?

22 MR. ROSENBERG: Objection. Assumes facts not in  
23 evidence and calls for speculation.

24 Dr. Braverman has already testified that he's not aware  
25 of any specifics.



1 MR. ROSENBAUM: Your Honor, counsel is testifying.  
2 He can make his objection, but he's testifying.

3 THE COURT: I will allow a speaking objection. It's  
4 fine. Continue.

5 MR. ROSENBERG: He's already testified he's not  
6 aware of any specific circumstances but gave examples of why  
7 somebody might be evicted.

8 And the follow-up question is whether or not he's aware  
9 of whether any of those causes could have been ameliorated by  
10 strong case management.

11 He hasn't identified any specific circumstances. So  
12 it's impossible for him to be able to identify --

13 THE COURT: Overruled. You can cast an opinion.  
14 You're an expert, sir.

15 THE WITNESS: Well, I would start with saying that I  
16 can't assume that there wasn't strong case management in those  
17 cases. So it would be impossible to answer without knowing the  
18 specifics.

19 What I would add is that through all of my experience  
20 with the VA and patients, whether they are housed in our EULs,  
21 where they are tenant-based housing, whether they have case  
22 management, there are veterans who run into these challenges,  
23 whether they are strongly managed, whether they have access to  
24 the best medical care and the best opportunity.

25 So, I can't make a correlation there in any individual

1 case or even a general one that, you know, good or poor  
2 mismanagement resulted in these evictions.

3 Q I take it from your response, sir, you didn't -- when you  
4 learned about these evictions going forward, you didn't make  
5 any investigation to determine whether or not they could have  
6 been ameliorated by strong case management; isn't that true?

7 A What I will say is when --

8 Q That is a yes or no question. Then you're welcome to make  
9 any explanation.

10 THE COURT: You didn't frame it that way. You can  
11 answer fully, sir.

12 THE WITNESS: Okay. What I will say is that, on  
13 occasion, when I was the director at GLA, some of these  
14 evictions would be brought to my attention in the form of  
15 complaint or what can we do about it kind of question.

16 In that case, I would turn it over to the CERS team to  
17 evaluate the circumstances surrounding that and to see if there  
18 is a way that case could be ameliorated, and that if someone  
19 was evicted that there was a plan for them to have a safe  
20 landing somewhere, where possible.

21 Whether that happened or not, you know, often was  
22 associated with the ability to succeed in a partnership between  
23 those case managers, the VA case managers and team, and the  
24 individual veteran.

25 Q Got it.

1 Did you ever get any summary results?

2 A I would typically get a result on the individual case that  
3 I inquired about as to whether there was a plan for  
4 post-eviction and whether or not that was successful.

5 Q My question is little bit different. Did you ever get a  
6 response as to whether or not the case management services that  
7 were being dealt with by the veterans in those housing units,  
8 whether or not it was adequate or not?

9 A I didn't get a summary assessment, no.

10 Q Okay. And I don't want to shortcut your answers, but just  
11 to save time, the questions I asked you regarding Step Up, if I  
12 asked you the same questions about U.S. vets, same answers?

13 A Yes.

14 Q All right.

15 THE COURT: Well, just a moment. They haven't been  
16 accused of --

17 MR. ROSENBAUM: Subtract the Shangri-La part.

18 THE COURT: We're going to strike that. We're going  
19 to start that question over again.

20 I'm sure Mr. Peck would be rolling over right now with  
21 that question.

22 BY MR. ROSENBAUM:

23 Q The questions I asked you about the staffing of U.S. vets,  
24 the knowledge about what the composition of that staffing was,  
25 staffing ratios -- remember I asked you those questions

1 regarding Step Up?

2 A Yes. Those answers would be the same for U.S. vets.

3 Q All right. I want to ask you about project-based housing  
4 off campus in the community.

5 Do you know who manages those projects?

6 A Not to any specificity, no.

7 Q Does the VA manage those projects?

8 A No.

9 MR. ROSENBAUM: Can I get the map? Is that 215?

10 THE COURT: It may be.

11 MR. ROSENBAUM: It's the map that Mr. Silberfeld was  
12 going over with the little green --

13 THE COURT: Yeah. It's right here.

14 If you would come up just a moment and help. It's the  
15 board that is turned backwards.

16 No. Go to your left.

17 MR. ROSENBAUM: I think that's a different map, Your  
18 Honor, and it's my fault. This is one that --

19 THE COURT: And for the record, for Bridgeland, up  
20 to this point, I have neglected you a couple of times on  
21 cross-examination.

22 If there is any of these parties you wish to go back and  
23 cross-examine, you have my apology. I didn't make a record of  
24 that because, thus far, there hasn't been any.

25 But are there any parties you'd like to go back to?

1 Kuhn? Sally?

2 MR. GUADIANA: Not at this time.

3 THE COURT: Will you speak up then?

4 MR. GUADIANA: I will make sure to speak up.

5 THE COURT: All right. So let the record reflect  
6 that there is no cross-examination by Bridgeland unless they  
7 speak, but I will try to create a better record, with my  
8 apologies to you.

9 MR. GUADIANA: Thank you, Your Honor.

10 THE COURT: Okay. Now, what document are we going  
11 to look at?

12 MR. ROSENBAUM: It's loading right now, Your Honor.

13 THE COURT: Okay. Do you want to give us whatever  
14 that is.

15 MR. DU: Your Honor, for clarity, this is the LAHSA  
16 website that we looked at with the printout, previously marked  
17 as Exhibit 215.

18 THE COURT: Thank you. 215.

19 BY MR. ROSENBAUM:

20 Q Have you --

21 MR. ROSENBAUM: We're still waiting for it to load,  
22 if the Court will just bear with me for a moment.

23 Let's go forward.

24 Did Your Honor have 215 in front of you?

25 THE COURT: I know what it is. It may be on the

1 back table. I took a bunch of documents down this morning  
2 about 7 o'clock.

3 Would you look through the maps sitting back there,  
4 right in the middle of some other documents, on the right-hand  
5 side.

6 MR. ROSENBAUM: Do you know what I'm going to do,  
7 Your Honor.

8 THE COURT: I know what it is. 215. If it was up  
9 on the board, though, it would be helpful for all of us.

10 MR. ROSENBAUM: That's what I was going to say. I  
11 will move on, and we will come back to it, assuming that this  
12 loads within some reasonable time.

13 BY MR. ROSENBAUM:

14 Q Okay. So if you don't mind, Doctor, just put that aside  
15 for a moment.

16 Could I please have Exhibit 25. How about we try that?

17 Is Exhibit 25 in front of you, sir?

18 A Yes.

19 Q And you have seen this document before?

20 A Yes.

21 Q Okay. Can we go to the page that talks about failure to  
22 complete or submit?

23 Do you see that, sir?

24 A I see the page.

25 Q All right. For LA County Development Authority, do you

1 see the section that says, Failure to complete for LA County  
2 Development Authority?

3 A Yes.

4 Q And it has -- it has dates running from October 2021  
5 through January 2024; is that right?

6 A Yes.

7 Q Okay. And for the failure to complete, that was  
8 30.16 percent; is that right?

9 A That's what it says, yes.

10 Q And that's 30.16 percent of the exit population; isn't  
11 that right?

12 A Yes.

13 Q And to your knowledge, Dr. Braverman, there has never been  
14 any analysis as to the number of individuals within this  
15 sector, this category, who suffered from severe mental illness;  
16 isn't that true?

17 A I'm not aware of a correlation to that.

18 Q And I take it, sir, that if I did -- if I asked you that  
19 question for every year that is on that X- and Y-axis, you  
20 would give me the same answer?

21 A Yeah, or for any of the other demographic things we have  
22 talked about.

23 Q Okay. So if I asked you the same question now, not about  
24 severe mental illness but traumatic brain injury, same answers?

25 A That's what I mean by demographic. Yes, it would be the

1 same for all of those disorders, if you will, or diseases,  
2 disabilities.

3 Q Schizophrenia, PTSD, all of the disorders that you and I  
4 talked about yesterday; is that right?

5 A Yes.

6 Q And there also has never been any analysis as to whether  
7 or not those individuals who exited received adequate  
8 supportive services; isn't that right?

9 A I don't know about never. I'm not aware of that, but  
10 there typically would be attempts, at least by our staff, the  
11 VA staff, if we were taking care of these veterans, you know,  
12 to continue to work and look for alternatives, but I don't know  
13 the outcomes of those individually.

14 Q Okay. And I think you just said this to me, so bear with  
15 me, but in terms of would adequate case management, adequate  
16 support services have resulted in a different consequence,  
17 there hasn't been any analysis that you are aware of by the VA  
18 or by HUD; isn't that true?

19 MR. ROSENBERG: Objection. Confusing, compound, and  
20 also, this is a VA witness, not a HUD witness.

21 THE COURT: Overruled. You can answer that  
22 question, if you recall it.

23 THE WITNESS: Well, I would answer by saying that I  
24 can't assume that case management has any role in the failure  
25 to complete or submit an application.



1           Somebody may have gone out of town.  Somebody may have  
2 moved in with their family.  There is a lot of reasons for  
3 people to fail to complete an application.  It doesn't  
4 implicate case management.

5           THE COURT:  And, eventually, if we get to that  
6 injunctive relief, so there is no surprise, I'm hoping you will  
7 be available to come back and talk to the Court.

8           And one of the questions, once again, is -- that I may  
9 have, and that is just this fundamental structure of  
10 outsourcing to Step Up or others.

11           If, in your opinion as an expert, if there would be more  
12 accountability or better accountability, if that centralized  
13 authority, in a sense, came back to the Veterans  
14 Administration, now that is a tough question right now, but  
15 eventually, I may be asked to examine structure, financing, et  
16 cetera, and I'm going to be very interested in what your  
17 thoughts are and your expertise in that regard.

18           And that may be a conversation you want to have with the  
19 director.  You may even want to have that conversation on up  
20 the line to the administration.

21           And that is, how do we get increased accountability if  
22 things like these accusations of Shangri-La and this  
23 outsourcing process has taken that kind of centralized  
24 authority away from the VA, and whether this should be  
25 restructured and we would have more control, more

1 centralization if it was back in what I'm going to call, you  
2 know, government entities, which may be less or better suited.  
3 Okay?

4 I want you to be prepared in the future. You don't have  
5 to answer that right now, but if we get there, I'm going to  
6 want to know what your thoughts are.

7 For Dr. Harris, take it wherever you want to. It could  
8 stay with you, it could go to McDonough, it could go to the  
9 President, as far as I'm concerned. This is serious now.

10 MR. ROSENBAUM: Thank you, Your Honor.

11 BY MR. ROSENBAUM:

12 Q Just for follow-up on your last answer, Doctor, is it your  
13 testimony that you can't think of any reason that an individual  
14 failed to complete or submit a form that case management could  
15 not have been of assistance in preventing?

16 A I didn't say that. What I said was I don't know the  
17 circumstances with those 190 people and to know -- I can't  
18 assume that case management efforts were good, bad, or  
19 indifferent.

20 I don't know the answer to that.

21 I do know that there are -- of specific cases of people  
22 I'm familiar with, that despite very strong efforts in case  
23 management, an application didn't come to fruition.

24 So I can't make that assumption that that is the primary  
25 cause. That's what I'm trying to say.

1 Q Do you know if the case managers employed by Step Up and  
2 U.S. vets have training working with individuals who suffer  
3 from severe mental illness or traumatic brain injury?

4 A I don't.

5 Q Okay. Do you see the sector -- we're still looking at  
6 Exhibit 25. We're still looking at Exhibit 25.

7 Do you see the sector that says "deceased"?

8 A Yes.

9 Q Do you know how many of those deceased individuals  
10 committed suicide?

11 A No.

12 Q Do you know how many of those individuals who were  
13 deceased were deceased as a result of conditions that they  
14 suffered while they were on the streets of Los Angeles?

15 A No.

16 Q Do you know how many of those individuals who were  
17 deceased suffered as consequences of not getting treatment for  
18 traumatic brain injury or severe mental illness or  
19 schizophrenia or PTSD?

20 A No.

21 Q Okay. And if I ask you the same questions with respect to  
22 the circle graph and the horizontal X, Y graph for -- can you  
23 pull that down a little bit, please -- for the Housing  
24 Authority of Los Angeles, same answer, sir? For HACLA.

25 A There is nothing there for deceased for HACLA.

1 Q Okay. There is something there for program violations,  
2 right?

3 A There is.

4 Q And, in fact, 52.4 percent for HACLA of the exits come as  
5 a result of program violations; isn't that true?

6 A That is what this says on this chart.

7 Q Okay. And do you know -- to your knowledge, has the VA  
8 ever conducted any analysis to determine whether or not those  
9 program violations could have been reduced with better case  
10 management?

11 Are you aware of any such investigation or analysis?

12 THE COURT: By what? By the VA and their case  
13 managers through their program, or by Step Up, et cetera?

14 MR. ROSENBAUM: Both. Those are two questions.  
15 It's a compound question. I'm glad to break it up.

16 BY MR. ROSENBAUM:

17 Q How about the investigation as to either the VA case  
18 management or the case management by Step Up or U.S. vets or  
19 some other outsourced entity?

20 A I'm not aware of an investigation.

21 The challenge with all these data is that they are  
22 aggregates from all over the county with different housing  
23 authorities, some of whom are taking care of veterans that the  
24 VA is not even engaging with because they are not eligible for  
25 VA healthcare or they are working through the city and county

1 agencies.

2 And so, there is a hodgepodge of case management  
3 assistance all throughout this time.

4 So, again, I have a challenge with asserting any kind of  
5 assumption of causality.

6 Q Has the VA, to your knowledge, ever undertaken any  
7 investigation to say, look, for the veterans that we -- either  
8 the VA was in charge of or Step Up was in charge of or U.S.  
9 vets was in charge of, or some other outsource that is part of  
10 the VA program, ever disaggregated, taken a look at that, and  
11 ask the question whether or not more adequate case management  
12 services could have reduced the program violations for those  
13 individuals?

14 MR. ROSENBERG: Objection. Confusing. Compound.

15 THE COURT: Sustained. Restate the question.

16 BY MR. ROSENBAUM:

17 Q Let's start with the VA. With respect -- do you know the  
18 number of program violations that resulted for individuals who  
19 were part of the VA system?

20 MR. ROSENBERG: Objection. Vague. What does "part  
21 of VA system" mean?

22 THE COURT: Sustained as to the VA system.

23 I take it you mean in terms of their housing.

24 MR. ROSENBAUM: Exactly.

25 THE COURT: So just restate it, please.

1 BY MR. ROSENBAUM:

2 Q With respect to those that were in VA housing, any  
3 analysis that you are aware of as to whether or not those  
4 individuals who had program violations, those violations could  
5 have been mitigated by more adequate case management services?

6 A I'm not aware of, but the leadership of the homeless  
7 program, the CERS team, may be, but I'm not aware of that.

8 Q Same question with respect to those who are in housing  
9 where the case management services were operated by Step Up?

10 A Same answer.

11 Q And U.S. vets?

12 A Same answer.

13 Q Or any of the -- any of the outsource entities?

14 A Yes, same answer.

15 Q Okay. Let's go to -- I understand that Exhibit 215 can be  
16 loaded right now.

17 Do you have Exhibit 215 in front of you?

18 A Yes.

19 Q Okay. Do you know what this represents, sir?

20 A It appears to represent locations where there are project  
21 housing units.

22 Q Okay. And do you see where Templeton is?

23 A Yes.

24 Q Okay. How far is Templeton from the VA hospital on West  
25 LA?

1 A From the VA hospital?

2 Q Yes.

3 A Quite a distance. I don't know the exact distance, but --

4 Q Do you know if there --

5 THE COURT: Just a moment. Finish your answer, sir.

6 THE WITNESS: It's part of our overall catchment  
7 area that the VA Greater LA Healthcare System is responsible  
8 for.

9 BY MR. ROSENBAUM:

10 Q I'm sorry, sir. I didn't realize you hadn't completed  
11 your answer. My fault.

12 Do you know, sir, whether or not there are medical  
13 services in or around Templeton that are equivalent to the  
14 medical services at the Greater LA Medical Center for the VA?

15 A Well, the closest VA facility would be our clinic in San  
16 Luis Obispo.

17 But as far as community services, I don't know the  
18 specifics of what community services are available in terms of  
19 community medical care.

20 Q Okay. And do you know whether or not there are services  
21 equivalent to the services in West LA VA for any of the  
22 project-based units on the 110 corridor?

23 A Well, I would say that any veteran in our area who is  
24 eligible for medical care has access to the care, both in our  
25 system, and if unavailable, access to the care via community

1 care that is available to every Angeleno in the city.

2 Q Has the VA, to your knowledge, ever made an analysis  
3 comparing the adequacy of the medical services that are not VA  
4 services surrounding any of the project-based locations here  
5 with the medical services at West LA?

6 A Specific to that question, I'm not aware of an overall  
7 analysis associated with just West LA.

8 But there are comparisons for medical care among VA  
9 hospitals, all of our VA hospitals nationwide, through CMS star  
10 ratings -- that is the Center for Medicare Services -- and, you  
11 know, other kinds of ratings that consistently show, in  
12 general, that VA medical care is equal to or superior to care  
13 in the community.

14 That is true of VA care, medical care in general, it's  
15 not specific to locations associated with where project housing  
16 units are or other sorts of things.

17 There are ratings for the West LA Medical Center in  
18 comparison, and everything else. And the West LA ratings, the  
19 most recent star ratings, West LA Medical Center had a 3-star  
20 rating which is, you know, average compared to other community  
21 facilities in Los Angeles.

22 So there are some that are better and some that are  
23 worse.

24 Q The clinic in San Luis Obispo, sir --

25 THE COURT: I'm sorry, what is a 3-star rating?



1 THE WITNESS: So, CMS, Centers for Medicare  
2 Services, is -- has a star rating, 1 through 5, that has a  
3 variety of factors.

4 Mostly, it's associated with inpatient care. And, you  
5 know, last year VA Greater Los Angeles West LA was a 5-star.  
6 This year, the new ratings came out, it dropped a little bit to  
7 3-star based on --

8 THE COURT: Is this for medical and -- is this for  
9 medical and psychological?

10 In other words, when you get a 3-star rating, I don't  
11 know whether that pertains to a particular type of treatment.

12 In other words, how are we doing with our medical? How  
13 are we doing with our psychiatric or psychological?

14 THE WITNESS: Yeah. So, this would be all admitted  
15 patients for both.

16 THE COURT: All admitted. So, they lump this rating  
17 together?

18 THE WITNESS: That is -- most of this, actually, is  
19 for medical patients, so people with congestive heart failure  
20 and heart disease and pneumonia and other sort of things based  
21 on a variety of factors.

22 BY MR. ROSENBAUM:

23 Q Dr. Braverman, can you tell me what are the -- what  
24 services that the clinic in San Luis Obispo provides?

25 A Primarily primary care services, mental health, and

1 there's a team from our homeless CERS program there as well,  
2 for case management.

3 Q Are there services provided in the West LA center that are  
4 not provided in the clinic in San Luis Obispo?

5 A Yes. West LA is our tertiary care facility.

6 Q What does "tertiary care" mean?

7 A It means it has the bulk of the specialty care, which  
8 would also be a referral center for many of these clinics.

9 Q What's "specialty care"?

10 A Specialty care would be care that is outside of primary  
11 care, so anything like orthopedics and surgery and psychiatry  
12 and gastroenterology, things where people have to do -- or  
13 trained to do care other than general medicine or general  
14 primary care.

15 Q How many psychiatrists are there in San Luis Obispo  
16 clinic?

17 A I don't know the specific answer to that.

18 Q If I -- if you see the --

19 THE COURT: Just a moment. I want to assume,  
20 Doctor, that there is a different kind of combat wound among  
21 younger veterans than older veterans.

22 I want to assume in Korea or Vietnam, you got shot. I  
23 want to assume the probability in Afghanistan or Iraq is much  
24 greater with an IED, okay.

25 So regardless of the physical injury, the amputation, I

1 want to assume for a moment, hypothetically, that is going to  
2 cause more traumatic brain injury in the newer conflicts than  
3 the older conflicts, just an assumption, hypothetically. And I  
4 want to assume for a moment that hypothetically, your suicide  
5 rate might be higher, proportionally, among those suffering  
6 from IED which caused traumatic brain injury, than simply a  
7 gunshot wound in the older conflicts.

8 Do you have in San Luis Obispo, for instance, the type  
9 of capability in what I'm going to call the psychological or  
10 psychiatric area, dealing with traumatic brain injury that you  
11 do in the West LA VA center?

12 I'm not talking about amputations. I'm not talking  
13 about gunshot wounds -- which can cause traumatic brain injury,  
14 I know that. But, you know, especially from IEDs?

15 Tough question, by the way.

16 THE WITNESS: Well, I would start by saying your  
17 assumption is not correct.

18 THE COURT: Okay. Help me then.

19 THE WITNESS: So, suicidality --

20 THE COURT: First of all, is our suicide rate higher  
21 with Afghanistan and Iraq veterans, or is it higher with  
22 Vietnam vets?

23 THE WITNESS: Yeah. It's actually higher -- it  
24 varies by age and gender.

25 THE COURT: Right.

1 THE WITNESS: So, younger women veterans, older male  
2 veterans -- and so, I guess one could argue that the older male  
3 veterans may have more Vietnam vets among them than Iraq  
4 veterans, but it's not necessarily related to the type of  
5 trauma that they may or may not have experienced.

6 In fact, many didn't have physical trauma. They may  
7 have had --

8 THE COURT: Burns, for instance?

9 THE WITNESS: Or they had -- I mean, PTSD, as an  
10 example, isn't always involved in physical trauma. It may have  
11 been experiential trauma based on what is going on.

12 THE COURT: What I want to know, the general opinion  
13 I'm getting -- I'm not holding you to it, but I am in a way.  
14 Do you have the same capability in dealing with whatever these  
15 areas are in San Luis Obispo or these other areas as you may  
16 have in West LA?

17 THE WITNESS: So, as we -- we think of medical care  
18 when there is a tertiary care hospital like West LA as a hub  
19 and spoke kind of operation, where the hub is in West LA and  
20 then there are services that go out among the hub, and then  
21 care is referred back to West LA if it exceeds the capacity of  
22 the particular clinic.

23 The other factor that is really important for --

24 THE COURT: Just a moment.

25 THE WITNESS: I'm sorry.

1 THE COURT: If I went down the 110 corridor, where  
2 would I find commensurate care -- where can I take a visit, if  
3 I'm going to be out and about with these attorneys, where can I  
4 go in the West LA corridor to find commensurate services with  
5 the West LA VA center in terms of psychological and psychiatric  
6 care? Give me the location.

7 THE WITNESS: Well, within the VA, for example --

8 THE COURT: Give me a location on the 110 corridor.  
9 A map to visit.

10 THE WITNESS: I guess I'm not sure what you are  
11 referring to, Your Honor. I'm sorry.

12 THE COURT: I'm assuming that the West LA VA has  
13 some level of competence, and I'm going to give you a 5-star  
14 rating, okay, In terms of psychological, psychiatric treatment,  
15 counseling, whatever.

16 I'm looking for a place on the 110 corridor that I can  
17 take counsel, along with you, and find that same level of  
18 competence and capability.

19 Then I'm going to ask you if that exists in San Luis  
20 Obispo, and maybe we are driving to San Luis Obispo.

21 And if it's not, if it's basically better quality in LA,  
22 tell me -- at this campus, if it's not, and it's comparable  
23 quality -- and I know it's what we're treating. I know there  
24 is a difference between simply coming in with PTSD, versus, you  
25 know, I'm going to commit suicide today.

1 THE WITNESS: Yes. So, I guess the point I'm trying  
2 to make is that --

3 THE COURT: No. Answer my question. I don't care  
4 about your point now.

5 I want to know where can I -- listen to me carefully.  
6 Where can I drive to seek comparable services on the 110  
7 corridor. If they are there, we're going to go there.

8 THE WITNESS: I don't know all of the referral  
9 facilities for what -- you know, where we send community care  
10 patients.

11 But UCLA and other locations have adequate services.

12 What I was trying to add, if I may, Your Honor --

13 THE COURT: Sure.

14 THE WITNESS: -- is that we now have connected  
15 opportunities for mental healthcare through telemedicine.

16 THE COURT: Right.

17 THE WITNESS: And that the psychiatrists that work  
18 in West LA -- the psychiatrists --

19 THE COURT: It all comes back to West LA, doesn't  
20 it?

21 THE WITNESS: Or in many cases, to other VA  
22 facilities across our network, of which I'm in charge, and in  
23 some cases, across the country.

24 THE COURT: Because you may have an expert doctor  
25 versus San Luis Obispo that might be consulted by someone that

1 has driven from West LA.

2 THE WITNESS: More likely what would happen is we  
3 have what we call our clinical resource hub that works through  
4 our VISN.

5 So, if someone needs a psychiatrist and it's not  
6 available on-site, they would be connected to one who works in  
7 Phoenix as part of the VA.

8 The other piece that is really important is that many of  
9 these project-based housing units are in locations where people  
10 live.

11 And they are not choosing to be in those housing areas  
12 because of the medical care that is available, they are  
13 choosing to be there because that is where their family is --

14 THE COURT: Or a sense of community amongst them.

15 THE WITNESS: Right. And what's -- our job is to  
16 make sure for those people who choose to live in those areas,  
17 we provide the medical care to them, now they are in housing,  
18 the same as we provide the medical care to any of the veterans  
19 that live in those areas that may have the same medical  
20 conditions and require care whether they are in project-based  
21 housing --

22 THE COURT: Are you aware of the suicide rates by  
23 comparison with Iraq, Afghanistan, and Vietnam?

24 THE WITNESS: I don't know the specifics.

25 THE COURT: Counsel, your questions.

1 BY MR. ROSENBAUM:

2 Q Just let's do some definition work here, sir.

3 Primary care, the definition of primary care is basic  
4 care and triage only; isn't that generally true, sir?

5 A I don't -- I think it -- I would call it as general  
6 medical care is what I would call it as. I wouldn't call, say,  
7 it's basic care.

8 I think most people are managed through their general  
9 conditions by their primary care provider, and when it exceeds  
10 their capability, then they are referred to a specialist.

11 Q Incidentally, following up on Judge Carter's question  
12 about suicide, are you aware of the recent study in July --  
13 that was announced in July of this year, that said that troops  
14 whose jobs expose them repeatedly to blasts, have among the  
15 highest suicide rates in the armed forces? A study by the  
16 Department of Defense.

17 A Yes.

18 Q Okay. Do you know the number of unhoused veterans who  
19 were exposed to such blasts, sir, in the Los Angeles area?

20 A No.

21 Q Or committed suicide in Los Angeles?

22 A No.

23 Q Okay. The 110 corridor, that is a phrase that is familiar  
24 to you?

25 A Not really.



1 Q Okay.

2 THE COURT: Then there has been a whole series of  
3 unfair questions. I want to apologize to you. Thank you.

4 THE WITNESS: I mean, I know where 110 is, but I'm  
5 not familiar with that term. I was on 110 today.

6 THE COURT: It's this freeway.

7 THE WITNESS: I was on 110 today driving here, but  
8 I'm not familiar with the corridor term. But I assume you  
9 meant in Los Angeles area.

10 BY MR. ROSENBAUM:

11 Q Do you know the services that are provided by -- strike  
12 that.

13 Does the VA have a clinic in Lancaster?

14 A Yes.

15 Q Do you know the services provided at that clinic compared  
16 to the services at the West LA?

17 A Again, Lancaster -- services at that clinic is primary  
18 case and mental healthcare and HUD-VASH outreach.

19 Q Do you know the number of veterans housed in Lancaster  
20 through one of the VA programs that suffer from severe mental  
21 illness?

22 A No.

23 Q Traumatic brain injury?

24 A No.

25 Q PTSD?

1 A No.

2 Q Schizophrenia?

3 A No.

4 Q Okay. How about East LA? Does the VA have a clinic in  
5 East Los Angeles?

6 A Yes. Same capacity and capability.

7 Q If I go through all of the green dots on this map, would  
8 your answers be the same regarding the nature of the clinics in  
9 those communities?

10 A No. I would say that in the area of Sepulveda in the San  
11 Fernando Valley, in the area of downtown here on Temple Street,  
12 both of those have ambulatory care centers that have expanded  
13 specialty capability within those centers as well.

14 But again, that is part of the hub and spoke model that  
15 we have with the referral center being in West LA.

16 Q With respect to the two you just pointed out, do they have  
17 the same tertiary services offered as at the West LA VA center?

18 A No. They are more limited. There are specialty care  
19 providers there. They don't have surgery or inpatient capacity  
20 or emergency room capacity at those locations.

21 Q The -- on the VA campus right now in West LA, there is  
22 construction that is planned for a critical -- what's it called  
23 -- critical care tower?

24 A Yes.

25 Q And the purpose of that new construction of the critical

1 care tower, can you tell the Court, please, what it is?

2 A Yes. It's basically a replacement for the inpatient  
3 services, the emergency medicine services, and the surgical  
4 services that are existing in the current building on West LA.

5 Q Thank you.

6 And do you know, sir -- well, strike that.

7 It's true, is it not, sir, that the construction of  
8 facilities with the services you just described, that, to your  
9 knowledge, is not going on anywhere else in the city or county  
10 of Los Angeles by the VA; isn't that true?

11 A By the VA for the hospital services, no.

12 Q Or in any of the catchment areas served by the West LA  
13 center; isn't that true?

14 A No. It's a replacement for the existing critical services  
15 within the hospital.

16 Q On the campus?

17 A That's correct.

18 Q Okay. Let's go back to -- what was it? 215?

19 MR. DU: 25.

20 MR. ROSENBAUM: 25. Okay.

21 BY MR. ROSENBAUM:

22 Q The -- looking, sir, at the data on the exits, do you see  
23 that? Do you have that in front of you?

24 A I think that is the page to the right.

25 Q Yes.

1 A Uh-huh.

2 Q Thank you.

3 The VA -- do you have that in front of you now, sir?

4 A Yes.

5 Q The VA issues press releases where it talks about the  
6 number of veterans who are housed, say, in Los Angeles; isn't  
7 that true?

8 A You mean that were housed in a particular year?

9 Q Yes.

10 A Yes, that's true.

11 Q To your knowledge, does the VA ever issue a press release  
12 as to the number of veterans who were unhoused who were under  
13 their care who exited?

14 A We include that data on our website and in these reports  
15 that you are referring to.

16 Q Yeah. But is there ever a specific press release that  
17 says -- there are specific press releases saying the VA this  
18 year housed this many veterans. That's the headline or sum and  
19 substance; isn't that right?

20 A Sure.

21 Q You are not aware of any such press release that says this  
22 year, this number of veterans under our care exited?

23 A I'm not aware of a press release that says that.

24 Q Okay. And, sir, do you know the current ratio of veterans  
25 entering permanent supportive housing versus the number of

1 veterans exiting for any other reasons listed on this graph?

2 A So, that's one of the things that is being tracked in  
3 those press releases is to -- what the percentage of people  
4 leaving and our goal, and what we have achieved in that goal is  
5 less than 5 percent of those that were housed.

6 Q And my question is, is there data as to the number of  
7 veterans who exited as the result of unsatisfactory support  
8 services?

9 MR. ROSENBERG: Objection. Assumes facts not in  
10 evidence, and lack of foundation.

11 THE COURT: Overruled. You can answer the question.

12 THE WITNESS: I would answer it by saying that for  
13 each of those exits from housing that we're tracking, there is  
14 an assessment and a communication with the veteran as to why.  
15 And there is also a similar goal that 90 percent of those who  
16 exit -- 90 percent of that 5 percent -- get back on a pathway  
17 to housing.

18 THE COURT: I didn't understand something, Counsel.  
19 I need both your help.

20 I need your help.

21 Was the answer that if a veteran is housed, you have a  
22 5 percent exit rate?

23 THE WITNESS: Our goal is to have --

24 THE COURT: Not your goal. Let me start this again.  
25 I'm not interested in aspirations any longer. I'm interested

1 in what we have as data.

2 So let me start again my question. Hear my question.

3 THE WITNESS: Okay.

4 THE COURT: I'm a veteran, and I'm housed. I need a  
5 program based or voucher. Is my exit rate 5 percent?

6 THE WITNESS: It's less than 5 percent because we're  
7 meeting that goal. That's what I was saying. That's how I  
8 know.

9 THE COURT: I'm going to write this down. Housing,  
10 then, is critical to the retention of a veteran?

11 Let me say that -- that is poorly worded. I apologize.

12 Housing, then, is going to increase -- I'm sorry. Is it  
13 going to decrease the exit of our veterans? Get them housing,  
14 likelihood they stay longer?

15 THE WITNESS: So, this has nothing to do with all of  
16 the veterans that are in the system. This is taking the number  
17 of -- I'm explaining the data.

18 THE COURT: Okay.

19 THE WITNESS: So this is taking the number of  
20 veterans who have been --

21 THE COURT: What did you mean, then, by less than  
22 5 percent housed? It just came as a statement. I have no idea  
23 what you are talking about.

24 THE WITNESS: That's what I'm going to understand --  
25 I'm going to explain.

1           So out of the number of people who have been housed in  
2 the past year through our process --

3           THE COURT: Last year.

4           THE WITNESS: -- we track the number of people who,  
5 then, exit that housing.

6           THE COURT: What type of housing is that?

7           THE WITNESS: That is through the HUD-VASH process,  
8 whether that is tenant-based housing or project-based housing.

9           THE COURT: Either one.

10          THE WITNESS: So, for veterans who get housed over  
11 the course of a year through HUD-VASH, our goal and our  
12 successful execution --

13          THE COURT: I don't want goals.

14          THE WITNESS: -- is less than 5 percent.

15          THE COURT: What is your --

16          THE WITNESS: And I --

17          THE COURT: What is your exit rate for building 209?  
18 In other words, now we have some supportive services at the  
19 West LA VA.

20                 Do we have a 50 percent exit rate? Do we have a  
21 5 percent exit rate? Now we've got data on the campus.

22          THE WITNESS: And I don't know that answer.

23          THE COURT: Okay. How about 205 or 208?

24          THE WITNESS: I don't know the specifics to the  
25 units. I just know the total. And that total is less than

1 5 percent.

2 THE COURT: I understand the statistic you just gave  
3 me, 5 percent, includes both tenant-based and program-based.

4 THE WITNESS: That is correct.

5 THE COURT: Okay.

6 THE WITNESS: Project-based, yes.

7 THE COURT: And in that, whether it's program-based  
8 or tenant-based, if we get a veteran housed, I'm going to call  
9 it our good statistics, in other words, we get less exit,  
10 longer retention, and our exit rate is 5 percent?

11 THE WITNESS: What I would say, Your Honor, is that  
12 95 percent of the people who get housed through HUD-VASH remain  
13 in housing through a year.

14 THE COURT: Housing is critical.

15 THE WITNESS: It's not remaining in the ability to  
16 get healthcare. It's just whether or not they stay in that  
17 housing.

18 THE COURT: I'm talking about exit and entrance  
19 rates.

20 THE WITNESS: I don't understand the criticality  
21 point, to be honest with you.

22 THE COURT: I will leave that to counsel. Counsel,  
23 both of you.

24 I'll tell you, my takeaway is that housing is critical,  
25 whatever critical means, because --



1 THE WITNESS: Well, I don't think these data show  
2 that. I think these data show that the VA is effective in  
3 keeping people in housing through the HUD-VASH system when they  
4 use that system to gain housing.

5 THE COURT: Okay. Fine.

6 Counsel.

7 BY MR. ROSENBAUM:

8 Q Doctor, let's talk a little bit about your expert  
9 testimony.

10 In March or April of 2024, you received an e-mail that  
11 informed you that there were expert reports that were submitted  
12 in this case by plaintiffs; isn't that right?

13 A Yes.

14 Q And you learned that the submission included reports by  
15 John Sherin, Steve Soboroff, and Randy Johnson; isn't that  
16 true?

17 A Yes.

18 Q And as for Dr. Sherin -- you know Dr. Sherin?

19 A Yes.

20 Q You regard him as an expert in the area of mental health;  
21 isn't that right?

22 A Yes.

23 Q You know for a fact that he's a former VA employee; isn't  
24 that right?

25 A Yes.

1 Q And that he was director of mental healthcare for Los  
2 Angeles County?

3 A Yes.

4 Q And, in fact, you had communicated with Dr. Sherin in  
5 those roles when you were director of the VA medical center in  
6 Los Angeles?

7 A Yes.

8 Q And you regarded those communications as beneficial to you  
9 and to your mission at the VA; is that right?

10 A Yes.

11 Q And that had to do, for example, with items like suicide  
12 prevention initiatives, correct?

13 A Yes.

14 Q Community partnerships?

15 A Yes.

16 Q Okay. And you regard Dr. Sherin to be an expert in the  
17 area of veteran homelessness; isn't that right?

18 A Yes.

19 Q Okay. Now there came a point when you learned that the VA  
20 was going to submit to the Court a document that identified you  
21 as a witness at this trial for the VA; isn't that right?

22 A Yes.

23 Q And you know that a document was prepared and then  
24 submitted by the government that included a description of your  
25 expected testimony; is that right?

1 A The declaration? Is that what you are referring to?

2 Q I'm not referring now to your declaration. I'm referring  
3 to an earlier document that as to your anticipated testimony as  
4 a witness in this case that the VA submitted -- VA attorneys  
5 submitted?

6 A Okay.

7 Q You are aware that that happened?

8 A Yes.

9 Q And you -- you did not draft any portion of that document  
10 other than your bio; isn't that true?

11 A I did not draft it; that's correct.

12 Q Okay. And to your knowledge, that document was prepared  
13 by someone whom you had never met or spoken to previously;  
14 isn't that correct?

15 A At the time it was drafted, I wasn't sure who it was that  
16 did the drafting. That is correct.

17 Q Okay. And at the time you saw the document, you, in fact,  
18 hadn't read any of the expert reports submitted by the  
19 plaintiffs; isn't that true?

20 A Or the trial testimony.

21 Q Well, I'm not talking about trial testimony. I'm  
22 saying --

23 A Well, for the document that you are describing, that is  
24 correct. I had not.

25 Q Okay. And, specifically, you had not read any of the

1 expert reports by Mr. Soboroff or Mr. Johnson that dealt with  
2 housing; isn't that true?

3 A Yeah. I didn't read them until you provided them during  
4 the deposition.

5 Q Now, in the process of this -- of the preparation of this  
6 document that you and I are talking about you, you just told  
7 me, you had a -- let me strike that.

8 You had a video discussion with someone whose name you  
9 can't recall; isn't that right?

10 A Yes.

11 Q And someone whom you had never met before?

12 A Yes.

13 Q And you had never seen him previously -- was it a male, by  
14 the way?

15 A Yes.

16 Q Okay. You had never seen him on video or Zoom previously  
17 so far as you recall?

18 A Correct.

19 Q And at the time of your -- at the time of your deposition,  
20 you hadn't spoken with him since; isn't that true?

21 A I don't know if that is true or not.

22 Q Well, you want me to get your deposition? Page --

23 A No. You said since the deposition. I mean, he's part of  
24 the trial team, so I --

25 Q I said at the time of your deposition.

1 A Oh, yes.

2 Q Okay. And, in fact, the main part of that video  
3 discussion was what was going to be in your purview versus  
4 Dr. Harris versus Dr. Kuhn -- Mr. Kuhn. Isn't that right?

5 A Yes.

6 Q And there was only one discussion regarding the sections  
7 of that document, just that one video discussion prior to the  
8 submission; isn't that right?

9 A As far as I know, yes.

10 Q And to your knowledge, sir, there has been no contingency  
11 planning in the event that the Court orders additional  
12 permanent supportive housing on the West LA grounds; isn't that  
13 right?

14 A Yes.

15 Q And there has been no discussion about which you are aware  
16 about, in fact, producing such contingency planning; isn't that  
17 correct?

18 A None that I have been involved in.

19 Q Okay. And there certainly hasn't been any start to any  
20 third master plan; isn't that right?

21 A Yes.

22 Q Okay. And there hasn't been any discussion of which you  
23 are aware as to whether or not there would be authority to  
24 build housing on the grounds if the Court were to find the VA  
25 in violation of the Rehabilitation Act; isn't that true?

1 A Yes.

2 Q Or in violation of its fiduciary duty?

3 A Yes. We have only considered what we are authorized to  
4 do.

5 Q Well, when you say what you are authorized to do, that is  
6 your judgment as to whether or not you have authority or not  
7 authority; is that right?

8 A Our judgment based on, you know, VA's interpretation and  
9 policy of the rules, yes.

10 Q What rules are those, sir?

11 A Whether we have the authority to purchase housing,  
12 primarily.

13 Q I want to know, specifically, what rules you are referring  
14 to?

15 A That's what I just said.

16 Q Can you give me a name or a number of those rules?

17 A The VA's position --

18 Q No. I'm asking --

19 A -- is that we're not authorized to build housing for  
20 housing sake for veterans because that authority was taken away  
21 in the Eisenhower administration when they kind of closed down  
22 the Veteran Home Network.

23 So do I know the exact legislative document? I have  
24 that somewhere that people have used to describe that, but I  
25 don't have that by memory.

1 Q And your understanding of the VA position is that the VA  
2 also doesn't have authority to issue RFPs for the construction  
3 of property; isn't that right?

4 A So the -- my understanding is the enhanced-use lease  
5 process is the authority that we have to provide land and/or  
6 buildings for building and renovation, respectively, for  
7 housing, but we can't fund the housing ourselves.

8 An RFP would be getting a contractor to come in and do  
9 it at VA's expense, which is the same as building in the first  
10 place.

11 Q And do you know, specifically, what this legislation you  
12 are referring to during the Eisenhower administration says?

13 A I don't know the exact specifics.

14 Q Do you know the name of the legislation?

15 A I indicated that I have what the VA has used to make that  
16 interpretation. I don't have it by memory, but there is, you  
17 know, some evidence there of what those documents are.

18 Q Incidentally, do you know if that document was turned over  
19 to the plaintiffs in discovery?

20 A I don't.

21 THE COURT: Between the two of you, is there any  
22 opinion issued by your legal counsel? Is there any --

23 THE WITNESS: There are --

24 THE COURT: Just one moment.

25 -- document that states that there is no

1 authority on your part to build housing?

2 THE WITNESS: I think there are a variety of --

3 THE COURT: No, not "I think." Is there or not? Do  
4 you know?

5 THE WITNESS: There are a variety of opinions that  
6 we have received that says that.

7 THE COURT: Okay. Maybe either counsel will produce  
8 those during this litigation.

9 MR. ROSENBERG: Your Honor, I think the challenge  
10 here is that we get into questions of attorney-client privilege  
11 because some of those documents are going to be from VA's  
12 Office of General Counsel to its client, which would be  
13 problematic to people.

14 THE COURT: That's fine. I won't get into  
15 attorney-client privilege, but what I'm interested is whether  
16 this is a discretionary decision by the VA or if it's based  
17 upon a legal opinion acting in good faith? And I can't get my  
18 hands around that.

19 Let me apologize also. I confused you with 5 percent  
20 and 95 percent, okay? And I apologize. It was 95 percent  
21 retention, 5 percent exit, okay?

22 THE WITNESS: Yes.

23 THE COURT: Well, counsel, why don't we take a  
24 recess in just a moment.

25 And if you have those documents during your



1 presentation, I would appreciate it. If you don't, fine. But  
2 I would just like to know what authority -- or if we're  
3 operating on, you know, good faith rumors from the past from  
4 Eisenhower administration. I just don't know how much  
5 discretion you have or not. I don't know what legal authority  
6 is binding or not binding.

7 That would be helpful to me, okay.

8 20 minutes, okay.

9 MR. ROSENBERG: How long did you say?

10 THE COURT: 20.

11 MR. ROSENBAUM: 20 minutes is fine, Your Honor.

12 THE COURT: Okay. Let's take a break.

13 (Morning recess.)

14 THE COURT: Back on the record. All counsel are  
15 present. The parties are present. Dr. Braverman is present  
16 again.

17 Counsel, your continued direct examination.

18 MR. ROSENBAUM: Thank you, Your Honor.

19 Your Honor, over the break, we obtained copies of the  
20 complaint. We've served them on other counsel. I believe your  
21 clerk has a copy of it.

22 THE COURT: Is this the Shangri-La?

23 MR. ROSENBAUM: Yes.

24 THE COURT: Okay. Just have it marked as an  
25 exhibit.

1 MR. ROSENBAUM: It's been marked as Exhibit 219.  
2 THE COURT: All right. It's going to be received.  
3 (Exhibit 219 received into evidence.)  
4 BY MR. ROSENBAUM:  
5 Q Dr. Braverman, do you have what has been marked as  
6 Exhibit 219 in front of you?  
7 A Yes.  
8 Q It's pretty voluminous, huh?  
9 A There is a lot of pages.  
10 Q And I take it, sir -- is this the first time you have seen  
11 this document?  
12 A Yes.  
13 Q If I understood your testimony earlier, what you told me  
14 is you had heard about the complaint in January, on or about  
15 January of this year; isn't that right?  
16 A Yes.  
17 Q Okay. And if you'd turn to page 35 of the document, do  
18 you have that in front of you, Exhibit 219?  
19 A The one that is signed at -- the signature page?  
20 Q Exactly right.  
21 A Yes.  
22 Q And there is a date as to this complaint. Do you see  
23 that?  
24 A Yes.  
25 Q It's January 9, 2024?

1 A Yes.

2 Q Now, I appreciate you telling me about the signature.

3 It's signed by an individual who identifies as Jack C. Nick,

4 N-I-C-K, Deputy Attorney General.

5 Do you see that?

6 A Yes.

7 Q And then on the front page of Exhibit 319, there is three

8 other names in the caption in the left-hand corner for lawyers

9 for the State of California.

10 Do you see that?

11 A Yes.

12 Q And that is Rob Bonta, B-O-N-T-A, Attorney General of

13 California.

14 Do you see that?

15 A Yes.

16 Q And then there is Craig D. Rust, R-U-S-T. He's the

17 Supervising Deputy Attorney General.

18 Do you see that?

19 A Yes.

20 Q And then there is Mr. Nick. Do you see that?

21 A Yes.

22 Q And then there are some phone numbers and e-mail

23 addresses.

24 Do you see that?

25 A Yes.

1 Q Now, at or about the time of January 2024, did you contact  
2 Mr. Nick, Mr. Rust, or Mr. -- or Attorney General Bonta to find  
3 out about this matter?

4 MR. ROSENBERG: Objection. Lack of foundation and  
5 misleading. He hasn't seen the complaint before, so he's being  
6 asked to testify about individuals who are identified in a  
7 document he has never seen before.

8 THE COURT: Overruled. In other words, once you got  
9 knowledge of this, whether you read it or not, did you contact  
10 any of these three people?

11 THE WITNESS: No. I was the network director at the  
12 time, so I wasn't involved in those day-to-day activities of  
13 what was going on on the West LA Campus or the GLA campus.

14 BY MR. ROSENBAUM:

15 Q Well, you knew at the time that Shangri-La were  
16 leaseholders on those 388 acres; isn't that right?

17 A Yes.

18 Q Did you contact Mr. Kuhn or any staff in West LA and say:  
19 Can you make some calls to find out from the Attorney General's  
20 Office of California what is going on with this Shangri-La  
21 business?

22 A I think there were -- I think there were discussions,  
23 internally, among the group that oversees the master plan, to  
24 acknowledge that this complaint had come up. That --  
25 ultimately, months later, that there were financial

1 difficulties and filing for bankruptcy, and to identify what  
2 the plan was and whether that would have an impact on our  
3 ability to provide the care for the veterans.

4 Q I very much appreciate that. I was going to get to that  
5 point.

6 But let me ask the question that I just asked you, which  
7 is, at or about January, when you learned about this action,  
8 did you contact anybody in the West LA Medical Center staff and  
9 say: Look, get on the phone, make some communication with the  
10 Attorney General's Office, let's find out right now, not months  
11 later, as to what is going on?

12 A No.

13 Q Okay. Do you know if anyone in the office of the VA on or  
14 about January 9, 2024, contacted anyone in the Attorney  
15 General's Office of the State of California to say, what is  
16 going on with Shangri-La?

17 A I don't know.

18 Q Do you know if anybody in the West LA VA's office on or  
19 about that time said: You know, we have got to get to the  
20 bottom of this, let's find out what the financial situation is  
21 with Shangri-La, what the business is with respect to their  
22 ability to pay their contractors, anything of that nature, sir?

23 MR. ROSENBERG: Objection. It's confusing just to  
24 the extent, is the question literally what Mr. Rosenbaum is  
25 saying to the witness word for word?

1 THE COURT: I think the gist of the question is  
2 whether he or anybody else contacted Shangri-La about this  
3 complaint. Overruled.

4 THE WITNESS: Yes. I -- the group that would have  
5 inquired into the issue would have been the team from the  
6 Office of Asset and Enterprise Management, OAEM.

7 That is the group that is directed by Mr. Brett Simms in  
8 the VA. They are the group that manages the leases for the  
9 enhanced-use lease developers, and they would have been the  
10 ones to have done any kind of assessment of the risk of being  
11 able to maintain the leases based on the complaint.

12 So, I personally did not direct that to happen, nor did  
13 I inquire myself.

14 BY MR. ROSENBAUM:

15 Q And do you know if, in fact, that did take place, the  
16 contacts we're talking about?

17 A We -- the report that we got back was that it would not  
18 have an impact on the operations of those leased buildings on  
19 the West LA Campus.

20 Q Who did that report?

21 A Well, that came from Mr. Simms.

22 Q And do you know when that report was drafted?

23 A Oh, I don't remember if it was -- I mean, I'm sure it  
24 was -- excuse me -- it was an oral report, but I don't remember  
25 exactly when that took place.

1           Then, at some point subsequent to that, there was  
2 discussion that they were in the process of getting new -- I  
3 don't know if the right word is ownership or oversight of those  
4 particular buildings over the course of 2024. I don't remember  
5 the specific dates, since I was at a different level there.

6 Q       Do you know what the information was that had an impact on  
7 saying, well, we should get new leaseholders in here?

8           Do you know what the specific information was?

9 A       I think -- no, I don't. I don't know.

10 Q       Okay. Going back to where we were before the break, sir.

11           To your knowledge, there have been no written analyses  
12 of contingencies regarding permanent supportive housing or  
13 other housing on the West LA Campus in the event of a decision  
14 by Judge Carter adverse to the VA; isn't that correct?

15 A       Yes.

16 Q       And you never directed any such analysis to be prepared;  
17 isn't that true?

18 A       Yes.

19 Q       And to your knowledge, there has not been a cost-benefit  
20 analysis conducted regarding the possibility that a Court might  
21 order additional permanent supportive housing units on the West  
22 LA VA grounds; isn't that true?

23 A       I'm not aware of any.

24 Q       Or any other sort of units for housing of veterans. You  
25 are not aware of any sort of cost-benefit analysis that has

1 been connected with respect to units on the West LA VA grounds;  
2 isn't that true?

3 MR. ROSENBERG: Objection for this and the prior  
4 question. Assumes facts not in evidence to the extent a  
5 cost-benefit analysis could apply to a legal decision that  
6 would be binding on an agency.

7 THE COURT: Overruled. You can answer the question.

8 THE WITNESS: I don't know what you mean by  
9 "cost-benefit analysis."

10 I should have asked that question on the last request.

11 BY MR. ROSENBAUM:

12 Q What would be the cost to the VA versus the benefit to  
13 unhoused veterans, for example?

14 A So, there has not been any official documentation in  
15 regards to that.

16 Q Or what would be the cost to the benefit -- to the  
17 unhoused veterans if the housing doesn't take place?

18 You are not aware of any such analysis of that either,  
19 are you?

20 A No.

21 Q Or what would be the economic cost to the City and County  
22 of Los Angeles by having unhoused veterans on their streets?

23 You are not aware of any such analysis of that; isn't  
24 that true, sir?

25 A Yes.



1 Q In the submission that -- not so much your declaration, we  
2 will get to that -- but in the submission to the Court as to  
3 your anticipated testimony, sir, in your -- in that  
4 description, sir, in each instance, you used the wording "the  
5 likely impact"; isn't that right?

6 MR. ROSENBERG: Objection. Misleading to the extent  
7 that I believe my good friend is referring to the Rule 26  
8 disclosures.

9 I do not believe that they were submitted to the Court  
10 in and of themselves.

11 MR. ROSENBAUM: My mistake. Thank you.

12 BY MR. ROSENBAUM:

13 Q The submission to counsel as to the anticipated testimony,  
14 what your counsel just described, you used the phrase "likely  
15 impact," did you not?

16 A I don't recall.

17 Q Okay. Do you want me to show it to you, sir?

18 A If it's in there, I accept that it's in there. I don't  
19 recall.

20 Q Okay. And in fact, sir, the way you put it is nothing  
21 actually had actually coalesced into any specific additional  
22 options for more units; isn't that correct, sir?

23 A I'm sorry, I'm confused to what you are referring.

24 Q I'm referring -- thank you for asking me to clarify, I'm  
25 happy to do that.

1 A Yes. Thanks.

2 Q I'm referring to the document that Mr. Rosenberg referred  
3 to in terms of your anticipated witness testimony.

4 Are you with me?

5 A Okay.

6 Q Okay. And when I talked to you about that, what you said,  
7 well, that really hasn't coalesced into specific additional  
8 adoptions for more units.

9 Isn't that what you told me, sir?

10 A I apologize, I don't remember.

11 Q Okay.

12 A I'm not trying to be evasive. I don't remember.

13 Q I believe you, sir. So, let's put on page 62, line 19 of  
14 your second volume of deposition testimony in April of this  
15 year.

16 A Yeah. I have lost the context. That's why I don't  
17 remember.

18 Q Got it. Glad to accommodate you.

19 A I stand by whatever I said. I just don't remember. There  
20 is 500 pages of that deposition.

21 Q Okay. Is page 62 in front of you?

22 MR. ROSENBERG: And I would like to note for the  
23 record that prior to the deposition testimony that is being  
24 referenced, there was an objection by me for lack of  
25 foundation.

1 THE COURT: Thank you.

2 BY MR. ROSENBAUM:

3 Q So, starting at line 4:

4 "QUESTION: Have you specifically given  
5 considerations as to a different number of possibilities?"

6 A So, I believe here, and I don't remember if this is  
7 specific to -- okay. I think I understand what I said here  
8 now.

9 Q Okay. And what you said, beginning at line 19 was:

10 "So, you know, I guess part of my answer, honestly,  
11 would be yes.

12 I've thought about what, you know, a variety of, you  
13 know, options could look like, but I haven't specifically  
14 coalesced that into individual options at this time."

15 Does that refresh your recollection, sir?

16 A Yeah. So, my intent of those comments is to say that we  
17 are always considering whether or not we can add additional  
18 housing to the campus.

19 That was true when we were also having our process of  
20 1,200 housing units versus 1,600 housing units, and where would  
21 we get those buildings or parcels in order to increase that 400  
22 from 1,200 to 1,600 or even beyond that.

23 It wasn't specific to whether or not there would be a  
24 Court order. It was more associated with what were our  
25 options.

1           And that was the same reason why in 2023, we were  
2 looking at potential for temporary housing. And I note that  
3 you have that information as well.

4           And it wasn't because of the court case, it was because  
5 of a general interest in trying to maximize what we can do for  
6 the veterans.

7 Q       Okay. Now, let's return to my question. My question is,  
8 in fact, what you told me was that hadn't coalesced into any  
9 specific additional options for more units; isn't that right?

10 A       Yes.

11 Q       And with respect to the testimony as to the testimony you  
12 give, you don't know to what extent your opinion might be  
13 changed based on a ruling that the VA has to come into  
14 compliance with the requirements of Section 504 of the  
15 Rehabilitation Act.

16           Isn't that correct, sir?

17 A       Again, I'm not sure I understand the question. I'm not  
18 going to anticipate what Judge Carter may --

19           THE COURT: Have him reask it then.

20           Just reask the question.

21 BY MR. ROSENBAUM:

22 Q       Okay. Let's go to page 96, line 6 of the deposition.

23           Do you have that in front of you, sir?

24           I would be glad to give you a copy of it.

25           MR. ROSENBERG: I will note for the record while the

1 witness is reviewing that section, immediately prior, I  
2 interposed an objection: Confusing, potentially calls for a  
3 legal conclusion.

4 THE COURT: Thank you.

5 BY MR. ROSENBAUM:

6 Q So, let's -- the question starts actually on page 95, the  
7 end of 95.

8 Do you have an opinion as to what extent a ruling that  
9 would say that the VA has to come into compliance with  
10 Section 504 of the Rehabilitation Act of 1973 would affect that  
11 analysis?

12 Answer at line 6. "So, you spoke originally to a  
13 judgment that orders us to do something. What I would be  
14 speaking to is our ability to execute that judgment based on  
15 the statutes and regulations.

16 So I don't know how that might be changed based on the  
17 Rehabilitation Act other than the laws and rules which I'm  
18 aware of now."

19 Wasn't that your testimony, sir?

20 A Yes.

21 Q Okay.

22 THE COURT: Just one moment, counsel. I'm sorry.  
23 Thank you.

24 THE WITNESS: I'm happy to clarify what I meant by  
25 that, if you'd like.

1 BY MR. ROSENBAUM:

2 Q Sir, you don't consider yourself an expert with respect to  
3 interpreting Section 504 of the Rehabilitation Act; isn't that  
4 true?

5 A Yes.

6 Q In your capacity with the VA, you have never received any  
7 training about Section 504 of the Rehabilitation Act; isn't  
8 that true?

9 A Yes.

10 Q You don't have any familiarity with the act; isn't that  
11 true?

12 A Yes.

13 Q In fact, you don't ever recall reading any portions of the  
14 Rehabilitation Act; isn't that true?

15 A Yes.

16 Q Now, you have read parts of the Americans with  
17 Disabilities Act; isn't that right?

18 A Yes.

19 Q But you don't remember what parts you have read?

20 A Yes.

21 Q And you don't remember receiving any training about the  
22 ADA?

23 A Not in the entirety, no.

24 Q And you don't recall reading the VA Handbook with respect  
25 to sections relating to compliance with Section 504 of the

1 Rehabilitation Act of 1973; isn't that true?

2 A That's true.

3 Q You can't tell me any of the contents of the handbook with  
4 respect to the Rehabilitation Act; isn't that also true?

5 A Not as they are written in the handbook, no.

6 Q You are familiar with the phrase "fiduciary duty"; isn't  
7 that right?

8 A To the extent as it's generally defined.

9 Q And you have never received any training as to how to  
10 carry out a fiduciary duty in Los Angeles to provide housing to  
11 veterans with disabilities; isn't that right?

12 A Yes.

13 Q Including permanent supportive housing?

14 A Yes.

15 Q And you don't believe that in the fulfillment of your  
16 duties and responsibilities, either now or in your prior  
17 position that the VA, in fact, has a fiduciary duty to provide  
18 permanent supportive housing to unhoused veterans with  
19 disabilities; isn't that right?

20 A I'm not sure exactly what that means, to be honest.

21 We have a fiduciary duty to the VA to make sure we use  
22 resources appropriately, and that we, you know, identify where  
23 those resources should be used.

24 Some of that includes the provision of resources towards  
25 housing, and that is partly what our capital contributions and

1 contracts for utility, infrastructure, and those things that  
2 are associated with the PACT Act. So, we are providing  
3 resources that support housing on our campus through the EUL  
4 process.

5 Q My question is a little bit different.

6 The question is: Do you believe that you have a  
7 fiduciary duty -- let me follow up on what you just said.

8 Do you believe you -- the VA has a fiduciary duty to  
9 provide permanent supportive housing to all unhoused veterans  
10 in Los Angeles?

11 A I would say no.

12 Q Okay. And do you believe -- you don't believe that the VA  
13 has a fiduciary duty under the 1888 deed; isn't that right,  
14 sir?

15 A Judge Carter has found that we do, and I'm not a lawyer or  
16 associated with that, so that wasn't the position of the VA  
17 prior to this trial.

18 Q Okay. Is that the position of the VA today as you  
19 understand it?

20 A I don't know what the position -- I don't know what's  
21 changed. I just know that Judge Carter has made a ruling  
22 associated with that from the summary judgment, but I don't  
23 understand the intricacies and details of that ruling.

24 Q You have never made any inquiries as to what those  
25 intricacies are; isn't that right, sir?



1 A I think we're all in the process of finding out what is  
2 going to happen with the trial.

3 Q My question is a little bit different.

4 You haven't made any inquiry as to what those  
5 intricacies would be; isn't that true, sir?

6 MR. ROSENBERG: I'm going to object at this point.  
7 I mean, we're veering awfully close to attorney-client  
8 privilege to the extent any inquiry would go to DOJ counsel as  
9 to how the government would comply with any order that the  
10 Court might ultimately issue, including its summary judgment.

11 THE COURT: Plus, the government may be taking this  
12 up on appeal concerning the Court's ruling. I think counsel is  
13 correct. I'm going to sustain the objection.

14 BY MR. ROSENBAUM:

15 Q Dr. Braverman, you told us earlier that you are a  
16 physical, medical, and rehabilitory doctor; is that right, sir?

17 A Physical medicine and rehabilitation.

18 Q I'm sorry. I couldn't read my writing, and I don't mean  
19 to misrepresent what you said. Thank you for that correction.

20 A Sure.

21 Q Along those lines for just a moment, sir, isn't it true  
22 that so far as you know, you have never treated an unhoused  
23 veteran?

24 A I haven't treated any veterans while I was in the VA, so I  
25 haven't treated anyone, whether housed or unhoused.

1 Q Okay. You don't consider yourself an expert on the  
2 design, creation, management, construction, and implementation  
3 of large scale community projects; isn't that right?

4 A Yes.

5 Q You haven't done any writing in that area?

6 A No.

7 Q You haven't taken any course work in that area?

8 A No.

9 Q You don't belong to any professional societies that  
10 address that area?

11 A No.

12 Q You can't name any books or writings that deal with that  
13 area?

14 A No.

15 Q Or any articles; isn't that correct?

16 A Yes.

17 Q You have never taken any course work on infrastructure for  
18 construction projects; isn't that true, sir?

19 A Yes.

20 Q You don't consider yourself an expert in the design,  
21 creation, and management of temporary housing; isn't that true,  
22 sir?

23 A Yes.

24 Q Or done any reading in that area; is that true, sir?

25 A Not as an expert, correct.

1 Q Or done any writing in that area?

2 A No.

3 Q Or taken any course work in that area?

4 A No.

5 Q You don't consider yourself an expert in real estate;  
6 isn't that true, sir?

7 A Yes.

8 Q You haven't done any reading in that area?

9 A No.

10 Q You don't -- haven't done any writing in that area?

11 A No.

12 Q You haven't taken any course work in that area?

13 A No.

14 Q You don't consider yourself an expert in the area of  
15 finance of residential housing construction projects; isn't  
16 that true?

17 A Yes.

18 Q You haven't taken any course work in that area?

19 A No.

20 Q You don't consider yourself an expert in the area of  
21 affordable housing; isn't that true, sir?

22 A Yes.

23 Q You haven't taken any course work in that area?

24 A No.

25 Q Attended any conferences in that area?

1 A No.

2 Q Done any writings in that area?

3 A No.

4 Q You don't consider yourself an expert in the area of real  
5 estate development; isn't that true, sir?

6 A Yes.

7 Q You haven't done any reading in that area?

8 A No.

9 Q You haven't taken any course work in that area?

10 A No.

11 Q You haven't done any writing in that area?

12 A No.

13 Q You haven't attended any conferences in that area; isn't  
14 that right?

15 A Yes.

16 Q You, sir, haven't -- don't consider yourself an expert in  
17 the area of community planning; isn't that true, sir?

18 A Yes.

19 Q You haven't done any reading in that area?

20 A No.

21 Q Or taken any course work in that area; isn't that true?

22 A Yes.

23 Q Sir, I want to talk to you about temporary housing.

24 I would like to talk about temporary housing.

25 You, at some point, did read the reports of Mr. Soboroff

1 and Mr. Johnson; isn't that right?

2 A Yes.

3 Q Did you -- did you read Mr. Soboroff's deposition?

4 A No.

5 Q Did you read Mr. Johnson's deposition?

6 A No.

7 Q You are aware that Mr. Soboroff talks about temporary  
8 housing; isn't that right, sir?

9 A Yes.

10 Q Tell me what you understand he means by temporary housing,  
11 if you know -- strike that.

12 Do you know specifically -- strike that.

13 Do you have an understanding specifically as to what  
14 Mr. Soboroff means by temporary housing?

15 A My understanding is that it's housing that would be built  
16 for people to stay in for a term of up to two years while they  
17 are in the process of finding permanent housing.

18 Q What do you base that on?

19 A I think that's what was in the report, as far as I  
20 remember.

21 Q So, I don't mean to repeat myself too much here, but you  
22 don't know if that's what he actually testified to in his  
23 deposition, do you?

24 A No. You asked me what I recall.

25 Q I appreciate that.

1           Do you know what Mr. Soboroff described as what that  
2 housing -- that temporary housing would look like?

3       A       Well, he described modular units.

4       Q       Do you know what the lifespan of those temporary units  
5 are? Do you know what he testified to about that?

6       A       I don't recall that.

7       Q       Did you ever know it, sir?

8       A       Did I ever know it?

9       Q       Yes. What Mr. Soboroff thought would be the lifespan.

10      A       What he testified to, no. I just read the declaration.

11      Q       Okay. That's all you know about the Soboroff plan is that  
12 declaration; is that right?

13      A       Yes.

14                   MR. ROSENBERG: I'm going to object. That is  
15 misleading because, of course, Mr. Soboroff has not, in fact,  
16 testified at this trial yet, and we have reserved the right to  
17 recall Dr. Braverman to respond to that testimony once it's  
18 actually in the Court's record.

19                   THE COURT: But one expert can rely upon the  
20 opinions of another expert. In fact, under the evidence code,  
21 all of you as expert could be present at one time. You are not  
22 excluded from these proceedings.

23                   So, overruled, counsel.

24       BY MR. ROSENBAUM:

25      Q       Same thing about Mr. Johnson, sir. You didn't read his

1 deposition?

2 A Correct.

3 Q You can't tell us what he testified to, therefore, about  
4 what about the nature of that temporary housing would be; isn't  
5 that correct?

6 A Yes. Only what was in the declaration.

7 Q Okay. You agree, do you not, sir, that there is a gap  
8 between emergency programs on the West LA grounds associated  
9 with CTRS and Bridge Home and permanent supportive housing;  
10 isn't that right?

11 A Yes.

12 Q And CTRS and Bridge Home, they are two congregate,  
13 hangar-like structures; isn't that right?

14 A A Bridge Home is. CTRS is not.

15 Q Okay. CTRS, you don't consider that to be long-term  
16 housing?

17 A Correct.

18 Q In fact, CTRS -- what's the longest you think someone  
19 should stay in CTRS?

20 A The goal would be 90 days.

21 Q Okay. There have been unhoused veterans during your  
22 tenure who stayed in CTRS longer than 90 days; isn't that  
23 right, sir?

24 A Yes.

25 Q In fact, more than a year; is that right?

1 A There are some, yes.

2 Q Do you know how many?

3 A Do I know how many?

4 Q Yes.

5 A No.

6 Q Do you know what it meant to them -- strike that.

7 Do you know how it affected them living in CTRS for a  
8 year or more?

9 A Everybody is affected differently.

10 Q I know. But my question is: Do you know how any of them  
11 were affected by living in CTRS?

12 A I have spoken with a few.

13 Q Well, tell me what they told you about living there.

14 A There were some that were grateful to have that  
15 opportunity. There are others who were looking for other  
16 opportunities and were challenged in finding them or being  
17 successful in getting them.

18 There were some who were living there longer than we  
19 would have liked while they were trying to get spaces in those  
20 enhanced-use lease buildings that were opening in February and  
21 May of 2023. And there were also challenges during COVID in  
22 getting people leased into those buildings.

23 Would I say that is a optimal living environment?

24 Absolutely not. But it was better than alternatives for some  
25 of those people.



1 Q Incidentally, sir -- well, given what was on the VA  
2 grounds; isn't that right, sir?

3 A Not just the VA grounds, but in the community overall and  
4 the challenges with getting tenant-based housing and in getting  
5 people through the system, as you have described before with  
6 some of those challenges in the chart.

7 Q Exactly, right.

8 Now, sir, the -- did you ever go inside any of those  
9 units?

10 A Yes.

11 Q How big are they, sir?

12 A They are 8 by 10.

13 Q Okay. And those units, the first group of those units,  
14 they were donated to the VA; isn't that right?

15 A Yes.

16 Q VA didn't pay for those; isn't that right?

17 A Yes.

18 Q In fact, you took the position that some authorities said  
19 that the VA couldn't pay for that; isn't that right?

20 A Yes.

21 Q So, depended on the kindness of strangers; isn't that  
22 right, sir?

23 MR. ROSENBERG: Objection. Mischaracterizes the  
24 testimony.

25 MR. ROSENBAUM: I will withdraw that.

1 BY MR. ROSENBAUM:

2 Q The individuals who donated those units, they have never  
3 been reimbursed by the VA, have they?

4 A Correct.

5 Q Okay. You do agree with me, sir, that there is a need for  
6 unhoused veterans to be on the grounds and have wraparound  
7 services that will enable access to healthcare?

8 A I believe there is a benefit for many of those veterans to  
9 have access and to be on the campus so that they can have  
10 immediate access to care.

11 Q Incidentally, sir, between the housing that -- we are will  
12 put housing in quotation marks here -- in CTRS and Bridge Home  
13 and permanent supportive housing, that would be housing -- you  
14 believe that there is a need for housing that fits that bill  
15 and is less costly than permanent supportive housing; isn't  
16 that right?

17 MR. ROSENBERG: Objection. Confusing.

18 THE COURT: Do you understand the question? I'm  
19 going to sustain the objection. Reask the question.

20 BY MR. ROSENBAUM:

21 Q Sure. You told me earlier that there is a need for  
22 unhoused veterans to have housing to fill the gap between  
23 emergency programs on the West LA grounds associated with CTRS  
24 and Bridge Home and permanent supportive housing; isn't that  
25 right?

1 A Yes.

2 Q And that housing would be less costly than permanent  
3 supportive housing; isn't that right?

4 A Yes.

5 Q Now, the VA believes that the only funding resources that  
6 are available for this sort of temporary housing of the  
7 character that -- talking about, would be lease revenue funds  
8 and donations; isn't that right?

9 A For the West LA Campus, yes.

10 Q And the lease revenue fund, sir, in March of this year had  
11 a total of about 13 and a half million dollars?

12 I'm going to start subtracting from it, but let's just  
13 start there. It had, at start --

14 A It had at one point \$13 million, yes.

15 Q That's right. And approximately \$8 million of that 13 and  
16 a half million dollars was spent on the CTRS program?

17 A Over the last few years, yes.

18 Q And so, that leaves, from that fund about \$5 million?

19 A Yes.

20 Q And, sir, you can't speak to what would be the best  
21 funding mechanism to increase that stock of housing; isn't that  
22 right, sir?

23 MR. ROSENBERG: Objection. Assumes facts not in  
24 evidence. Misleading.

25 BY MR. ROSENBAUM:

1 Q Isn't that what you told me in your deposition, sir?

2 THE COURT: Overruled. You can answer the question.

3 THE WITNESS: So I'm trying to remember the context  
4 of the question in terms of the funding source. What I would  
5 say is that we have lease revenue that comes in from a variety  
6 of sources. Most of the annual income of that lease revenue  
7 goes towards the maintenance and upkeep of CTRS. And if there  
8 were to be more revenue, that would have to come from donations  
9 or an increase in lease revenue from other entities. I think  
10 that's what I said.

11 BY MR. ROSENBAUM:

12 Q All right. So let's go back to the question I asked.

13 You can't tell me what would be the best funding  
14 mechanism to get this stock of housing; isn't that true?

15 A I don't understand what you mean by "best."

16 Q You know what, let's go to page 98 of your deposition.  
17 This is volume 1, lines 21 through 24.

18 Can someone, please, give that to Mr. Braverman so he  
19 can follow along, or do you have that on your screen?

20 A I have it on my screen.

21 Q All right. Great.

22 A Page 98.

23 Q Yes.

24 So let's just do full context here. At line 8, I said  
25 to you:

1                   "QUESTION: So of the \$5 million or so that's  
2 remaining, to your knowledge, has there been any discussion  
3 about using any of those resources for purposes of constructing  
4 the temporary housing?"

5                   And then your answer at line 12 was:

6                   "ANSWER: Not yet because we didn't have an opinion  
7 that potentially authorized that."

8 A           Yes.

9 BY MR. ROSENBAUM:

10 Q          And then I said:

11                   "QUESTION: Would you recommend doing that?"

12                   And you started to say:

13                   "ANSWER: I would --

14                   And then your attorney objected. And then I -- as  
15 to whether it was personal or professional -- or opinion on  
16 behalf of the organization.

17                   And I said: "Let's do both."

18                   And I said: "Let's start with the personal" at line 20.

19                   Do you see that?

20 A           Yes.

21                   BY MR. ROSENBAUM:

22 Q          All right. And so you said at line 21:

23                   "ANSWER: So the personal answer is, I believe it  
24 would be beneficial to find a way to have some number of  
25 temporary housing units, to use the term that you were

1 describing."

2 Do you see that?

3 A Yes. So --

4 Q Then you said:

5 "ANSWER: What I can't speak to is what the best  
6 funding mechanism is for that, to be honest with you."

7 Do you see that?

8 A Yes. So what I meant by that is that I couldn't know what  
9 would be successful, whether that was somehow increasing lease  
10 revenue that we were able to get or getting donations from  
11 other organizations. That's what I was saying.

12 I don't know what would be the most successful way to do  
13 that. But we would need more money than the money that is in  
14 that account to be able to build a good number of 100-plus  
15 units of temporary housing.

16 Q Incidentally, Doctor --

17 THE COURT: And just to be sure, you mentioned  
18 before that the -- what I assume were the tiny homes were  
19 donations, was that from Schwarzenegger?

20 THE WITNESS: There were some from that. There were  
21 multiple sources.

22 THE COURT: Thank you.

23 All right. Counsel.

24 BY MR. ROSENBAUM:

25 Q Incidentally, Doctor, you think unhoused veterans in this

1 city who are living on the streets should be dependent upon  
2 donations in order to get into housing?

3 MR. ROSENBERG: Objection. Argumentative.

4 THE COURT: Well, the first portion is, Counsel.  
5 Just reask the question.

6 BY MR. ROSENBAUM:

7 Q Do you think that unhoused veterans should be dependent  
8 upon donations for housing, sir?

9 MR. ROSENBERG: Objection. Misleading.

10 THE COURT: Overruled.

11 THE WITNESS: What I think is that we would want to  
12 look at any and all funding opportunities that are legally  
13 available to us in order to move forward.

14 So the purpose of donations, and even as it occurred  
15 with the tiny shelters, was because the position of the VA was  
16 that we didn't have the authority to buy them ourselves. And  
17 we didn't want that to stand in our way of moving forward and  
18 trying to improve the process.

19 So we sought donations because we had people coming to  
20 us in order to donate so that we could move from tents to tiny  
21 shelters in that CTRS program.

22 So, while I might not think that that should be  
23 necessary, I'm going to use the opportunities that we can in  
24 order to move forward.

25 Q Well, now I'm asking you the question, do you think that

1 should be necessary?

2 A I think that we would use whatever mechanism is necessary  
3 in order to comply with the law. And our interpretation in  
4 complying with the law is that if we wanted to get more money  
5 than we have, based on the law and the revenue streams that  
6 currently are in existence, then we would have to rely on  
7 donations.

8 Q My question, sir, is do you personally, in your position,  
9 think that should be necessary.

10 MR. ROSENBERG: Objection. Confusing. I don't know  
11 what "personally, in your position" --

12 MR. ROSENBAUM: Fine. I will refine that.

13 BY MR. ROSENBAUM:

14 Q Do you think that should be necessary, Doctor?

15 A I would always like to have alternatives to be able to do  
16 things without relying on donations.

17 Q Especially when they involve the lives and well-being of  
18 our veterans; isn't that right, sir?

19 A That is. But we also utilize volunteer services and  
20 donations for all sorts of things in our healthcare systems in  
21 order to supplement what we have.

22 Q When veterans go to Iraq and Afghanistan, is the housing  
23 that is provided them secured through donations?

24 A I would --

25 MR. ROSENBERG: I mean, objection. Veterans going



1 to? Or do you mean coming from?

2 BY MR. ROSENBAUM:

3 Q How about veterans in Iraq fighting this nation's wars,  
4 veterans in Afghanistan fighting this nation's wars, do they  
5 get their housing there through donations?

6 A I don't know how their housing is funded.

7 Q What do you think the likelihood is it's coming from  
8 donations?

9 A Probably low.

10 Q Regarding this sort of housing we're talking about, didn't  
11 you also tell me, sir, that -- when I asked you what would be  
12 an appropriate number, you said you didn't have a particular  
13 number in your head?

14 A Yes.

15 Q And you told me that you believe that criteria have to be  
16 developed to get to that particular number?

17 A Yes.

18 Q Incidentally, those tiny, tiny shelters, that included a  
19 period of time during COVID; isn't that right?

20 A Yes.

21 Q How many of our veterans in Los Angeles died during COVID  
22 on the streets of Los Angeles?

23 A I don't know.

24 Q Okay.

25 Now, you told the Court -- you mentioned to the Court

1 that you did at one point look out and price a kind of 43-unit  
2 modular complex, right?

3 A Yes.

4 Q And that was going to be on one to one and a half acres of  
5 land; isn't that right? If it was going to be done in a  
6 combined, single location?

7 A Yes. That's about right.

8 Q Okay. But in terms of figuring out, that was just  
9 informal in nature; isn't that right?

10 A Well, I'm not sure what you mean by "informal." There  
11 were --

12 Q Well, there was nothing official or formal about a  
13 proposal of this nature; isn't that right?

14 A So the purpose of that particular proposal was to identify  
15 the feasibility and potential costs for being able to provide  
16 temporary housing during a time in which, because it was still  
17 under the COVID emergency authorities, we would have been able  
18 to use appropriated funds for that purpose.

19 Q Didn't you tell me, Doctor, that it's not even fair to  
20 call what we're talking about a proposal?

21 A It was -- it was a feasibility assessment to request a  
22 legal opinion for whether we could use the COVID authorities to  
23 be able to purchase that through appropriated funds during  
24 the -- COVID authorities were the Isakson/Roe legislation  
25 allowed for us to do that in support of emergency and, you

1 know, COVID requirements.

2 Q It was never a proposal; isn't that right?

3 A It was a feasibility study to get an opinion on whether we  
4 could move forward.

5 Q In fact, what you told me was, it was a concept?

6 A Correct.

7 Q And sitting here today, Doctor, you don't believe it's  
8 clear what authorities the VA does have to construct, receive  
9 in donation, or utilize temporary housing of the nature we're  
10 talking about; isn't that true?

11 MR. ROSENBERG: Object. Confusing and compound.

12 THE COURT: Overruled. You can answer the question,  
13 sir.

14 THE WITNESS: We don't have the authority to  
15 purchase, other than using those lease revenue funds or  
16 donations, as I have already described.

17 BY MR. ROSENBAUM:

18 Q That is your understanding?

19 A Yes.

20 Q You are not talking to me as a legal authority on that  
21 question; isn't that correct, sir?

22 A Yeah. I'm not an attorney.

23 Q Okay. And -- well, strike that.

24 To your knowledge, sir, there has been no consideration  
25 of finding resources for this housing other than by seeking

1 donations or using lease revenues; isn't that right?

2 A Yes.

3 Q To your knowledge, there has been no discussion with  
4 Secretary McDonough or his staff about seeking congressional  
5 authority for those resources; isn't that true, sir?

6 A Yes.

7 Q You see Congressman Lieu from time to time, correct?

8 A Yes.

9 Q You see other Congress persons from time to time?

10 A Yes.

11 Q Do you ever raise with them, I sure could use some  
12 congressional authority for this sort of housing or for  
13 permanent supportive housing?

14 A No.

15 Q You have never said to the secretary or the  
16 undersecretary, We have a problem here in Los Angeles with  
17 respect to authority to build housing, to contract for housing,  
18 at least as some people here say, we should get some  
19 legislation to deal with this? Isn't that right, sir?

20 A My discussions have been involved with what we can do  
21 within the limits of the current law.

22 Q That is not my question.

23 My question is, have you ever said to the secretary or  
24 to the undersecretary, If, in fact, we don't have authority, if  
25 that's what they are telling us, then let's go to Congress and

1 get that authority?

2 A No. I haven't said that.

3 Q And so far as you know, nobody in the VA has said, If we  
4 don't have that authority, let's get that authority; isn't that  
5 true, sir?

6 A I can't speak to whether anybody has ever said that.

7 Q You are not aware of it, are you, sir?

8 A No.

9 Q You are not aware of anybody from HUD saying anything like  
10 that, are you, sir?

11 A No.

12 Q You know what the Office of Congressional and Legislative  
13 Affairs is?

14 A Yes.

15 Q You are not aware of the Office of -- well, what is the  
16 Office of Congressional and Legislative Affairs?

17 A Well, it's the office that coordinates communication  
18 between and among the congressional members and committees with  
19 the VA.

20 Q You are not aware of that office ever making any such  
21 requests; isn't that true, sir?

22 A Yeah. Requests or discussions are different things.

23 Q Well, thank you for saying that. You are not aware of any  
24 such request; is that right?

25 A Correct. But I don't know every legislative request or

1 recommendation that has been put forward by the VA over the  
2 last many years, but I'm not aware of any.

3 Q Okay. You are aware that the current appropriations for  
4 fiscal year 2024 for the VA is in excess of \$407 billion? Are  
5 you aware of that, sir?

6 A No. I believe it's in the three hundred --

7 Q Actually, I think you are wrong. But let's even say --  
8 this is something you could Google, right?

9 A Yes. My understanding of the 2024 appropriation is in the  
10 neighborhood of 346 billion -- \$360 billion.

11 Q So the 407.25 billion, that is news to you?

12 A I don't know what --

13 MR. ROSENBERG: Objection. Argumentative.

14 THE WITNESS: I mean, I don't --

15 THE COURT: Just a minute. This is where it's  
16 unfair to the witness and we're wasting time.

17 What is the stipulation? Somebody Google it.

18 MR. ROSENBAUM: It's 407.25 --

19 THE COURT: No, no. That's your statement. What is  
20 it? We're wasting time here. How much? Get together. No.  
21 That's an order. Move towards each other. Have a silent  
22 conversation. Come up with a number. Okay? That's an order.  
23 Go talk to each other. This is where we waste time now.

24 I can take judicial notice of it. You two tell me what  
25 it is. Somebody get on Google, verify it for a moment.

1 MR. ROSENBAUM: You will see it in a second.

2 THE COURT: Sir, this is an unfair question to you.  
3 Okay? Let's just have them stipulate to what it is.

4 MR. ROSENBAUM: Your Honor, can I do that over the  
5 break, and I will share it with counsel?

6 THE COURT: No, no. You two are cooperating right  
7 now.

8 MR. ROSENBAUM: Okay.

9 THE COURT: Move towards each other. Counsel is  
10 helping you from the other side. He has his --

11 MR. ROSENBERG: We have a different understanding of  
12 the number. So we have asked plaintiffs' counsel to show us  
13 his number.

14 THE COURT: Well, let's get it off some official  
15 site, and then we can argue whether that is foundational or  
16 not.

17 MR. ROSENBAUM: Thank you.

18 THE COURT: If you want to stand up and stretch.

19 MR. ROSENBAUM: Your Honor, may I consult with Mr.  
20 Reynolds?

21 THE COURT: Sure. Get all of the help you want.

22 MR. ROSENBAUM: All right. I'm showing --

23 THE COURT: Silently. Let's reach an agreement now.

24 MR. ROSENBERG: Can I click on the link?

25 THE COURT: Sure. You can click on anything you

1 want.

2 MR. ROSENBERG: It's not clickable for some reason.

3 THE COURT: Dr. Harris, if you want to join them, go  
4 over there. You're part of the --

5 MR. ROSENBAUM: Can Mr. Reynolds come over and show  
6 counsel?

7 THE COURT: Sure.

8 MR. ROSENBERG: Can I make a suggestion? Why don't  
9 you show the witness what you believe the number to be, and  
10 then he can testify?

11 MR. ROSENBAUM: Well, I want to make sure you are  
12 satisfied that --

13 MR. ROSENBERG: I think you can show him -- I'm not  
14 satisfied with that. I think if you could show the witness --  
15 if you have an exhibit that you want to show him.

16 MR. ROSENBAUM: I'm showing -- we're showing counsel  
17 for the government where it says \$407.25 billion. And for the  
18 record here, looking at usaspending.gov, agency profile  
19 Department of Veterans Affairs, VA overview. And then there is  
20 a graph, which actually has your number for FY --

21 THE COURT: I think you are trying to make a record  
22 and get that information to me. I'm not going to accept it.  
23 You two get together --

24 MR. ROSENBERG: Sorry.

25 THE COURT: That's an order. Talk to each other.



1 MR. ROSENBERG: So I think that -- so for the  
2 record, and I just want the record --

3 THE COURT: Well, there is no record right now. You  
4 two are not cooperating.

5 MR. ROSENBERG: We are, but I don't think that we  
6 have an agreement just yet, Your Honor. I think that we need  
7 to be able to show the witness --

8 THE COURT: I can take judicial notice of it,  
9 Counsel. Do I need to get it up through Google from my law  
10 clerks?

11 MR. ROSENBAUM: Could Mr. Reynolds bring it up to  
12 your law clerks?

13 THE COURT: No. We will do it ourselves.

14 Dr. Harris, thank you for your help. I appreciate it.

15 I think Tip O'Neill one time said, A million here, a  
16 million there, sometimes we're talking about real money, or  
17 something like that, but --

18 Let's find out what the government has as a budget for  
19 the VA. If we can't get that simple answer, we're all in  
20 trouble. Okay?

21 It's been -- for my record, that there is 403 million  
22 [sic], that there is 360-some million, that there is 407  
23 million. Whatever, it's a lot of money.

24 But let's get the figure.

25 (Off the record.)

1 MR. ROSENBAUM: You know what, Your Honor --

2 THE COURT: No, no. Now I'm going to get this  
3 number. If we can't figure this out between the government and  
4 the advocates, then we're really in trouble. So get me the  
5 number.

6 You can come up and help. There is no problem.

7 MR. ROSENBERG: So I think what we need to do, if we  
8 want the record to be proper here, is reach out to VA's finance  
9 folks to confirm what the appropriations are.

10 THE COURT: Why would I trust that over a public  
11 document? In other words, there should be a budget line item  
12 for this. And I don't need to reach out to internal sources.  
13 I can take judicial notice of this. And I don't think you two  
14 want me to get on Google right now.

15 MR. ROSENBERG: Plaintiffs can offer it.

16 THE COURT: Okay. Well, we'll go through that  
17 process then.

18 MR. ROSENBERG: We're trying to confirm and work on  
19 this. The appropriations process is -- and budgetary entries  
20 are complicated. And we just want to make sure we get this  
21 right.

22 THE COURT: And I know it's amended, et cetera. We  
23 can start with X amount, and we can increase that. But rarely  
24 is it decreased. Have you noticed that?

25 MR. ROSENBERG: I think that is exactly the

1 challenge, Your Honor, is that it is complicated with  
2 amendments and whatnot. So, if plaintiffs have a way to lay a  
3 foundation for it, they can do that. We will also endeavor to  
4 check on our end and see if we can come to an agreement. But I  
5 don't think it's something we can stipulate to on the spot.

6 THE COURT: Well, the opposite is you are the  
7 government. You should be able to know this. You are the VA.  
8 You should know your own budget. So I may reverse that for a  
9 moment. If I looked at somebody with credibility on this, it's  
10 you. What is your budget?

11 What is your budget?

12 MR. ROSENBERG: We are double checking, but I  
13 believe Dr. Braverman did testify as to what he believed the  
14 budget was.

15 THE COURT: No. What is your budget? I don't  
16 expect Dr. Braverman to know this offhand. You are not a  
17 budget expert. That is his opinion now. What is your budget?  
18 You are the VA. You are the government. This is ridiculous.

19 Dr. Harris, help out on this. If we need to make a call  
20 to DC, then we will go through that process. What is your  
21 budget? And I promise you, we are not driving to DC for the  
22 weekend. Just joking with you. Okay?

23 MR. ROSENBERG: Well, I think the Court has already  
24 accommodated -- I hope we can go home this weekend.

25 THE COURT: What is your budget?

1 MR. ROSENBAUM: That's a good point. Mr. Rosenberg  
2 is going to be back there.

3 THE COURT: No. You're done, Counsel. You're  
4 silent now. I want this budget.

5 If we can't even decide this, there is a real problem  
6 here.

7 Because \$50 million makes a heck of a difference. Even  
8 \$5 million dollars makes a difference.

9 What is your budget?

10 MR. ROSENBERG: Mark, can you send me the link that  
11 you have?

12 MR. DU: It's usaspending.gov for Veteran Affairs.

13 THE COURT: Come on up here. Save some time. Step  
14 through the bar, and let's all cooperate. Walk over to the VA  
15 table, show them what you got.

16 MR. ROSENBAUM: Your Honor, we have a proposed  
17 stipulation Mr. Rosenberg just suggested.

18 THE COURT: Okay.

19 MR. ROSENBAUM: You can articulate it.

20 MR. ROSENBERG: Yes. So, counsel has -- and  
21 Mr. Reynolds have provided us with a copy of the website  
22 usaspending.gov. And that website indicates that for fiscal  
23 year 2024, the Department of Veterans Affairs has 407.25  
24 billion in budgetary resources.

25 THE COURT: Okay.

1 MR. ROSENBERG: So we will stipulate to that number,  
2 subject to confirmation from us --

3 THE COURT: Okay.

4 MR. ROSENBERG: -- for purposes of this line of  
5 questioning.

6 THE COURT: That's fair enough. Then we can move  
7 forward. And thank you both very much.

8 Counsel.

9 MR. ROSENBAUM: Thank you. Thank you too,  
10 Mr. Reynolds.

11 BY MR. ROSENBAUM:

12 Q So let's use that number, Dr. Braverman.

13 THE COURT: Dr. Harris, thank you very much.  
14 Appreciate it.

15 MR. ROSENBAUM: I appreciate it too.

16 BY MR. ROSENBAUM:

17 Q If -- first of all, the 43-unit concept that you and I  
18 were just talking about, that never came to fruition, did it?

19 A No.

20 Q If temporary housing of the nature you and I have been  
21 talking about cost a billion dollars, that would be .2 percent  
22 of the \$407.25 billion figure that counsel and I have just been  
23 talking about; isn't that right?

24 A I accept your math.

25 THE COURT: I may have misspoken. I may have said

1 million on one occasion. I meant billion. Okay. 407.25  
2 billion.

3 BY MR. ROSENBAUM:

4 Q Okay. Incidentally, sir, how many agencies in the United  
5 States government have a larger budget than the VA?

6 A DOD, probably one.

7 Q That is probably it; isn't that right?

8 A Yes.

9 Q And we talked about this yesterday. The President of the  
10 United States, President Biden, in presenting his proposal for  
11 appropriations for the VA, specifically underscored the  
12 priority in eliminating veteran homelessness; isn't that right?

13 A Yes.

14 Q Okay. As long as we're talking about resources, sir, you  
15 know what the town center is?

16 A The concept, yes.

17 Q Thank you. The town center was part of both the draft  
18 master plan and then the follow-up 2022 master plan; isn't that  
19 right?

20 A Yes.

21 Q And you -- when you came in in 2019, you have talked to us  
22 about your role in terms of understanding the mission and the  
23 VA's job with respect to the draft master plan; isn't that  
24 right?

25 A Yes.

1 Q And then you, yourself, were involved in the development  
2 of the 2022 master plan?

3 A Yes.

4 Q And your understanding of the town center concept was that  
5 it was to have a central location where a lot of housing would  
6 be built that would provide opportunities for retail, for  
7 clinical support, for whole health, for wellness kind of  
8 support, and for communal camaraderie activities; isn't that  
9 true?

10 A Yes.

11 Q Could we get -- could we please put up Exhibit 154?  
12 Do you have that in front of you?

13 A The 2016 draft master plan. Yes.

14 Q Okay. Could you turn, please, to page Roman numeral V.12?  
15 THE COURT: Do you have a page at the bottom that  
16 can help us?

17 THE WITNESS: 132, I believe.

18 THE COURT: 132?

19 THE WITNESS: Is it 132 at the bottom?

20 MR. ROSENBAUM: Let me get to it. I can tell you  
21 for sure. Yes.

22 BY MR. ROSENBAUM:

23 Q Is that in front of you?

24 Thank you, Your Honor.

25 It's page 132 of Exhibit 154. Do you see that?

1 A Yes.

2 Q And zone four talks about the town center. Right?

3 A Yes.

4 Q And it says, This zone, comma, at the center of the North  
5 Campus, comma, is an area of focus for resident and nonresident  
6 veterans from across the campus and the region, period.

7 It connects with each of the principal neighborhoods and  
8 functions as a, quote, downtown for the site, comma, where, for  
9 example, veterans can socialize at a fitness center or cafe,  
10 comma, participate in events in a public square, comma, attend  
11 outdoor concerts, comma, coordinate a volunteer effort, comma,  
12 develop employment opportunities, comma, visit a library,  
13 comma, grab a bike to ride around the property, or make plans  
14 for going to a movie at one of the campus theaters.

15 Did I read that right, sir?

16 A Yes.

17 Q And could you go four more pages -- I apologize, Your  
18 Honor. It's V.16. And that is page 136 of Exhibit 154. Do  
19 you have that in front of you, sir?

20 A Yes.

21 Q And that also has a description of the town center,  
22 correct?

23 A Yes.

24 Q And that says, "Veterans have been vocal in their desire  
25 for the GLA Campus to have a central place where resident and



1 nonresident veterans can meet and interact in a lively public  
2 forum. The draft master plan locates the town center roughly  
3 in the geographic center of the campus north of Wilshire,  
4 touching on each of the primary veteran residential  
5 neighborhoods, as a place of common contact." Period.

6 "At its heart" -- new sentence. "At its heart, the town  
7 center has an open town square and green space, around which  
8 are located an array of services, opportunities, and amenities  
9 for veterans, including their social facilities such as an  
10 amphitheater." Period.

11 "The draft master plan recommends relocating the Hoover  
12 barracks into the square to be used as a veteran owned and  
13 operated coffee house and an activity or resource center."  
14 Period.

15 "Surrounding the square would be a town hall for veteran  
16 organizations to use as meeting facilities for reviewing campus  
17 activities, events, and decisions." Period.

18 "Other surrounding uses include a fitness center, a  
19 library media center, a command and control headquarters that  
20 hosts the campus police, and a variety of veterans services  
21 facilities."

22 "The historic Trolley Depot," cap T, cap D, "could be  
23 restored as a bus/shuttle center -- shelter, and it may include  
24 displays of historic photographs chronicling the site's  
25 history."

1 Did I read that correctly, sir?

2 A Yes.

3 Q So when we think of the importance of community for  
4 unhoused veterans on those grounds, the town center plays a  
5 very important role; isn't that right?

6 A Yes.

7 Q Now, incidentally, the phrase Trolley Depot, do you know  
8 what that refers to?

9 A Yes.

10 Q What does that refer to?

11 A That is the small building that used to be the depot for a  
12 trolley that went from the VA to Santa Monica and other parts  
13 east.

14 Q It took veterans with disabilities and other veterans from  
15 the campus to the beach; isn't that right?

16 A Yes. In the early 1900s.

17 Q And that was an important part of the 1888 vision, to make  
18 sure that veterans would not be isolated and could expand their  
19 community; isn't that right?

20 A I believe that's correct.

21 Q And when we see in this paragraph "site's history," that  
22 refers to this glorious story up to a point about the 1888  
23 deed; isn't that right?

24 A I'm not sure I would use glorious, based on lots of other  
25 contemporaneous accounts but, yes, it's the historical

1 landmark.

2 Q And, sir, the master plan of 2022, that also has a  
3 description of a town center using a lot of the same ideas that  
4 I just read?

5 A Yes.

6 Q Okay. And isn't it true, sir, that other than putting  
7 together a team to talk about the concept of what a town center  
8 would include, to your knowledge, there hasn't been any funding  
9 secured for the actual construction of a town center; isn't  
10 that right, sir?

11 A There is funding secured for those pieces that will be  
12 within the residential EUL buildings, but for separate  
13 standalone buildings, that is correct.

14 Q The programs I have talked about that don't involve  
15 housing, there hasn't been any funding secured for that; isn't  
16 that right?

17 A No, it's not right. What I'm saying is that for some of  
18 those support services --

19 Q Okay.

20 A -- there is funding that -- because they are being built  
21 internal or in conjunction with those permanent supportive  
22 housing. For other things that -- what might be -- might  
23 require standalone buildings, there is not funding for that.

24 Q And there is no developer, currently, who has contractual  
25 responsibility for any of the nonresidential components of what

1 was envisioned as a town center; isn't that also true, sir?

2 A There are places in Building 300 in that renovation plan  
3 that would include some of those support services, also some of  
4 those meeting spaces, also the ability to have medical workers  
5 in those locations. Those are included, but other locations  
6 have not been included.

7 Q The retail stores, the movie theaters, some of the other  
8 descriptors, no developer has been selected for that?

9 A So, the retail process is that the Veteran Canteen Service  
10 has right of first refusal for any of the retail areas there,  
11 in building -- I believe it's 408. There are plans for a  
12 breakout area that the Veteran Canteen Service would  
13 potentially operate. So there is, as you say, that fits in  
14 with your plan -- planning process. So those are remaining in  
15 planning associated with this because our focus was trying to  
16 get the housing up as quickly as possible.

17 Q Okay. But you don't retreat from your testimony in your  
18 deposition there is no developer who currently has contractual  
19 responsibility for constructing any of the nonresidential  
20 components of what would be a town center?

21 A Right. The ones that are not affiliated with those  
22 residential --

23 Q In fact, the way you would put it is that the VA does not  
24 have a definitive individual unit plan for the town center in  
25 the same way that it does for the enhanced-use lease

1 residential buildings?

2 A Correct.

3 Q Okay. To your knowledge, sir, there has been no  
4 consideration of going to Congress to seek authority to secure  
5 additional resources for the construction of a town center?

6 A That's correct.

7 Q Or discussions with Secretary McDonough or any of his  
8 staff about going to Congress to obtain such resources?

9 A Correct.

10 Q And there currently isn't any definitive individual unit  
11 plan for the town center; isn't that right, sir?

12 A Yes.

13 Q Let's go back, sir, to the discussion you and I had about  
14 housing.

15 Is it your position, sir, that on the 388 acres there is  
16 no space available for additional permanent supportive housing?

17 A No space available?

18 Q Yes, sir.

19 A No, I wouldn't say that there is no space available.

20 Q How much space is available?

21 A I don't know the answer to that.

22 Q Nobody has plotted that out so far as you know; isn't that  
23 right?

24 A Well, we have looked at options for additional temporary  
25 housing.

1 Q My question is: Nobody has looked at where there could be  
2 additional spaces for permanent supportive housing; isn't that  
3 right?

4 A The current permanent supportive housing plan is as has  
5 been described in the various draft master plans and the final  
6 or the new -- renewed 2022 master plan.

7 Q All right. My question is: To your knowledge, there has  
8 been no examination of the amount of available space for  
9 permanent supportive housing beyond the 1,200?

10 A That's correct. Or the 1,600.

11 Q Well, actually, I'm glad you read the 1,600. I was just  
12 going to get there.

13 So, let's first establish beyond the 1,600, right?

14 A Yes.

15 Q Now, as for that 400, that, in fact, has been authorized;  
16 isn't that right?

17 A I don't know what you mean by authorized.

18 Q It's part of the master plan, that that is possible.

19 A That it's possible, but it's contingent upon a bunch of  
20 different things that may be challenges.

21 Q Exactly. And those -- the only land that has been  
22 identified for that 400 is now occupied by a research center;  
23 is that right?

24 A Yes.

25 Q And there has been no plan for moving that research

1 center, funding it so that that housing can come on board;  
2 isn't that right?

3 A There have been requests -- sorry.

4 MR. ROSENBERG: Go ahead.

5 THE COURT: Now, let me be certain. This is the  
6 additional 400 between the authorized 1,200 and what I'm going  
7 to call your environmental impact report that -- well, there is  
8 1,612, I believe. Is that the number --

9 THE WITNESS: Yes, it's that net. And the buildings  
10 that are, at least, notionally targeted for renovation involve  
11 turning over the research buildings to the principal developers  
12 for developments.

13 THE COURT: But -- thanks to both of you. I  
14 understand the 400.

15 THE WITNESS: To your question, Mr. Rosenbaum --

16 THE COURT: Just a moment. Show me the research  
17 building. Point to that map up there. If you need to use the  
18 other one, that is fine. This is an older map.

19 What exhibit is he looking at, counsel? What is the  
20 exhibit number?

21 THE WITNESS: Exhibit 1, Your Honor.

22 MR. ROSENBAUM: Page 291.

23 THE COURT: Thank you.

24 THE WITNESS: It doesn't look like it's appearing on  
25 this.

1 THE COURT: That's okay. Let's switch maps, if you  
2 could be so kind. Thank you for your help, by the way.

3 And what's your name?

4 MS. FORD: Juliette Ford.

5 THE COURT: Thank you very much. I appreciate that.

6 And then.

7 MS. FORD: 1069.

8 THE COURT: 1069.

9 THE WITNESS: Okay. So, we would be talking about  
10 these buildings here in the area where it says 117, 113, 14,  
11 and 15. Some of that collection of buildings there.

12 THE COURT: Thank you very much.

13 THE WITNESS: So, what I was answering before is  
14 there was initially a plan for renovation or relocation of  
15 those buildings through the seismic deficiency funds from the  
16 VA. Unfortunately, that was prioritized below the funding  
17 available cut line, so that other medical facilities would be  
18 replaced first versus the research facilities.

19 And GLA is in the process of identifying alternatives to  
20 provide the research space, whether through leasing of off-site  
21 units or rebuilding and resubmitting for building somewhere  
22 else. Because frankly, they are not suitable for continuing  
23 the research either.

24 So there are efforts underway to look at alternatives,  
25 with the goal of having alternatives in place within the next



1 five to eight years or so, which would potentially make that  
2 available for those, you know, for use in housing additional  
3 units.

4 BY MR. ROSENBAUM:

5 Q Incidentally, sir, when that proposal that you told us  
6 just now fell below the cut line, that proposal did not say  
7 that the land where that research facility was located was  
8 going to be used for permanent supportive housing for unhoused  
9 veterans; isn't that correct, sir?

10 A Well, actually, that proposal was to renovate the existing  
11 building. So it would have made it less likely to be able to  
12 turn it over for housing anyway.

13 Q Well, in fact, there has been no presentation to any  
14 authority, all the way from where you are describing to  
15 Congress, about saying -- using that property for the purpose  
16 of additional units for permanent supportive housing?

17 A No. But that would be part of a presentation if we get to  
18 the point where we have identified leasing locations, that  
19 would be part of the justification as well.

20 Q Do you have a date for when that might happen?

21 A No, but there's a search ongoing at the moment.

22 Q Okay. The land that is occupied now by leases for UCLA,  
23 Brentwood, SafetyPark, and the oil drilling, have they been  
24 examined by VA, to your knowledge, to determine whether or not  
25 they could be utilized for permanent supportive housing?

1 A No.

2 Q Okay. And, sir, if I now ask you to focus on temporary  
3 housing, how many acres, if any, does the VA take the position  
4 are available for the temporary housing that you and I talked  
5 about on the 388 acres?

6 A Well, there were nine parcels that we were originally  
7 looking at. I think they were in the neighborhood of 12 or  
8 so -- actually, maybe a little bit more. I don't remember the  
9 exact number.

10 But there were nine separate parcels, all of which were  
11 over one acre and some as much as four, that we were looking  
12 at.

13 Q Anything beyond that, sir?

14 A Of those nine parcels, no.

15 Q The position of the VA is that's it, that's all of the  
16 acres that are available?

17 A That's what we were looking at to be -- for feasibility  
18 associated with that temporary housing.

19 Q That's not quite my question. My question is: Is it the  
20 position of the VA that those are the only acres that are  
21 available?

22 A I guess that's what we would say, yes.

23 Q And same question that I asked you before with respect to  
24 permanent supportive housing. Has there been any evaluation to  
25 determine whether or not the land occupied by UCLA, Brentwood,

1 SafetyPark, and the oil drilling could be amenable for  
2 temporary housing of the nature that you and I have been  
3 talking about? That you are aware of.

4 MR. ROSENBERG: Objection. Compound.

5 THE COURT: Overruled.

6 THE WITNESS: So, the barracks and park area --  
7 which is kind of across the street, similar to where the  
8 parking lot is -- that was one of the areas that was under  
9 consideration.

10 BY MR. ROSENBAUM:

11 Q Anything beyond that?

12 THE COURT: Just a moment. Could you show me that  
13 again, please.

14 MR. ROSENBAUM: Thank you, Your Honor.

15 THE WITNESS: This area.

16 THE COURT: SafetyPark?

17 THE WITNESS: Yes. Veterans Park is this blue area,  
18 and the SafetyPark is that parking lot right next to it. So,  
19 yes, that area was under consideration.

20 THE COURT: Thank you.

21 BY MR. ROSENBAUM:

22 Q Anything beyond that, sir, that you are aware of?

23 A From up in that area, no. Because the Brentwood School  
24 area then abuts against the Arroyo, and that area is not  
25 usable.

1 Q How about UCLA --

2 A There was a place just south of the Brentwood School area  
3 where there is a softball field, about an acre and a quarter,  
4 acre -- 1.4 acres or so. That was another area that was -- is  
5 under consideration.

6 Q Has there been consideration about UCLA, SafetyPark, or  
7 the area where the oil drilling is, to your knowledge?

8 A No.

9 Q Okay. Are you aware, sir, of the VA position on goals for  
10 staffing?

11 A Staffing of what?

12 Q That's a good question. Staffing for VA employees dealing  
13 with housing?

14 MR. ROSENBERG: Objection. Vague.

15 MR. ROSENBAUM: It certainly is.

16 THE COURT: Sustained.

17 BY MR. ROSENBAUM:

18 Q VA employees with respect to HUD-VASH?

19 A So, there are staffing models for the numbers of HUD-VASH  
20 employees of various kinds per the number of veterans that are  
21 being served, yes.

22 Q Thank you for saying that.

23 Are you aware of a 90 percent goal for staffing?

24 A Yes.

25 Q Okay. Does the VA consider 90 percent full staffing?

1 A I think, in general, there is a common expectation that a  
2 10 percent vacancy rate in any kind of specialty, occupational  
3 area is probably expected along the way, so 90 percent would be  
4 success.

5 Q My question is: Does the VA consider 90 percent full  
6 staffing?

7 MR. ROSENBERG: Objection. Asked and answered.

8 THE COURT: Overruled.

9 MR. ROSENBAUM: It's a yes or no question, sir.

10 THE WITNESS: Full staffing is 100 percent with the  
11 realization that there are, you know, always vacancies and  
12 movement in the process, which is why 90 percent is the goal.

13 BY MR. ROSENBAUM:

14 Q And if it's 90 percent, that means 10 percent vacancy;  
15 isn't that right?

16 A Yes.

17 Q And 10 percent vacancy is one out of every 10 positions?

18 A I guess so.

19 Q Okay. And if I just look at that in the aggregate, that  
20 doesn't tell me if I'm talking about case workers, social  
21 workers, peer specialists. It doesn't tell me what positions,  
22 it's just an overall measurement; isn't that right?

23 A Yes.

24 Q You are a baseball fan, right?

25 A Yes.

1 Q Your favorite team is the Baltimore Orioles?

2 A Yes.

3 Q You know who Brandon Hyde, B-R-A-N-D-O-N, H-Y-D-E.

4 A Of course, yes.

5 Q For the edification of everybody here, except for you, who  
6 is Brandon Hyde?

7 A The manager of the Baltimore Orioles.

8 Q If Brandon Hyde -- and Baltimore Orioles, that is your  
9 team, right?

10 A That is my team.

11 Q If Brandon Hyde sends out 90 percent of the positions to  
12 be played on the field, do you think that is evidence based as  
13 to how that should be staffed?

14 MR. ROSENBERG: Objection. Misleading.

15 THE COURT: Sustained. I don't see the analogy,  
16 counsel. Let's move on.

17 THE WITNESS: They would call up reserves from the  
18 minors.

19 THE COURT: Thank you.

20 MR. ROSENBAUM: I knew you would like that question.

21 BY MR. ROSENBAUM:

22 Q If it's 87 percent, that means 1 out of 8 positions are  
23 vacant; isn't that right?

24 A Eight and a half.

25 Q Okay. And in your period of time, vacancy rates have been

1 as high as 30 percent and 40 percent; isn't that right?

2 A So, when I arrived, the vacancy -- I mean, the staffing  
3 rate was in the low 70s. It improved up to the high 80s.

4 Q Okay. But as I said, 87 percent, that is 12 and a half  
5 percent vacant; isn't that right?

6 A Yes.

7 Q Okay.

8 MR. ROSENBAUM: Your Honor, I'm at a point where I'm  
9 going to change subjects. I'm glad to get into it. It's your  
10 pleasure.

11 THE COURT: Come back at 12:45 so we will make use  
12 of time. An hour?

13 MR. ROSENBAUM: That sounds good.

14 THE COURT: You sure? It can be 1 o'clock. 12:45,  
15 then. We will see you then. Have a nice lunch.

16 Sir, you may step down. Thank you very much. Have a  
17 nice lunch.

18 Now, counsel, if you would be kind enough, I would like  
19 to do a little bit of work with the evidence here and catch up  
20 with some of the things over lunch. So, would you mind  
21 clearing the courtroom and letting me work over lunch so I'm  
22 keeping my notes.

23 And then come on back in at about -- 15 minutes earlier  
24 is fine for all of the staff to get set up. But give me 45  
25 minutes to work outside your presence, so I'm current.

1 (Lunch recess.)

2 THE COURT: Okay. Everybody comfortable, time to  
3 start?

4 MR. ROSENBAUM: We're good.

5 THE COURT: Okay. We're back on the record. All  
6 parties are present, counsel are present. And the witness,  
7 Dr. Braverman, is on the stand.

8 Direct examination, please. Continued.

9 MR. ROSENBAUM: Thank you, Your Honor.

10 BY MR. ROSENBAUM:

11 Q Good afternoon, Dr. Braverman.

12 A Hi.

13 Q Dr. Braverman, let's turn to the subject of land uses of  
14 the 388 acres that were deeded in 1988 to the predecessor of  
15 the VA.

16 You are aware -- are you familiar with the West Los  
17 Angeles Leasing Act of 2016?

18 A Yes.

19 Q You have read it?

20 A Yes.

21 Q You were aware that the West Los Angeles Leasing Act of  
22 2016 requires land use agreements on the property, whether they  
23 are leases or easements or revocable licenses, to principally  
24 support veterans; is that correct?

25 A Yes.



1 Q Okay. And your understanding of the VA's definition of  
2 the phrase "principally benefit" is that if it's a lease or a  
3 revocable license, that the purpose of that lease or the  
4 revocable license would be primarily for the benefit of  
5 veterans and not the benefit of the organization where the  
6 other people who are nonveterans, correct?

7 A Yes.

8 Q And it's correct, is it not, that the VA does not have a  
9 writing that lays out criteria for figuring out whether a  
10 particular land use agreement principally benefits veterans?

11 A Yes.

12 Q And instead what you have on the West LA --

13 THE COURT: I'm sorry, counsel. Just a moment if  
14 the realtime is coming up -- the realtime is coming out a print  
15 over.

16 THE REPORTER: I will have to stop and start over.

17 (Recess.)

18 (Off the record discussion.)

19 THE COURT: Okay. Please continue, counsel.

20 MR. ROSENBAUM: Thank you. For context, do you  
21 mind, Ms. Reporter, to read back the last question and answer  
22 just to assist Dr. Braverman to know where we're at?

23 THE COURT: Well, you started with land use  
24 principally benefits veterans primarily for the veterans --  
25 benefits of the veterans and not for third parties, basically.

1           That was the VA does not, and that's where we stopped.

2 BY MR. ROSENBAUM:

3 Q       Okay. It's correct, is it not, sir -- starting over.

4           It's correct, is it not, that the VA doesn't have  
5 a writing or a written analysis, to your knowledge, that lays  
6 out criteria for figuring out whether a particular land use  
7 agreement principally benefits veterans; isn't that correct,  
8 sir?

9 A       Yes.

10 Q       And instead at West LA VA, what you have is a committee  
11 that identifies an ask, with the respect to the particular land  
12 parcel, and kind of votes on whether or not it meets that  
13 statement. Isn't that the way it works?

14 A       Generally, yes.

15 Q       And what you say, as to the test, is that it, quote, it's  
16 the eye of the beholder, closed quote, as to whether it's for  
17 the benefit of veterans more than it's for the benefit of  
18 others; isn't that right, sir?

19 A       Yes.

20 Q       And the decision-making, that's done by members of a  
21 committee of the GLA. Am I correct?

22 A       Yes.

23 Q       And during your tenure there, sir, you don't know the  
24 number of members of that committee?

25 A       No.

1 Q And you don't know if the committee keeps minutes as to  
2 any of the discussions; isn't that correct?

3 A Minutes, no, I don't know about minutes.

4 Q You have never inquired as to whether or not there are  
5 actual minutes of that committee during your tenure; isn't that  
6 right?

7 A Yes.

8 Q Or subsequently?

9 A Yes.

10 Q You haven't made any such inquiry?

11 A No.

12 Q And you don't know if the committee keeps a tape or a  
13 recording of the discussion; isn't that also correct?

14 A Yes.

15 Q And so far as you know, there aren't any veterans in the  
16 capacity -- in their capacity as a veteran patient on that  
17 committee?

18 A Correct.

19 Q Or unhoused veterans with disabilities on that committee?

20 A Correct.

21 Q The assessments that this committee makes, according to  
22 the eye of the beholder, they are private assessment; is that  
23 right?

24 A What do you mean by "private"?

25 Q Well, I was using your words.

1                   They are not public assessments; isn't that  
2 right?

3                   MR. ROSENBERG: Objection. Vague as to what public  
4 versus private is.

5                   THE COURT: I understand that. Overruled.

6                   THE WITNESS: They are internal. So maybe that's a  
7 better word.

8                   BY MR. ROSENBAUM:

9 Q                They are not public?

10 A               The sheets --

11 Q               The veterans --

12 A               There are forms that have the decision on them that are  
13 available, but the deliberations are internal.

14 Q               So if an unhoused veteran or a veteran living on the  
15 grounds said I would like to attend the session -- the  
16 decision-making, that would not be permitted; isn't that right?

17 A               I don't know if that request has come up before, so that  
18 would now be under the purview of the folks at GLA. But I  
19 don't -- that hadn't happened, to my knowledge.

20 Q               And to your knowledge, when those meetings took place,  
21 there wasn't a posting saying here is a public hearing, here is  
22 a public discussion, anybody is welcome to come?

23 A               Correct. Correct. Those were internal deliberations.

24 Q               Or anybody is welcome to present evidence or their views  
25 as to whether or it's a good idea to enter into these

1 agreements?

2 MR. ROSENBERG: Objection. Assumes facts not in  
3 evidence.

4 THE COURT: Overruled.

5 THE WITNESS: I don't -- I don't know if folks were  
6 invited to speak to their request or if that was just  
7 information that was exchanged and then presented by the folks  
8 on the committee.

9 BY MR. ROSENBAUM:

10 Q Okay. You don't know how the 2016 Brentwood lease  
11 agreement was made; isn't that correct?

12 A That was before my time.

13 Q Incidentally, when that decision came out, you don't know  
14 if there was any justification that accompanied that decision;  
15 isn't that correct?

16 A Well, that's not entirely correct. But it's -- I don't  
17 know what has been publicized or not publicized in regards to  
18 the deliberations of that lease agreement.

19 Q Okay. Including contemporaneously with the issuance of  
20 the decision?

21 A Correct. What I -- I can only refer to those  
22 justifications that have been identified in response to the OIG  
23 findings.

24 Q Got it.

25 Now, you are aware that there is a lease

1 agreement with UCLA?

2 A Yes.

3 Q And you are aware that part of the in-kind services that  
4 UCLA was supposed to provide is a legal assistance clinic for  
5 veterans; am I correct?

6 A Yes.

7 Q And you are aware, are you not, that the legal services  
8 office -- that that office was not open, as much as you would  
9 have liked; isn't that correct?

10 A During COVID, yes.

11 Q And you would have liked the actual number of cases that  
12 the clinic did to have been higher; isn't that right?

13 A Yes.

14 Q In fact, looking over the whole span during your tenure,  
15 you believe that the clinic could have done more; isn't that  
16 right?

17 A Yes.

18 Q And, in fact, you heard from veterans that they didn't  
19 have as much access to that clinic as they would have liked; is  
20 that correct?

21 A Yes.

22 Q And there was, in fact, communication to UCLA requesting  
23 increased hours; isn't that true?

24 A Yes.

25 Q And it wasn't until at some point after the pandemic that

1 UCLA increased some of their hours; isn't that right?

2 A Yes.

3 Q UCLA never, to your knowledge, went to veterans and said,  
4 What are the hours that work best for you? Isn't that right?

5 A I don't know what communication they had directly with  
6 veterans.

7 Q Okay. If any?

8 A I don't -- yeah, I'm not aware either way.

9 Q You don't have any specific numbers associated with the  
10 hours of the cases; is that right, sir?

11 A I think they are reported in the congressional reports,  
12 but I don't have the specifics.

13 Q And you don't have the specific numbers associated with  
14 the particular hours; isn't that correct?

15 A Yeah. I don't know that, but it may be included in that  
16 congressional report.

17 Q It may or may not be?

18 A I just don't remember specifically what they reported in  
19 regards to the legal aid clinic.

20 Q And in fact, sir, you personally never looked at the  
21 so-called increase to see whether that was satisfactory to the  
22 VA? Isn't that right, sir? Isn't that what you told me?

23 A Yes, I did not assess satisfaction.

24 Q Or satisfaction to veterans on those grounds?

25 A Correct.

1 Q And you don't know if anyone at the VA drew any  
2 conclusions with respect to the number of hours?

3 A Yeah. I don't have an answer to that.

4 Q And you don't know if anyone from the VA looked at the  
5 actual services provided, irrespective of referrals; isn't that  
6 also true?

7 A I'm not aware. Correct.

8 Q And regarding that clinic, you don't know if the person  
9 who was in charge of that clinic had any experience whatsoever  
10 dealing with veterans' legal issues; isn't that true?

11 A Yes.

12 Q And you don't know what the number of student hours were  
13 that were put in; isn't that also true?

14 A Yes.

15 Q And regarding those students, you don't know whether those  
16 students worked both semesters or just one semester; isn't that  
17 right?

18 A I don't know that level of detail, correct.

19 Q Did you know that the students in the first semester were  
20 first year 1Ls?

21 (Reporter clarification.)

22 MR. ROSENBAUM: Oh, sorry. 1, cap L, apostrophe S.  
23 Sorry. I was talking a foreign language.

24 THE WITNESS: I already said I don't know the  
25 demographics and qualifications of the people who worked in



1 that clinic.

2 BY MR. ROSENBAUM:

3 Q Would it concern you, sir, if the veterans were being  
4 serviced by first year, first semester law students?

5 MR. ROSENBERG: Objection. Calls for speculation.  
6 He's a doctor, not a lawyer.

7 THE COURT: We're talking about value in his  
8 opinion. Overruled.

9 THE WITNESS: I would have to answer by saying that  
10 that would depend upon levels of supervision and the complexity  
11 of the issues. So I would -- it would be difficult for me to  
12 assess the righteousness or, you know, justification of which  
13 type of student or graduate should be providing assistance in  
14 those cases.

15 BY MR. ROSENBAUM:

16 Q You don't know the number of veterans who actually  
17 received benefits as opposed to referrals, isn't that right,  
18 from that clinic?

19 A That's correct.

20 Q And, Dr. Braverman, in fact, you personally were not  
21 satisfied with the hours and the breadth of the legal  
22 assistance for veterans from UCLA; isn't that true?

23 A Yes. Primarily based on the fact that it had decreased  
24 substantially during COVID when the needs still continued and  
25 the rest of us were working in the healthcare system.

1 Q But your testimony is that you personally were not  
2 satisfied with the hours and breadth of legal assistance for  
3 veterans from UCLA, period; isn't that right?

4 A Yes, for that reason.

5 Q And that was during all of your tenure; isn't that right,  
6 sir? Isn't that what your testimony was?

7 A Yeah, I think that it was certainly during the COVID  
8 pandemic.

9 Q Well, if you want, we can go to your deposition, page 264,  
10 line 1?

11 A Well, that was most of my tenure. You know, the pandemic  
12 started five months after I got there, and it was, you know,  
13 finally canceled after I moved onto the VISN.

14 So that -- I think those answers are consistent.

15 Q So let's just get our dates straight. That was from when  
16 in 2019?

17 A So from February to March of 2020 through May of 2023 was  
18 the COVID pandemic. And the COVID emergency was declared in  
19 March of 2020. So I don't have the visibility of what had  
20 happened before then, per se. So I was basically saying that  
21 it was my understanding that their availability hours and  
22 productivity decreased during COVID, which was the bulk of my  
23 tenure at GLA.

24 Q Got it. Still with UCLA. You are familiar with the  
25 college baseball complex?

1 A Yes.

2 Q Have you been on it?

3 A Yes.

4 Q How many times?

5 A Two or three.

6 Q Okay. And it's your understanding, is it not, sir, that  
7 federal law prohibits buildings or property on federal land to  
8 be named for individuals absent congressional authorization;  
9 isn't that right?

10 A Yes.

11 Q You have been aware of this legal restriction for  
12 sometime, have you not?

13 A Yes.

14 Q You were certainly aware of it during your tenure as  
15 director at the West LA Medical Center; isn't that right?

16 A Yes.

17 Q Incidentally, just to digress for a moment. So far as you  
18 know, there has never been an assessment of the value of the  
19 Jackie Robinson UCLA baseball complex; isn't that right?

20 A I don't know if that was done prior to the assessment of  
21 the terms of the lease in 2016, so I don't know. But since  
22 then, there hasn't been.

23 Q None during your tenure?

24 A That's correct.

25 Q Or an assessment of the value of that property to UCLA?

1 A Correct.

2 Q Or to the Regents?

3 A Correct.

4 Q Now, getting back, sir, to this legal restriction. It's  
5 your understanding that lessees or lease developers can't  
6 auction off naming rights to parts of that property in order to  
7 raise money for their buildings; isn't that right?

8 A Yes.

9 Q Okay. And that's pursuant to the federal law that we're  
10 talking about?

11 A That's the VA's opinion, yes.

12 Q And that lessees cannot solicit donations to raise money  
13 for the buildings; isn't that also right?

14 A Yes.

15 Q And, in fact, the Oversight Board asked you, Why is it  
16 okay for a lessee to do just this, did they not?

17 A When this came up, it came up in the context of whether  
18 the developers could raise money and provide naming rights in  
19 order to raise money for funding for housing.

20 That's what originally went before our legal counsel for  
21 assessment of the law that you indicated or described.

22 Prior to that, my understanding was that lessees would  
23 have the authority to name structures under their leasehold  
24 based on their own rules because it was their lease.

25 So, the question that came up for the developers on the

1 north part of the campus was a prospective one. It wasn't one  
2 that had already occurred.

3 So, that was the difference there between the named  
4 locations in UCLA or Brentwood associated with their  
5 benefactors.

6 So when we got these opinions at the request of the  
7 developers on the -- for the housing area, then we identified  
8 that it was likely also improper for those -- any naming that  
9 occurred, you know, subsequent to that law change, even though  
10 we hadn't caught it at the time.

11 Q Let's just dissect that a little bit. The Oversight Board  
12 request that you just talked to me about, actually, what that  
13 was about, in part, was getting financing for the town center;  
14 isn't that right?

15 A Well, it was financing for any of the things we were  
16 trying to do on the North Campus, yes.

17 Q Including the town center?

18 A Yes.

19 Q And what veterans and the Oversight Board said -- what  
20 they came to you and they said, Look, we know there is a  
21 financing issue here. Can we sell naming rights to donors in  
22 order to get over the hump so we can get at least some of this  
23 financed? Isn't that right?

24 A Yes.

25 Q And the VA's answer was that they were cognizant of these

1 rules and it was against the law to permit just that to happen;  
2 isn't that right?

3 A Yes.

4 Q Now, coming back to the UCLA baseball complex. There were  
5 parts of that property that were named for individuals during  
6 your tenure; isn't that right?

7 A Yes.

8 Q And one of those parts had to do with the infield in 2021;  
9 isn't that right?

10 A Right. And that was before this ruling about the leased  
11 properties came to light.

12 Q And the infield in 2021, a new infield was built on a  
13 leasehold parking lot; isn't that right?

14 A Yes.

15 Q And there was a donor family for that infield; isn't that  
16 right?

17 A Yes.

18 Q And that donor family was the Branca family, B-R-A-N-C-A;  
19 isn't that right?

20 A Yes.

21 Q Ralph Branca was a pitcher with the Dodgers back in the  
22 50s; is that right?

23 A Yes.

24 Q And was a friend of Jackie Robinson?

25 A That's what the reports say, yes.

1 Q He was not a veteran; isn't that correct?

2 A As far as I know.

3 Q And then there is also a hitting field and dugout that has  
4 a name as well, not the Branca field but another field?

5 A Yes. And I don't have any awareness of how that came to  
6 be.

7 Q And that field is called the Stele field, S-T-E-L-E.

8 A Okay.

9 Q That's for Mr. Stele; is that right?

10 A I don't know the details of that. I know about the  
11 Brancas because that happened during my watch.

12 Q Okay. Did you attend the ceremony when the Branca family  
13 was there?

14 A No.

15 Q Did you ever inquire as to how much money the Branca  
16 family donated?

17 A No.

18 Q Do you know if any of the money that the Branca family  
19 donated came to veterans?

20 A The use of the field came to veterans but not the money.

21 Q Oh, we will get to that.

22 But the actual money that was donated, do you know if  
23 any of that money got to the VA or to veterans?

24 A I don't believe so.

25 Q Okay. Bear with plea me. The Stele field, you didn't see

1 any paperwork or anything that suggested any money that the  
2 Stele family donated got to the VA or veterans; isn't that  
3 right?

4 A Yes.

5 Q And -- yes, you didn't see any such thing?

6 A That's correct. I don't know when it happened or what the  
7 circumstances were.

8 Q And you never investigated?

9 A I didn't personally investigate --

10 Q And you never directed anyone on your staff to  
11 investigate?

12 A No.

13 Q And then there is also on that field property named for a  
14 Mr. Guerrero, G-U-E-R-R-E-R-O; isn't that true?

15 A I believe you.

16 Q And you have never investigated as to how much money the  
17 Guerrero family gave and what happened to that money; isn't  
18 that true.

19 MR. ROSENBERG: Objection. Assumes facts not in  
20 evidence.

21 MR. ROSENBAUM: I will be glad to modify that  
22 question, Your Honor.

23 BY MR. ROSENBAUM:

24 Q You never investigated whether the Guerrero family donated  
25 money to UCLA for purposes of those naming rights?



1 A No.

2 Q Or, if they did, whether or not any of that money got to  
3 veterans or the VA?

4 A No.

5 Q And at one point, you wrote a letter to UCLA stating that  
6 in the view of the VCA -- VA. I'm sorry. Let me start over.

7 At one point, you wrote a letter to UCLA stating  
8 that in the view of the VA, it is against federal law to do  
9 naming on federal land, naming of individuals; isn't that  
10 right?

11 A Yes.

12 Q But you never insisted that that name be taken down?

13 A We didn't insist on it being removed. We gave them notice  
14 it was illegal and improper, in our view, and they responded,  
15 No it's not.

16 Q And that was it?

17 A And that was it.

18 Q So if we take a walk on that Dodger -- that Dodger --

19 A Named after some Dodgers.

20 Q Actually, that's a great point.

21 When they had the infield ceremony, there were Dodgers  
22 and former Dodgers there; isn't that true?

23 A I have no idea.

24 Q Do you know if former Dodgers, like Eric Karros, have made  
25 donations with respect to that field or -- just, you know, with

1 respect to the baseball program?

2 MR. ROSENBERG: Objection. Vague.

3 MR. ROSENBAUM: It's garbled. I will start over.

4 BY MR. ROSENBAUM:

5 Q Do you know if there are former Dodgers who have made  
6 donations to the baseball complex?

7 A I don't.

8 Q There are a lot of -- there are alumni of UCLA who both  
9 play professional baseball and have played professional  
10 baseball; isn't that right?

11 A I'm sure it is.

12 Q And you have never investigated whether or not they've  
13 made donations to the baseball program?

14 A No, I -- no, I did not.

15 Q And you are not aware of anyone at the VA making such  
16 investigations?

17 MR. ROSENBERG: Objection. Vague and confusing. Is  
18 it the baseball program of UCLA generally? Is it the stadium?  
19 Is it something else? Who are these people?

20 THE COURT: Sustained.

21 BY MR. ROSENBAUM:

22 Q Making donations to the UCLA baseball complex.

23 A I don't have and have not sought a list of donors to, you  
24 know, the UCLA baseball program or the stadium.

25 Q Okay. So sitting here today, you don't have -- you don't

1 know whether or not money from those alumni have come into the  
2 possession of UCLA?

3 A No.

4 Q Or if it did come in to the possession of UCLA -- strike  
5 that?

6 You never found in your records anything that said money  
7 that came to UCLA from Dodgers or persons who were supporting  
8 of the baseball program ever got to the VA or vets?

9 MR. ROSENBERG: Objection. Vague. Confusing. Lack  
10 of foundation. Assumes --

11 THE COURT: Do you understand the question?

12 THE WITNESS: It's another question that I have to  
13 say no to because I have no idea of money that has been donated  
14 associated with the baseball program or the baseball field.

15 THE COURT: Overruled.

16 BY MR. ROSENBAUM:

17 Q If Judge Carter goes to that baseball complex, he's going  
18 to see the name Branca Family Field on federal land; isn't that  
19 high likelihood?

20 A That depends on the legal definition of whether that is  
21 federal land or not since it's under the leasehold of UCLA.  
22 And that's where the legal opinions differed between the VA and  
23 UCLA's counsel.

24 Q What did your counsel say?

25 MR. ROSENBERG: And just to be clear, objection to

1 the extent it calls for information protected by the  
2 attorney-client privilege. But I think the question can be  
3 interpreted to VA's position as it was conveyed to UCLA.

4 MR. ROSENBAUM: Yes.

5 THE WITNESS: VA's position, as it was conveyed to  
6 UCLA, was that despite it being a lease, it was still federal  
7 property pursuant to the rules and laws associated with federal  
8 property. And UCLA disagreed with that.

9 MR. ROSENBAUM: Thank you, Mr. Rosenberg.

10 BY MR. ROSENBAUM:

11 Q There is no doubt that the land we're talking about is  
12 among the 388 acres that were deeded in 1888. Can we agree on  
13 that?

14 A Yes.

15 Q Now, you learned about the naming of the Branca field, for  
16 example, when UCLA made the public announcement and dedicated  
17 the field; isn't that right?

18 A Yes.

19 Q Do you know how much the donation was?

20 A No.

21 Q Ever make any inquiry?

22 A No. I remember reading in the paper it was somewhere  
23 between -- somewhere around \$1 million, but I don't know the  
24 specifics.

25 Q You never took any steps to verify it one way or the

1 other?

2 A No.

3 Q And you never asked for that number, whatever this total  
4 is, to be turned over to the VA or for the use of veterans;  
5 isn't that right?

6 MR. ROSENBERG: Objection. Vague. Asked as to whom  
7 and what processes? We already know that a letter was sent.

8 THE COURT: Overruled. You can answer the question.

9 THE WITNESS: I did not ask for that money to come  
10 to the VA.

11 BY MR. ROSENBAUM:

12 Q And you never directed anyone on your staff to make such  
13 an ask?

14 A No.

15 Q Or for that name to be removed?

16 A We -- we told UCLA that that was improper, yes. We didn't  
17 ask for it specifically to be removed in that first letter.

18 Q Now, you approved a revision to the lease with UCLA to  
19 allow UCLA to build its practice field on this parking lot.  
20 That was part of the leasehold; isn't that right?

21 A Yes.

22 Q And if I understand your reasoning, it was so that  
23 veterans would be able to use that infield for planned  
24 recreational activities since it was Astroturf and easier for  
25 wheelchair use. That was your reasoning, sir?

1 A That was one benefit. That was not my entire reasoning,  
2 no.

3 Q Do you know the number of veterans who have used the  
4 Branca infield since that day?

5 A No, but it's indicated in the congressional report.

6 Q Do you know the number of veterans who have that infield  
7 compared to the number of UCLA student athletes who have used  
8 that infield?

9 A I'm sure it's much smaller.

10 Q Got an estimate as to what percent for that comparison?

11 A No.

12 Q In fact, every day that there is practice on that field,  
13 that infield is being used by UCLA baseball players; isn't that  
14 right?

15 A Yes.

16 Q And there are UCLA coaches out there; isn't that right?

17 A Yes.

18 Q And when there are games, there are teams from other  
19 schools that can use that field; isn't that right?

20 A Sure.

21 Q And UCLA has baseball camps which they charge money for;  
22 isn't that right?

23 A Yes.

24 Q And those summer -- they are summer camps; am I right?

25 A Probably. I don't know the details.

1 Q Okay. You never investigated the details?

2 A I personally don't know the details of how their baseball  
3 field is used.

4 Q Have you ever gone on the UCLA website, sports website to  
5 see how those camps operated?

6 A No.

7 Q Ever directed anybody on your staff to do that, sir?

8 A No.

9 Q Do you know the number of nonveterans who used -- who  
10 participated in those camps?

11 A No.

12 Q The number of coaches or counselors from UCLA who got paid  
13 to work on those camps?

14 A No.

15 Q Incidentally, sir, when the baseball games take place,  
16 UCLA plays and they play a team from another school; isn't that  
17 right?

18 A Probably for most of their games, it's against an  
19 opponent, yes.

20 Q And that other opponent brings its players and its coaches  
21 and its spectators; isn't that right?

22 A Probably, yes.

23 Q And they use the adjacent parking lots; isn't that right?

24 A They use the parking lots that are on their leasehold.

25 Q And there is also on that field Pac-10 tournament games;

1 isn't that right? Regionals.

2 A When UCLA is in them, I believe that's true.

3 Q And they -- UCLA or the Pac-10 gets money from those  
4 games; isn't that right?

5 A You know, I'm not an expert on NCAA baseball financing.

6 Q And you have never investigated it; isn't that right?

7 A That's correct.

8 Q And sometimes ESPN broadcasts games from that field; isn't  
9 that right?

10 A It may be.

11 Q You never investigated that either?

12 A I did not investigate.

13 Q Nor direct anyone on your staff to investigate that?

14 A No.

15 Q Incidentally, do you know if OIG -- did you meet with OIG  
16 during the preparation of the OIG report?

17 A Yes.

18 Q Did OIG ask you any of the questions I just asked?

19 A Not that I'm aware of for the UCLA.

20 Q Do you know how many veterans with wheelchairs used that  
21 infield?

22 A I personally do not.

23 Q Do you know if anyone kept track of that for the VA?

24 A It would probably be the recreation therapy team.

25 Q But that is not my question. My question is: Do you know



1 for a fact whether or not anyone, including the group you just  
2 mentioned, actually kept track of the number of veterans in  
3 wheelchairs who used that infield?

4 A Veterans in wheelchairs -- I don't know if they  
5 differentiated the type of veteran on those activities.

6 Q Okay. The building the infield that resulted in the  
7 modification of that lease, did you request them to build this  
8 infield for veterans and veterans in wheelchairs?

9 A No.

10 Q This was an idea that came from UCLA?

11 A Yes.

12 Q This was, in fact, so that they could improve their field  
13 even more than the state that it was previously in; isn't that  
14 right?

15 A Yes.

16 Q And there is a coaching staff for the UCLA baseball team,  
17 is there not?

18 A I assume there is.

19 Q Have you ever met the coach or any of the -- any of the  
20 assistant coaches?

21 A No.

22 Q Go back to the camp for a moment. Do you know how much  
23 money the camp charged young people to go to baseball camp at  
24 UCLA?

25 A No.

1 Q Do you know how much the UCLA coaches got to be counselors  
2 in that camp or their players got to be counselors in that  
3 camp?

4 A No.

5 Q No inquiry on any of the questions I just asked from  
6 either you or any member of your staff?

7 A That's correct.

8 Q The -- when you approved -- strike that.

9 Do you know how many players from other teams actually  
10 used UCLA baseball complex, say, over the course of a year?

11 A No.

12 Q How many UCLA students used that field over the course of  
13 a year?

14 A No.

15 Q Do you know how many spectators there were from UCLA or  
16 families of UCLA over the course of a year?

17 A No.

18 Q Do you know if UCLA has ever undertaken any analysis as to  
19 what it would cost to replace that field?

20 A The entire stadium?

21 Q That's a good place to start.

22 A I'm not aware of any of that.

23 Q The entire stadium or part of the stadium; isn't that  
24 right?

25 A I don't know anything about UCLA's finances.

1 Q And never made any inquiry?

2 A No.

3 Q Never directed anyone on your staff to make any such  
4 inquiry?

5 A No.

6 Q The land that we're talking about that, that's a little  
7 over ten acres; isn't that right?

8 A The entire stadium?

9 Q The entire baseball complex?

10 A That sounds about right.

11 Q Okay. And when you approved the modification of the  
12 lease, there hadn't been any prior approval; isn't that right?

13 A Hadn't been any prior approval of what?

14 Q The terms much that lease.

15 MR. ROSENBERG: Objection. Vague and assumes facts  
16 not in evidence.

17 THE WITNESS: I don't understand the question.

18 THE COURT: Any prior approval by?

19 MR. ROSENBAUM: Anybody at the VA?

20 THE COURT: Okay. Overruled.

21 BY MR. ROSENBAUM:

22 Q Isn't that right, sir? I can pull up your testimony, if  
23 you would like.

24 A Yeah. It was in our authority to make that decision. So,  
25 we were the approving authority, if you will, in conjunction

1 with the contracting office.

2 Q There hadn't been any discussion with the oversight board  
3 prior to the approval; isn't that right?

4 A That's correct.

5 Q Do you know what the *Valentini* principles are? Principles  
6 of the settlement.

7 A I have read them, yes.

8 Q And they include making sure that the VA engages with  
9 veterans and that there be transparency between the VA and the  
10 veterans it serves; isn't that right? That's one of the core  
11 principles?

12 A I believe that was a mistake on our part by not having  
13 that conversation beforehand.

14 Q And in fact, sir, you also never informed -- when a  
15 mistake and a violation of those principles; isn't that right?

16 A I think one could say that, yes. That was a mistake.

17 Q Okay. And you never informed the secretary of the VA that  
18 you were considering modification of that lease; isn't that  
19 right?

20 A That's probably correct.

21 Q Well, you want me to get your testimony, sir?

22 A Yeah. I'm saying that is probably correct. I don't  
23 recall talking to the secretary about that.

24 Q And you didn't direct anyone on your staff to inform the  
25 secretary?

1 A Correct.

2 Q Or the undersecretary?

3 A Correct.

4 Q Or anyone in the secretary's office? Isn't that also  
5 correct?

6 A Yes. I believe that to be correct.

7 Q You are not aware of any assessment of the value to UCLA  
8 from making a parking lot, a practice field; isn't that right?

9 A Yes, that's right.

10 Q You never requested that any such assessment be made?

11 A Correct.

12 Q You are not aware of anyone from the VA making any such  
13 request for an assessment; isn't that also right?

14 A Yes.

15 Q Now, you are aware of an audio tape relating to the public  
16 announcement around the Branca Family Field?

17 A Yes.

18 Q You have heard that tape?

19 A Yes.

20 Q And that was another mistake that was made; isn't that  
21 right?

22 MR. ROSENBERG: Objection. Vague.

23 THE COURT: Sustained. I don't know what you are  
24 referring to, counsel.

25 BY MR. ROSENBAUM:

1 Q The tape involved a conversation that Matt McKenrick, the  
2 director of the master plan and the deputy direct for the GLA,  
3 was having with his team; isn't that right?

4 A Yes.

5 Q And on the tape --

6 THE COURT: Counsel, just a moment.

7 So, Matt McKenrick, the director the master  
8 plan --

9 MR. ROSENBAUM: Also, the deputy director of the  
10 GLA --

11 THE COURT: The GLA. Okay.

12 MR. ROSENBAUM: -- was having with his team.

13 BY MR. ROSENBAUM:

14 Q Am I right, sir?

15 A Yes.

16 Q And that on that tape, Mr. McKenrick said to his team that  
17 he knew veterans, among others, were going to be unhappy with  
18 this agreement. Doesn't Mr. McKenrick say that on that tape?

19 A That there would be veterans who are unhappy with the  
20 agreement, yes.

21 THE COURT: Counsel, just a moment. I want to make  
22 sure we keep up with realtime. Questions are coming quickly  
23 enough, and Terri is excellent -- my court reporter. And so  
24 the two of you are responding so quickly that it's difficult  
25 for us to get a good recording.

1 (The record was read by the Judge.)

2 THE COURT: So, the answer is, there would be  
3 veterans who are unhappy with the agreement, yes.

4 MR. ROSENBAUM: Thank you. And I apologize to the  
5 reporter and to the Court.

6 BY MR. ROSENBAUM:

7 Q And Mr. McKenrick said on the tape that he wanted UCLA to  
8 be the organization that would make that announcement; isn't  
9 that right?

10 A UCLA had requested that, so he was deferring to UCLA.

11 Q My question is he wanted UCLA to be the organization to  
12 announce that agreement?

13 MR. ROSENBERG: Objection. Hearsay.

14 THE COURT: Well, maybe so. It could be  
15 self-authenticating.

16 Do we have this tape? Could we play this tape?

17 I see all heads look like they are asleep right  
18 now. Do we have this tape, yes or no?

19 MR. ROSENBAUM: Yes, we do.

20 THE COURT: Play it. We will see if it's  
21 self-authenticating and then we will see the foundation. I  
22 want to hear this tape.

23 I could take a recess.

24 MR. ROSENBAUM: I'm glad to take a recess.

25 (Recess.)

1 THE COURT: It's very simple. Get the tape.

2 We will rid of the hearsay, if we need to get folks  
3 in, we will authenticate it or not. Where is it?

4 Listen, you are doing a great job. You are doing  
5 a great job.

6 Do we have this tape?

7 Okay. Mark this tape. Let's hear it.

8 MR. ROSENBAUM: What's the number, please?

9 THE COURT: This is purportedly McKenrick speaking  
10 to whom?

11 MR. ROSENBAUM: Speaking to his team, his staff  
12 members.

13 THE COURT: McKenrick to his staff. And how is this  
14 tape obtained? Help me with this mystery that I'm good to  
15 hear.

16 THE WITNESS: So, I do know the answer to that, if  
17 you'd like --

18 THE COURT: No.

19 All of you know. Speak up. Somebody tell me how  
20 this tape was obtained? We have a history in this city, by the  
21 way, of tapes getting out of the counsel --

22 THE WITNESS: So, an individual who was attending  
23 the meeting that Mr. McKenrick was discussing with his team  
24 surreptitiously recorded the tape and gave it to others.

25 THE COURT: Okay. Well, let's hear this and see if



1 you recognize the voices. And if not, let's get Mr. McKenrick,  
2 if he's around, in here, and we will authenticate this or not.

3 Play this tape. Mark it, first of all.

4 MR. ROSENBAUM: 168, Your Honor.

5 THE COURT: What is it?

6 MR. ROSENBAUM: 168.

7 THE COURT: 168. All right. Mark it for  
8 identification. Play the tape.

9 (Audio played in open court.)

10 THE COURT: I want to hear it louder. Start it  
11 again. Put the microphone down near your recorder, like this.

12 MR. DU: Your Honor, it's playing from the court  
13 audio.

14 THE COURT: Well, we need to crank that court audio  
15 up, because I can't hear it.

16 (Audio played in open court.)

17 BY MR. ROSENBAUM:

18 Q Do you recognize Mr. McKenrick's voice on that?

19 A Yes.

20 Q He was the principal speaker just now?

21 THE COURT: That is received, counsel.

22 (Exhibit 168 received into evidence.)

23 MR. ROSENBAUM: Thank you.

24 BY MR. ROSENBAUM:

25 Q And your understanding, sir, was that Mr. McKenrick wanted

1 UCLA to be the organization to make the announcement; isn't  
2 that right?

3 A Yes.

4 Q He considered it UCLA's grand announcement, right?

5 A Yes.

6 Q And he didn't want the veterans to learn about the  
7 agreement before UCLA's grand announcement; isn't that right?

8 A Yes.

9 Q And you knew that Mr. McKenrick was correct that veterans  
10 and their supporters weren't going to be happy if they learned  
11 beforehand, and that they would therefore increase their  
12 communication efforts to express their unhappiness referring to  
13 the veterans?

14 MR. ROSENBERG: Objection. Vague, and I believe  
15 misstates prior testimony. I believe it was "some veterans."

16 THE COURT: I'm not sure. Do you understand the  
17 question?

18 Restate the question, counsel.

19 BY MR. ROSENBAUM:

20 Q Sure. You knew that Mr. McKenrick was correct that  
21 veterans and their supporters wouldn't be happy if they learned  
22 about this before UCLA's agreement; isn't that right?

23 MR. ROSENBERG: Same objection. Veterans are not a  
24 monolith.

25 THE COURT: Overruled. You can answer the question.

1 THE WITNESS: So, I would respond that I was aware,  
2 whether it was before or after, that there would be some  
3 veteran opposition to the lease revision. The issue of before  
4 and after was whether that was going to allow UCLA to make the  
5 announcement or if it got into the media or public domain  
6 before that happened and to force anybody's hand to make an  
7 announcement based on other timing.

8 So, the issue of before or after wasn't whether or not  
9 some veterans would be opposed to the lease. I think that I  
10 knew that there would be some who would opposed.

11 As I mentioned, I believe it to have been a mistake to  
12 have not engaged people more transparently ahead of time, and  
13 then just to have to justify the rationale for the lease after  
14 the fact.

15 Q Perhaps you just said this in sum or substance, so I don't  
16 mean to be disrespectful, sir, but --

17 THE COURT: Just a moment. I'm not clear what  
18 position McKenrick held. I missed that.

19 THE WITNESS: So, McKenrick is the same position  
20 that June Kuhn is in now, so maybe that is a way to describe  
21 it. He was the deputy medical center director for GLA,  
22 overseeing the master plan and the homeless program.

23 THE COURT: Were you aware of this before?

24 THE WITNESS: Of this tape?

25 THE COURT: I'm going to repeat that so I'm very

1 explicit. Were you aware of this before? Yes or no.

2 THE WITNESS: What is the "this"? The tape?

3 THE COURT: This effort, apparently, not to inform  
4 veterans.

5 THE WITNESS: I was aware --

6 THE COURT: I want to be very specific. Were you  
7 aware of this before, yes or no?

8 THE WITNESS: I was aware that we were allowing the  
9 -- UCLA to make the announcement.

10 THE COURT: Were you aware of an effort not to  
11 inform the veterans before this statement?

12 THE WITNESS: Yes.

13 THE COURT: Okay. Thank you. Thank you for your  
14 honesty.

15 MR. ROSENBAUM: Thank you, Your Honor.

16 BY MR. ROSENBAUM:

17 Q You agree, sir, that what Mr. McKenrick said wasn't  
18 something that should have been said in the meeting that he was  
19 holding; isn't that right, sir?

20 A I agree that Mr. McKenrick should not have taken the  
21 position that we had testy veterans who were in opposition to,  
22 you know, things that we were doing on the campus.

23 Q Testy veterans, sir. What is testy veterans?

24 A That's what he described them.

25 Q Let's put this in some sort of time complex.

1           At the very time this was going on, isn't it true that  
2 there were some 60 or so veterans living on the sidewalk on San  
3 Vicente?

4                       Isn't that true, sir?

5 A       There were -- there was an encampment on San Vicente. I  
6 don't think it ever got higher than 50, but there were -- at  
7 that time there were a number of veterans there. I don't know  
8 how many.

9 Q       Can you understand why they might get testy about this?

10 A       Like I said, I agreed with your assertion that that's not  
11 something that Mr. McKenrick should have said and used that  
12 description.

13 Q       Do you agree it's something that shouldn't have been done?

14 A       Yes.

15 Q       Let's turn to Brentwood, sir.

16                       MR. ROSENBERG: Objection. For clarification, what  
17 is the "something" to which that question referred?

18                       THE COURT: I take it that is withholding this  
19 information for the veterans, but reask just to make sure.

20 BY MR. ROSENBAUM:

21 Q       Withholding the information?

22 A       That's how I took the question, so that was my yes.

23 Q       And also, not consulting with the veterans before this  
24 lease that is modified?

25 A       That was the primary error, yes.

1 Q Okay. Not the exclusive error, but a primary error?

2 A That's what I said.

3 Q Okay. Let's turn to Brentwood, sir?

4 There are facilities on the Brentwood campus -- strike  
5 that.

6 The Brentwood campus, it's on the 388 acres; isn't that  
7 right?

8 MR. ROSENBERG: Objection. Misleading and  
9 confusing. Brentwood has its own land as well.

10 BY MR. ROSENBAUM:

11 Q There are -- I will withdraw that.

12 There are Brentwood School facilities on the 388 acres;  
13 isn't that right?

14 A Yes.

15 Q In fact, there are 22 acres that Brentwood School uses  
16 that are on the 388 acres?

17 A Yes. They have a 22-acre lease, yes.

18 Q Actually, a smidge more than 22. But we can --

19 A And they don't use all of it. So that's why I was  
20 mentioning it. So yes.

21 Q But the lease is for more than 22 acres; isn't that right?

22 A Slightly.

23 Q Yeah?

24 A Maybe slightly.

25 Q And you are aware, are you not, that there are facilities

1 on the Brentwood School campus on federal land that have been  
2 named for private donors?

3 A Yes.

4 Q And you are aware specifically that there is a swimming  
5 and aquatic center that is named for Rick Caruso; isn't that  
6 right?

7 A Yes.

8 Q And do you know that as the Caruso Watt Aquatics Center,  
9 W-A-T-T?

10 A I believe that's true.

11 Q So, Mr. Watt's name is on there also; isn't that right?

12 A Yes.

13 Q And do you know how much Mr. Caruso donated to Brentwood  
14 for purposes of this aquatic center?

15 A No.

16 Q If I said \$3 million, would that surprise you, sir?

17 A No.

18 Q Do you know whether or not any of the money that -- strike  
19 that.

20 Are you aware, sir, that Mr. Watt also was part of that  
21 \$3 million donation?

22 A I'm not, but I believe you.

23 Q Do you know if any of the money that Mr. Caruso donated to  
24 Brentwood ever ended up with the VA?

25 A No.

1 Q You never saw any records that corroborated that, did you,  
2 sir?

3 A I said no.

4 Q Or any of the money that Mr. Caruso and Mr. Watt donated  
5 to Brentwood ever ending up with veterans or for the benefit of  
6 veterans?

7 A No.

8 Q Did you ever go to Brentwood School and ask Brentwood  
9 School to remove the name Caruso Watt from the aquatic center?

10 A No.

11 Q If I go on the Brentwood website, under sports or  
12 athletics, I'm going to see a photograph of that aquatic center  
13 described as the Caruso Watt Aquatic Center; isn't that right?

14 A I believe you.

15 Q And have you ever -- have you ever been on the Brentwood  
16 campus that is part of the 200 -- part of the 388 acres?

17 A Yes.

18 Q Have you been to the aquatic center?

19 A Not in inside.

20 Q You have been outside it?

21 A Yes.

22 Q Pretty impressive, isn't it, sir?

23 A It appears to be a nice aquatic center.

24 Q It's actually an Olympic size aquatic center with six  
25 lanes; isn't that right?



1 A I don't know. I have not been inside it.

2 Q All right. Do you know the value of that aquatic center  
3 to Brentwood School?

4 A No.

5 Q Ever ask for an assessment of that?

6 A Not an assessment of that building, no.

7 Q There is also a lacrosse field on that -- on those  
8 22 acres; isn't that right?

9 A Yes.

10 Q How many veterans have used that lacrosse field, sir?

11 A I don't know.

12 Q Ever make any inquiry to find out?

13 A No.

14 Q The -- there is also tennis Court's, isn't there, sir?

15 A I believe so.

16 Q There is also a football field, isn't there, sir?

17 A I don't know if the football field is on the VA footprint  
18 or not.

19 Q You don't know one way or the other?

20 A I don't recall.

21 Q You've never investigated that?

22 MR. ROSENBERG: Objection. Argumentative. It  
23 either is or it isn't.

24 THE COURT: Overruled.

25 THE WITNESS: Yeah. I don't recall the specific

1 athletic facilities that are on there versus that are on the  
2 Brentwood property itself. I have seen maps of it, I just  
3 don't remember.

4 BY MR. ROSENBAUM:

5 Q Okay. I don't want to badger you with this, but I just  
6 want to know. Do you know there's a, on that 22 acres, a  
7 soccer field, a track and field, a baseball field, a fencing  
8 pavilion. Are you aware of that, sir?

9 A Like I said, I have seen the diagram, but I don't remember  
10 each and every facility. But I have no reason to doubt your  
11 itemization of that.

12 Q Was a request ever made to your knowledge of a Brentwood  
13 School to take the money that was donated by Mr. Caruso and  
14 Mr. Watt and direct it to the VA?

15 A All that was well before my time, so I don't know.

16 Q During your tenure, when you learned about it, did you  
17 ever say, wow, we should make a request to Brentwood to get  
18 that \$3 million or whatever the sum is?

19 A No.

20 Q Okay. Do you know if prior to your tenure -- you started  
21 in 2019; isn't that right?

22 A Yes.

23 Q And the lease is 2016?

24 A Right. And all of those buildings were named prior to the  
25 lease.

1 Q Do you know if between 2016 and 2019, there were ever any  
2 requests to Brentwood for any of the money that was donated?

3 A I don't.

4 Q Do you know if there was ever a request to remove that  
5 name from the property?

6 A I do not.

7 Q The Oversight Board brought this matter to your attention;  
8 isn't that right?

9 A Yes.

10 Q In fact, what the Oversight Board said to you is why is it  
11 okay for Brentwood to do this and that the town center cannot  
12 be named for some donor?

13 A Right. So the difference between the Brentwood --

14 Q First, could you just establish -- I will let you answer  
15 it, but can you just tell me if, in fact, that was the question  
16 that was presented to you -- that was presented to the  
17 Oversight Board from -- the Oversight Board to you?

18 A To the VA, yes, I believe -- well, go ahead.

19 MR. ROSENBERG: Confusing, but if the witness  
20 understands.

21 THE COURT: Let's slow down and reask the question  
22 so I'm certain that the witness understands.

23 BY MR. ROSENBAUM:

24 Q Let me start over. I don't think it's possible to have  
25 garbled that question more than I did.

1           The question that was presented to you in sum or  
2 substance by the Oversight Board was: Why is it okay for  
3 Brentwood to do this and the town center cannot --

4           THE COURT: You have to be clear. To do what?

5           MR. ROSENBAUM: To have a naming of one its  
6 facilities.

7           Thank you, Your Honor.

8           And the town center cannot be named for some  
9 donors? Isn't that the question, in sum or substance.

10          THE WITNESS: Yes.

11 BY MR. ROSENBAUM:

12 Q       And your response was to send a letter to the Brentwood  
13 School that the VA didn't think that the name was allowable in  
14 the first place?

15 A       Yes. And the challenge and the difference between the  
16 Branca field at UCLA and all of the other naming that you  
17 described at Brentwood and UCLA was the others were done prior  
18 to the signing of the 2016 leases.

19 Q       Do you know for a fact the Stele field and the Guerrero  
20 was prior to 2016?

21 A       That one I don't know from a fact, but they happened  
22 before I got there.

23 Q       And --

24 A       The Brentwood -- to your question with Brentwood and the  
25 naming of the aquatic center, that was prior to the lease.

1 Q And what you are telling us, sir, is that while you might  
2 have thought that was a distinction, the VA didn't think that  
3 was a distinction because the letter that you wrote was that  
4 the VA didn't think that the naming was allowed in the first  
5 place; isn't that right?

6 A Yes.

7 Q Okay.

8 A But by signing the lease after the name was already there,  
9 the VA, at the time, gave tacit approval. So, that is the  
10 issue at hand in terms of the legal distinctions.

11 That was different from the Branca when it was  
12 sort of the same because we approved it, and it was subsequent  
13 to approving that revision that the question came up. So  
14 that's part of the whole issue. But that is the legal stuff  
15 that is out of my scope, but I'm just explaining some of the  
16 differences there.

17 Q Differences in your mind, correct, sir?

18 A No. The difference in what one may consider to be  
19 appropriate moving forward versus what was forgivable, if you  
20 will, moving backwards.

21 Q Didn't you send a letter requesting that the VA remove --  
22 I mean, the Brentwood School remove the name?

23 A That they were on notice that the VA thought it was  
24 improper.

25 Q And should be removed?

1 A And should be removed.

2 Q Okay. You are aware, are you not, sir, that the OIG of  
3 the Veterans Administration found five of the VA leases to be  
4 out of compliance with federal law; isn't that correct?

5 A Which OIG?

6 Q Well, let's do both.

7 First, could I have Exhibit 2, pages 6 and 7, put before  
8 the witness, Your Honor.

9 THE COURT: Exhibit 2.

10 MR. ROSENBAUM: Actually, just to make it simple,  
11 let's put Exhibit 2 cover page, and then I will go to pages 6  
12 and 7.

13 BY MR. ROSENBAUM:

14 Q This is -- do you have Exhibit 2 in front of you, sir?

15 A Yes.

16 Q And that is the OIG report, VA's management of land use  
17 under the West Los Angeles Leasing Act of 2016. Am I correct?

18 A Yes. It's the 2018 report.

19 Q And this report is mandated by federal law?

20 A Yes.

21 Q And you have seen and read this report?

22 A Yes.

23 MR. ROSENBAUM: Move it's admission, Your Honor.

24 THE COURT: Received.

25 (Exhibit 2 received into evidence.)

1 MR. ROSENBAUM: Could we go, please, to page 6 and 7  
2 of this report. Exhibit 2. So I guess it's page 2 -- yeah  
3 page 2.

4 Exhibit 2, pages 6 and 7.

5 I'm just on a garble run.

6 Could we go to Exhibit 2, pages 6 and 7?

7 BY MR. ROSENBAUM:

8 Q Do you have that in front of you, sir?

9 A Yes.

10 Q All right. And at the bottom of Exhibit 2, page 6, there  
11 is an entry for Brentwood School; isn't that right?

12 A Yes.

13 Q And that entry says that the OIG thought that that  
14 Brentwood School lease was illegal under the West LA -- West  
15 VA LA -- West LA VA Leasing Act of 2016; isn't that right?

16 A Yes.

17 THE COURT: Just give me a moment to read, please.

18 MR. ROSENBAUM: Sure.

19 THE COURT: Thank you.

20 MR. ROSENBAUM: Thank you.

21 BY MR. ROSENBAUM:

22 Q That was the finding by the OIG; isn't that right?

23 A Yes.

24 Q In 2016?

25 A Yes.

1 Q And you disagreed --

2 A 2018.

3 Q 2018. Thank you.

4 And you disagreed with that finding, did you not, sir?

5 A The VA disagrees, yes.

6 Q And between 2000 -- disagreed with its own OIG; isn't that  
7 right?

8 A Yes.

9 Q And the next report was dated what year, from the OIG?

10 A 2022.

11 Q And between 2018 and 2022, you are not aware of any  
12 changes that Brentwood made with respect to its conduct of its  
13 activities; isn't that right?

14 MR. ROSENBERG: Objection. Vague.

15 MR. ROSENBAUM: Under the lease.

16 MR. ROSENBERG: Same objection. And --

17 THE COURT: You can answer that. I assume that that  
18 is a broad question concerning any conversation, change in  
19 their opinion.

20 THE WITNESS: So the lease between and -- the lease  
21 between the two IG reports was the same.

22 BY MR. ROSENBAUM:

23 Q And you are not aware of any change in behavior by the  
24 Brentwood School in terms of carrying out its lease between  
25 2018 and 2022; isn't that right?



1 THE COURT: Just a moment, Counsel. I don't know  
2 that, eventually, I'm going to be focused on the behavior of  
3 the Brentwood School.

4 MR. ROSENBAUM: Okay.

5 THE COURT: I'm more interested in what the activity  
6 was concerning the VA and their efforts. I would expect the  
7 Brentwood School can --

8 MR. ROSENBAUM: Thanks.

9 BY MR. ROSENBAUM:

10 Q Did you have any discussions with anyone in Brentwood with  
11 respect to the lease, after the 2018 report came out, prior to  
12 2022?

13 A Not respect to the lease, per se, but with respect to the  
14 types of in-kind contributions that were they able to provide  
15 to the VA and whether they would be beneficial to the VA.

16 Q There was no change in the in-kind contributions over that  
17 time period; isn't that true?

18 A No. Well, there were changes in regards to the types of  
19 activities, donations, volunteer activities, the amounts of  
20 money. All of those are indicated as to what they have  
21 provided within the congressionally-mandated reports. But they  
22 all were within the general scheme of the lease.

23 Q But the donations and the volunteer activities, as you are  
24 talking about, those weren't part of the lease terms; isn't  
25 that true?

1 A They are part of the lease terms because there is an  
2 in-kind consideration of 900-plus thousand dollars in addition  
3 to the \$850,000 in rents. In the in-kind contribution  
4 paragraph, it lists a variety of activities that are  
5 permissible to be valued, you know, for that contribution.

6 MR. ROSENBAUM: Could I have Exhibit 3 put before  
7 the witness, please.

8 THE WITNESS: And I was going to correct myself.  
9 The OIG was '21. It was the master plan renewal that was '22.

10 MR. ROSENBAUM: Thank you.

11 THE WITNESS: 2021.

12 BY MR. ROSENBAUM:

13 Q Is that in front of you now, sir?

14 A Yes.

15 Q Are you familiar with this document?

16 A Yes.

17 Q What is your understanding of what it is?

18 A It's the report of -- the OIG report from 2021 on our  
19 compliance with the West LA Leasing Act.

20 Q And that is mandated by that statute?

21 A Yes. There were two reviews that were mandated.

22 Q And you read and reviewed this report?

23 A Yes.

24 MR. ROSENBAUM: Move it's admission, Your Honor.

25 THE COURT: Received.

1 (Exhibit 3 received into evidence.)

2 BY MR. ROSENBAUM:

3 Q Could you turn, please, to page 32 of what has been marked  
4 as Exhibit 3.

5 Do you have that page in front of you?

6 A Yes.

7 Q And in that paragraph -- and it goes over to page 33 as  
8 well. We will get that to you also. The OIG, again, concludes  
9 that this lease is illegal under the statute; isn't that right?

10 A Yes. It also includes where the VA disagrees with that.

11 THE COURT: Just one moment. Let me read that,  
12 please.

13 MR. ROSENBAUM: Sure.

14 THE COURT: Thank you.

15 BY MR. ROSENBAUM:

16 Q The OIG also found for a second time that Brentwood was --  
17 that that lease was illegal under the statute. That's what you  
18 just told me, right?

19 A Yes. The language is pretty much identical between the  
20 two OIG reports.

21 Q And, in fact, the OIG found that five of the leases were  
22 illegal under the statute; isn't that right? In this report?

23 A There were five that they had concerns about, yes.

24 Q They found them -- they concluded they were illegal; isn't  
25 that right?

1 A Noncompliant, yes.

2 Q And one of them is with Breitburn; isn't that right?

3 A Yes.

4 Q Do you know what the other ones were?

5 A One was SafetyPark. One was the use of air monitoring for  
6 air pure -- or air -- sorry. Air quality monitoring on the  
7 West LA Campus.

8 And one was associated with easements and how they were  
9 complied with.

10 Q So --

11 A Then there was another one that we had already canceled  
12 associated with the use of the governor's mansion, which you  
13 mentioned yesterday, as a staging area for emergency management  
14 response.

15 Q And let's do some math here.

16 The UCLA is ten acres and change, right?

17 A Yes.

18 Q Baseball complex?

19 A Yes.

20 Q And the Brentwood School property is 22 acres and change;  
21 is that right?

22 A Yes.

23 Q And do you know for the other parcels of land how many  
24 acres that consists of?

25 A Well, the easements are roads. Those are the ramps to the

1 highway.

2 The Barrington parking lot there is probably, I would  
3 just guess, between 1 and 2 acres.

4 THE COURT: How much?

5 THE WITNESS: 1 to 2 acres. It's that blue box in  
6 the top left corner on the map.

7 THE COURT: Thank you.

8 THE WITNESS: And the other -- the air quality  
9 monitoring is probably a 20 by 15-foot box, so not much acreage  
10 there. And the other land use agreement was not associated  
11 with area.

12 BY MR. ROSENBAUM:

13 Q What is OIG, sir?

14 A The Office of the Inspector General.

15 Q Do you know what the duties and responsibilities of the  
16 Office of the Inspector General is -- are?

17 A Well, generally, in lay terms, it's to provide oversight  
18 and inspect and investigate three or more different kinds of  
19 areas.

20 One is associated with healthcare, to see if  
21 we're compliant with our own policies.

22 One is associated with administration, like this,  
23 to identify whether VA is compliant with policies and laws.

24 And then a third is a criminal investigative body.

25 Q Are you aware of an OIG report about, quote, severe

1 occupational staffing shortages issued August 7th, 2024?

2 A Yes. They do that annually. That is an annual  
3 requirement for them to provide that report.

4 Q And the conclusion of that -- have you read it?

5 A I have read the summary.

6 Q And the conclusion is severe occupational staffing  
7 shortages, right?

8 A Well --

9 MR. ROSENBERG: Objection. Vague and potential  
10 relevance because we don't know anything about where these  
11 staffing shortages are, what categories they are.

12 THE COURT: I need more foundation. I don't know  
13 what is being referred to.

14 I don't they if this -- obviously, you are  
15 stating August 7th of some kind of report.

16 First of all, is this from the OIG?

17 MR. ROSENBAUM: Yes, it is.

18 BY MR. ROSENBAUM:

19 Q Isn't it, Dr. Braverman?

20 THE COURT: Do you have this report, Counsel?

21 MR. ROSENBAUM: Well, that's what I was going to  
22 say --

23 MR. ROSENBERG: I have never heard of this before.

24 MR. ROSENBAUM: I don't have it either. And my  
25 suggestion is this, Your Honor --

1 THE COURT: Now, just a moment. If we're going to  
2 refer to this report, let's get this report, if it exists.  
3 Where did you get this alleged report?

4 MR. ROSENBAUM: I just read a report about the  
5 report. May I make a suggestion?

6 THE COURT: I'm going to preclude this for the time  
7 being. Let's get this report, find it for both parties so we  
8 know what we're talking about. I don't see how -- first of  
9 all, you have read this report?

10 THE WITNESS: This is a congressionally-mandated OIG  
11 report that is done annually to determine those occupations  
12 across the VHA healthcare system nationally as to where their  
13 shortage occupations are.

14 THE COURT: Okay. This is easily resolved.

15 If we're going to get into this report, you  
16 should have a chance to read it and look at it again, if you  
17 already have. And you both should have this report before we  
18 undertake direct and cross-examination because, otherwise, you  
19 may be up here for three more days. I'm just joking with you.  
20 Okay. We need to get you off the stand.

21 MR. ROSENBAUM: My suggestion is this, if I may,  
22 Your Honor.

23 THE COURT: Sure.

24 MR. ROSENBAUM: I completely agree with you. My  
25 suggestion is Dr. Braverman should certainly have every

1 opportunity to read the report in full, so should his counsel,  
2 so should us. And so I would just like to have Dr. Braverman  
3 on call after we have had a chance to review and examine the  
4 report, and then it will be fair in terms of actually --

5 THE COURT: No, no. This is a good time for a  
6 recess. I trust my counsel. Work this out between the two of  
7 you so you get this report in front of you.

8 Dr. Braverman, step down and talk to both  
9 counsel. And then if you decide to proceed at this point, so  
10 be it. And if not, maybe you will be coming back. I don't  
11 think so.

12 Let me ask, though, something, Doctor.

13 This could go into a second phase, what I call an  
14 injunctive phase. Not sure yet. But if it does, what would  
15 your availability be the last part of August, early part of  
16 September?

17 THE WITNESS: So I am scheduled to be back in Los  
18 Angeles the week of the 25th of August, that Monday through  
19 Thursday.

20 THE COURT: Okay. Okay. That way, if it's not --  
21 in other words, if it's after the 25th, let's say you are more  
22 available than before the 25th of August.

23 THE WITNESS: I'm supposed to be in DC next week.

24 THE COURT: You will be there. Take that with  
25 confidence. Okay?



1 THE WITNESS: I plan to be here in the event I was  
2 going to be on call the 25th to the 29th of August.

3 THE COURT: I just want to be courteous because if  
4 we get to that injunctive phase, it's an equity phase that the  
5 Court is going to have to sort out to the best of its ability,  
6 I may be coming back and asking you, Mr. Kuhn, other folks for  
7 the other side who are experts, literally to gather at some  
8 point and just have a frank discussion with you. I just don't  
9 know yet. But I try not to inconvenience people.

10 But I know this way -- we're in continuous  
11 session until I do resolve or not resolve this matter, okay.  
12 Well, not resolve. Until I resolve this in some fashion.

13 Okay, Counsel. How about 20 minutes? Would that  
14 be okay with both of you?

15 You have been very cooperative, for the record.  
16 I find counsel to be extraordinarily well prepared and very  
17 appreciative of the courtesy that they're paying to each other.

18 See if we can trade this information so that  
19 you're not asking questions on behalf of the plaintiff that you  
20 are not certain of and that the other side, also, is aware of  
21 this report, if it's a congressional report that came out.  
22 Take judicial notice of it.

23 MR. ROSENBAUM: Perfect, Your Honor. Thank you.

24 THE COURT: We will see you in 20 minutes. Go get  
25 some refreshments. Thank you for your cooperation.

1 Doctor, thank you very much.

2 THE WITNESS: You are welcome.

3 (Afternoon recess.)

4 THE COURT: We're back on the record. Counsel are  
5 present. The parties are present. Dr. Braverman has returned  
6 to the witness stand.

7 Counsel, continue direct examination.

8 BY MR. ROSENBAUM:

9 Q Are you doing okay, Doctor?

10 A Yes. Thank you.

11 Q Thank you for your patience.

12 Going back for just a moment to the Brentwood lease.  
13 You talked to me about in-kind contributions from Brentwood?

14 A Yes.

15 Q Do you -- have you ever examined those in-kind  
16 contributions?

17 A I have seen the list and the dollar amounts associated  
18 with it.

19 Q Okay. Do you know if one of the in-kind contributions  
20 that Brentwood lists is for maintenance of the athletic  
21 facilities?

22 A Yes.

23 Q And maintenance of the soccer field, the lacrosse field,  
24 football field, fencing area?

25 A Yes.

1 Q Do you know the methodology that Brentwood uses to  
2 calculate its in-kind contribution?

3 A No.

4 MR. SILBERFELD: Your Honor, we have the realtime  
5 problem again.

6 THE COURT: Oh, my apologies. Let's stop. We need  
7 that fixed again.

8 (Off the record.)

9 BY MR. ROSENBAUM:

10 Q Dr. Braverman, you talked to us earlier today about  
11 in-kind contributions that Brentwood was taking regarding the  
12 lease agreement? Do you remember that?

13 A Yes.

14 Q And you are aware that Brentwood claims, as part of its  
15 in-kind contributions, maintenance of its athletic facilities?

16 A Yes.

17 Q And that includes lacrosse field, its soccer field,  
18 facilities for fencing, football field; correct?

19 A Yes.

20 Q And you don't know the methodology that Brentwood utilizes  
21 to get to the numbers that it puts down for its in-kind  
22 contributions; is that correct?

23 A I have not personally audited that, no.

24 Q Okay. And you've never directed anybody on your staff to  
25 come back to you with a report on their methodology; is that

1 right?

2 A Not to me, but I don't know whether the time has done that  
3 or not on the master planning side.

4 Q You don't know one way or the other?

5 A Correct.

6 Q Do you know what evidence-based practices are?

7 A Generally, yes.

8 Q What is your understanding of what that term communicates?

9 A That would mean that there is a way of doing things that  
10 is based on evidence, such as research or some kind of  
11 documentation that it's the best or right way to do it.

12 Q According to professional standards of whatever field  
13 we're talking about?

14 A That is consistent, yes.

15 Q Are you an expert in statistics?

16 A An expert? No.

17 Q Do you know what the phrase "statistically significant"  
18 means?

19 A Yes.

20 Q What does it mean?

21 A It means that the likelihood of something happening is  
22 greater than whether that result is just due to chance.

23 Q Do you know how to make determinations when you look at  
24 different numbers, measuring the same thing from year to year?  
25 Do you know how to make a measurement as to whether or not a

1 change is, in fact, statistically significant along the lines  
2 of your definition just now?

3 MR. ROSENBERG: Objection. Vague. And assumes  
4 facts not in evidence. Could be for anything.

5 THE COURT: I don't know what that refers --  
6 (Reporter clarification.)

7 THE COURT: I take that as foundational subject to a  
8 motion to strike to hear what specific documents you are going  
9 to refer to. So --

10 THE WITNESS: Yes.

11 THE COURT: -- foundational for the present time.

12 THE WITNESS: So your question was whether I know  
13 how to do a standard deviation or decide if something is  
14 significantly -- is statistically significant?

15 BY MR. ROSENBAUM:

16 Q Yes, sir.

17 A Yeah. I guess in some cases I can do that on my own. In  
18 other cases, I would ask for, you know, data scientists or  
19 statistician to discern that.

20 THE COURT: Here is my caution. If it involves a  
21 document in this case that he might be looking at, or  
22 documents, I think that is relevant, and I think he probably is  
23 making an everyday judgment call because of his position. And  
24 I think he can understand those documents, and I think that he  
25 probably has enough expertise to weigh those.

1                   If it's a broad question, sweeping across the  
2 board, I'm going to sustain an objection to it. So if you have  
3 got documents referring to that he is reading, relying upon,  
4 and he's making a value judgment or statistical significant  
5 evaluation, so be it. But if it's just a broad, overt  
6 question, if there is an objection, I will probably sustain it.

7 BY MR. ROSENBAUM:

8 Q       Have you made any analysis of statistical significance  
9 with respect to any of the changes in the PIT count from year  
10 to year?

11                   MR. ROSENBERG: Objection. Confusing. Is the  
12 analysis themselves of statistical significance?

13                   THE COURT: I will allow that foundationally to the  
14 point in time count. But, eventually, this has to relate back  
15 to veterans. Okay?

16                   BY MR. ROSENBAUM:

17 Q       With respect to veterans?

18                   THE COURT: Okay. With respect to veterans.

19                   MR. ROSENBAUM: Yes, sir. Yes, Your Honor.

20                   THE COURT: You can answer that question.

21                   THE WITNESS: So I have not personally done that,  
22 no.

23 BY MR. ROSENBAUM:

24 Q       Okay. If at the end of this case, Judge Carter has to  
25 make a determination of equities, and one of the factors he has

1 to look at, one of the variables he has to look at is the value  
2 of an unhoused veteran's life, how would you recommend he go  
3 about doing that?

4 A I guess I would say this. I don't know how to put a  
5 number on an individual's life, but I would also identify that  
6 the actions and activities and resources that we use at the VA  
7 Greater Los Angeles Healthcare System, in VISN 22, and the  
8 entire VHA are for all of the veterans for which we care. At  
9 GLA, that is approximately 90,000 veterans.

10 And there is any number of things that the  
11 healthcare system does in order to save lives, in order to  
12 improve the healthcare of all of those veterans. And it is  
13 always a difficult, I guess, balance of where to put resources  
14 against the dollars that are available.

15 And I would just say to take that into consideration.  
16 There is a lot of money that goes into the homeless program,  
17 both at VA Greater Los Angeles and the network and VHA. Happy  
18 to go into some of that detail. But I think that that also has  
19 to take into account options that are available for housing  
20 outside of the campus, housing programs that are available  
21 through, in this case, Los Angeles city and county, and, you  
22 know, all sorts of things.

23 And I don't think it's an easy answer.

24 Q My question, sir, is this: How should this Court value  
25 the life of an unhoused veteran? How would you go about

1 valuing that?

2 A I would say the same value as the life of a housed  
3 veteran. I'm not going to put a price on the person or the  
4 situation and I can't suggest that Judge Carter can do that.

5 Q Nothing is more important to the mission of the VA than  
6 the value of a veteran's life; isn't that true, sir?

7 A I can't argue with that.

8 MR. ROSENBAUM: I don't have any further questions,  
9 Your Honor.

10 THE COURT: Would you like a break, even though we  
11 just had one, just to prepare to get your notes in order?

12 MR. ROSENBERG: I think we can start and then take a  
13 break perhaps after a bit.

14 THE COURT: You call the break time, then. Do you  
15 want to do this as direct examination or cross?

16 MR. ROSENBERG: Direct examination.

17 And, for the record, Brad Rosenberg from the  
18 Department of Justice on behalf of the United States.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION

21 (Federal defendants' direction examination)

22 BY MR. ROSENBERG:

23 Q Good afternoon, Dr. Braverman.

24 By my calculation you have been on the stand for  
25 approximately a day, but I don't think you have received a



1 proper introduction yet, so let's try to fix that and I will  
2 start with this: Where did you go to college?

3 A University of Virginia.

4 Q So this reference may be lost on my west coast friends in  
5 this courtroom, but let me take a moment to say, Go Hoos!

6 After college I assume you went to law school or to  
7 medical school?

8 A Yeah, no, medical school, Vanderbilt University Medical  
9 School.

10 Q When did you graduate from UVA?

11 A 1983.

12 Q When did you graduate from Vanderbilt Medical School?

13 A 1987.

14 Q What did you do after that?

15 A I went to Vanderbilt on a Army scholarship, a health  
16 professional scholarship program, so I was inducted into the  
17 Army. Did my internship in transitional medicine, if you will,  
18 transitional internship at Eisenhower Medical Center at Fort  
19 Gordon, Augusta, Georgia and then from there went to Walter  
20 Reed Army Medical Center in Washington, D.C. where I spent  
21 three more years doing my residency in physical medicine and  
22 rehabilitation, stayed on as the staff and faculty there,  
23 eventually rising to be the director of the residency program  
24 and the chief of the physical medicine and rehab service until  
25 2000.

1 Q And what did you do next?

2 A 2000 to 2003 I went to Fort Jackson in Columbia, Southern  
3 Carolina to the deputy commander for clinical services, that  
4 would be a medical chief of staff equivalent to private sector  
5 facilities for three years at Moncrief Army Community Hospital.

6 Q And after that?

7 A So I'll just keep going, I guess.

8 Q Yes.

9 A From 2003 to 4, I was the surgeon or I would say the  
10 medical physician in charge at the National Defense University  
11 in Washington.

12 2004 to 5, I was a student at National War College where  
13 I got my master's in national security strategy.

14 From 2005 to 2007, I was the commander of the Ireland  
15 Army Community Hospital, the hospital on Fort Knox's post.

16 Following the two years as the commander at Fort Knox,  
17 by that time I was a colonel, I was -- I then went to Fort Sam  
18 Houston in San Antonio to be the chief of clinical services,  
19 and chief consultant to the Surgeon General for the Army  
20 medical command that was 2007 to 9.

21 During 2008 into 2009 I deployed to Iraq as the deputy  
22 surgeon chief of clinical operations for Multi-National Corps  
23 Iraq.

24 Q Let me pause there, just what was that experience?

25 A The deployment experience --

1 Q Yes.

2 A -- what or experience? Well, my role there was to oversee  
3 the medical policy, the research mission, programs associated  
4 with suicide prevention, the operational oversight of the  
5 medical operation in the, you know, battle space there in Iraq.

6 From 2009 to '11 I was the hospital commander of the  
7 Carl R. Darnall Army Medical Center at Fort Hood and then from  
8 2011 to 2013, I was the deputy corps chief, kind of the chief  
9 operating officer equivalent for the Army Medical corps, all of  
10 the doctors and the Army and policies associated with the  
11 physicians in the Army, their assignments and their training.

12 Q Is that across the entire Army?

13 A Yes. Then in 2013 to 2015, I became the commander of the  
14 Walter Reed Army Institute of Research in Washington, D.C. with  
15 subordinate labs in Thailand, Kenya, Germany, and Georgia, the  
16 country of Georgia, that was the Army's largest biomedical  
17 laboratory, research laboratory, and then I finished my Army  
18 career 2015 to 2016 as the director of program analysis and  
19 evaluation for the Army Medical Command in the Surgeon  
20 General's Office that, that's all the evaluation of the medical  
21 business plans, medical record, financial operations for the  
22 Army Medical Department.

23 Then after retiring from the Army, actually overlapped  
24 for about six months while -- six weeks while I was on terminal  
25 leave, started as the director of the Edward Hines, Jr. VA

1 Hospital at the VA from 2016 to '19 before going to GLA.

2 Q Thank you for that background. Let's talk about Hines for  
3 just a moment.

4 You said you were the director, is that the same  
5 position you -- I don't want to mix up subsequently and  
6 previous, but you subsequently went to GLA.

7 A Yeah, so the Edward Hines, Jr. VA Hospital and the VA  
8 Greater Los Angeles Healthcare System are essentially the same  
9 kinds of high complexity, what the VA calls a high complexity a  
10 1A complexity tertiary care facility, healthcare system.

11 They are just named differently because of the way in  
12 which they were chartered and the land given to those  
13 particular locations.

14 So hospital director is the equivalent to the medical  
15 center director that the -- the terminology that GLA uses.  
16 Both the official VA language is executive director.

17 Q So I'd like to say stay on Hines for just a moment, can  
18 you describe for me the responsibilities that you had as  
19 director at the Edward Hines, Jr. VA Hospital?

20 A Sure. So as the hospital director you are in charge of  
21 the, you know, resources, employees' day-to-day activities of  
22 the healthcare system, taking care of a number of veterans in  
23 Chicago. So the Hines VA Hospital is the large tertiary care  
24 facility in Chicago. It's about 9 miles west of Chicago, it  
25 incorporates the care in about a six-county area to the west of

1 Chicago including part of Cook County, but then west and south.

2 We had six community-based outpatient clinics associated  
3 with the hospital, took care of about 78,000 veterans with  
4 roughly a 6 to \$800 million budget over that period of time.

5 Q So I know that you have already given us a bit of a  
6 timeline, but can you tell the Court, why did you take your  
7 current -- or your previous position as medical center director  
8 at GLA?

9 When I say "GLA," what am I referring to?

10 A Well, GLA stands for VA Greater Los Angeles Healthcare  
11 System.

12 And Greater Los Angeles is where the GLA comes from.

13 So for both Hines and GLA, and I will start with Hines,  
14 I came to that position when there was no director for the  
15 previous two years.

16 People in the VA didn't want to go there, it was one of  
17 the facilities that was hung up in the access scandal out of  
18 Phoenix, the director in Phoenix that was implicated was the  
19 prior director at Hines, and there was lots of --

20 Q I'm sorry, what was that scandal?

21 A Well, that was concerns about the VA making -- I guess  
22 having secret wait lists and other sorts of things and not  
23 having a true picture of veteran wait times and, you know,  
24 access to care.

25 That was in 2014.

1           So, by the time I came on board in 2016, there were  
2 about 38 vacancies of medical center directors across the  
3 country for a variety of reasons.

4           And we were relatively successful in, you know, kind of  
5 increasing moral, turning around the medical care of that  
6 particular facility.

7           GLA became vacant around April of 2019. Their medical  
8 center director left to go elsewhere. And the VA leadership  
9 asked if I would consider going to Los Angeles to be their  
10 directory.

11           THE COURT: Counsel, can you help me, I don't  
12 understand secret wait list that he refers to.

13           THE WITNESS: So in -- there were processes in the  
14 VA at the time where executives were rewarded and compensated  
15 for having low wait times for, you know, trying to document  
16 that veterans were being seen as needed, that sort of thing.

17           And it came to light, I don't remember who initially  
18 reported it, whistle blowers and others, that at least at  
19 Phoenix there were these wait lists that were being held for  
20 people to -- that needed appointments in the various clinics at  
21 the Phoenix VA and others around the country in order to make  
22 it look like their productivity was better than it was.

23           So it was like changing the denominator, if you will, by  
24 hiding that.

25           Anyway, that was a fairly well-known scandal in the

1 2014, '15 time frame. A lot of leadership left at that time  
2 and there were -- it wasn't the most attractive position to go  
3 into, but I needed a post retirement job so that was my post  
4 retirement job.

5 THE COURT: Was this in the Phoenix facility that  
6 you referred to or somewhere in the GLA?

7 THE WITNESS: No, that was the -- that started at  
8 the Phoenix VA Hospital and other facilities were wrapped into  
9 having some of the same processes. GLA was not one of those.

10 So one of the reasons for, you know, asking me to come  
11 to GLA was in some cases because of this success we had had at  
12 Hines and also because of the realization that GLA is a very  
13 complex healthcare facility, not only because of that  
14 healthcare mission that I talked about at Hines, but because of  
15 this second mission that we had in order to develop and execute  
16 the master plan that was part of the settlement agreement that  
17 we have discussed already before.

18 BY MR. ROSENBERG:

19 Q Dr. Braverman, I think over the last day or so you have  
20 heard a lot of hypothetical scenarios that you, you know,  
21 regarding analysis or studies or tasks that you did not  
22 undertake.

23 I'm hoping you can explain for us the tasks that you did  
24 have to undertake as medical center director.

25 Is it a complex job?

1 A Well, it is a complex job and I think what makes GLA, as I  
2 mentioned, so more complex or challenging than some other  
3 places, is besides the tertiary care responsibilities the  
4 largest academic program and affiliation in the country among  
5 all VA's between research and the teaching that goes on there,  
6 there is also the, you know, mission that is required for us to  
7 take care of homeless veterans, which is the highest population  
8 of homeless veterans in the country, that's well known.

9 And the resources that we try to bring to bear on that  
10 challenge, you know, within Los Angeles, the need to develop  
11 partnerships with the community, partnerships with veteran  
12 advocacy groups, partnerships with law enforcement, and, you  
13 know, veterans themselves to try to accomplish not only the  
14 homeless goals that we put in place, but also the healthcare  
15 system, which as I mentioned at Hines had six community based  
16 outpatient clinics scattered throughout. In the GLA system  
17 taking care of 90,000 veterans that are 11 facilities, there's  
18 the main large VA medical center and system in West LA.

19 There is another ambulatory care center in Sepulveda in  
20 the San Fernando North Hills area that used to be a stand-alone  
21 VA Medical Center but after the earthquake, the Northridge  
22 earthquake, was converted to an ambulatory care center.

23 We also have two permanent supportive housing units  
24 there on the Sepulveda campus as well. Then we have the Los  
25 Angeles Ambulatory Care Center which is here downtown. And



1 then we have eight community-based outpatient clinics that go  
2 from -- that are in our five-county area that kind of go from  
3 East LA up to Lancaster and Bakersfield and then, you know,  
4 back down San Luis Obispo, Santa Barbara, Ventura, you know,  
5 back to GLA. So a five-county, 22,000 square mile large  
6 catchment area to take care of the veterans in all of those  
7 places.

8 Q Is it fair to say that while the West LA Campus is -- I  
9 think you might have used the term "hub" previously today, the  
10 hub or the heart of GLA, it is but a part of larger GLA system?

11 A Yes, I would say it's the primary -- when people think of  
12 GLA they think of West LA, but GLA overall is more than that.

13 Q So you were responsible for managing that entire system,  
14 not just the West LA Campus?

15 A Yes.

16 Q And when we think of the West Los Angeles Campus, I know  
17 that this Court has been focused on homelessness issues, but is  
18 it true that campus issues involve more than just homelessness?  
19 There is a hospital, a critical care tower, correct?

20 A Yes. There's the main hospital, there's research  
21 facilities, that include vivariums, that's locations for  
22 animals research. There are two nursing homes called community  
23 living centers, there are two domiciliary buildings,  
24 domiciliary is residential outpatient for veterans who have  
25 substance use disorder, mental health, or chronic homelessness

1 challenges.

2           There are, you know, there's our kitchen, which we just  
3 completed building a new kitchen on that campus, it provides  
4 meals, not only for the inpatients, nursing home patients and  
5 domiciliary patients at West LA, but also the patients in those  
6 facilities at Long Beach Hospital.

7           And, you know, a variety of other activities on that  
8 West LA Campus.

9 Q       And as medical center director, do you also deal with  
10 employment issues?

11 A       Yes. So GLA has about 5,200 employees across its  
12 organization and, you know, all of the intricacies of federal  
13 employment from EEO, equal opportunity -- equal employment  
14 opportunity requirements to disciplinary actions to pay scales  
15 and all of the, you know, HR things that go along with the  
16 employees, that's -- as the director, the director has  
17 authority to make decisions on disciplinary matters and, you  
18 know, other HR and legal matters associated with employees,  
19 associated with tort claims, associated with just, you know,  
20 leave and other sort of things along the way.

21 Q       What about budgetary issues?

22 A       So, budget is also the obligation and authority of the  
23 director to ensure meeting, you know, the resource requirements  
24 associated with the entire campus within the allotted budget.

25           We're trying to figure out, you know, how to get more

1 when some is needed.

2 The budget -- the overall budget this last year for VA  
3 Greater Los Angeles was approximately \$1.4 billion.

4 The reason why I say "approximately" is because that can  
5 change in a number of ways. It could change based on how much  
6 money comes in as first or third-party revenue, and what I mean  
7 by that is co-payments from veterans or insurance  
8 reimbursements or other sort of things.

9 Approximately 200 million of that \$1.4 million [sic] is  
10 for money that goes to community care providers when a veteran  
11 gets their care in the community instead of in the direct care  
12 system.

13 And we have to have a process in order to make those  
14 appointments for veterans when they go into the community.  
15 That would happen when their individuals don't meet access  
16 standards that we enforce to make sure that veterans get the  
17 care where they need to as quickly as possible.

18 So, that \$1.4 billion amount also includes \$125 million  
19 or so that is allotted specifically to the homeless program  
20 activities, CERS, the things that John and -- John Kuhn and  
21 Sally Hammitt are currently in charge of.

22 That's part of the \$205 million that all of VISN 22 has  
23 in our eight facilities, so GLA has a sizeable chunk of that,  
24 and then that is out of the \$3.2 billion budget that all of the  
25 VA homelessness -- homeless program office has for all of their

1 activities. That includes grants for Grant and Per Diem  
2 programs, for supportive services for veteran family programs,  
3 and the community for, you know, their various operations  
4 through HUD-VASH, et cetera.

5 Q You mentioned VISN 22, I want to see if I can have you put  
6 this into context.

7 Think of a series of concentric circles.

8 Start with the West LA Campus has homeless services, for  
9 lack of a better term, and medical services that are provided  
10 on that campus, that's a part of the GLA system.

11 So how does GLA fit within VISN 22?

12 A So I think it might be easier to go from the top to the  
13 bottom if that's okay.

14 So the Department of Veterans Affairs is  
15 essentially divided into four bodies. There are three  
16 administrations, the Veteran's Health Administration which is  
17 the largest, that's all of the healthcare and hospital system.

18 Then there is the Veterans Benefits Administration that  
19 is things like the disability compensation, GI bill, home  
20 loans, that sort of stuff, vocational training.

21 Then there is National Cemetery Administration, so  
22 that's all of the national cemeteries.

23 And then that fourth entity is the VA part that oversees  
24 things and has budgets by itself, like construction or the  
25 Office of Information Technology or HR and other sort of

1 things.

2 So, the VHA then, besides its headquarters element,  
3 which has both policy and program requirements, is divided into  
4 18 field agencies called Veteran Integrated Service Networks,  
5 that's where the VISN comes from. And I get that we're VISN  
6 22, even though there is 18, there used to be 23 of them and 4  
7 were combined, so that's why there's 18 now.

8 Q You anticipated my next question.

9 A So VISN 22 is the oversight organization. So I  
10 essentially have oversight authority and responsibilities for  
11 eight facilities, the four that are in Southern California  
12 which is Loma Linda, Los Angeles, Long Beach, and San Diego,  
13 and then the three in Arizona, Prescott, Phoenix and Tuscan,  
14 and the one in New Mexico in Albuquerque.

15 Q I think this was already covered, but just to be clear,  
16 what is your current position?

17 A So my current position is the director of VISN 22 of the  
18 network, and I have been in that position, first in an interim  
19 role, then as a permanent role since May of 2023.

20 Q And as network director, what level of understanding do  
21 you currently have as to events that are taking place on the  
22 West LA Campus?

23 A Well, because of the -- because GLA is still, you know,  
24 under my authority, if you will, and because of my history with  
25 -- as the director of GLA, I'm still pretty linked in for much

1 of the overall broad decision-making that goes on, not  
2 necessarily the day-to-day activities and interactions with  
3 individual people.

4 But for those things that, as the network director, I  
5 may have to approve, like, overall budgets or overall numbers  
6 of personnel that the facilities may have, large contracts or  
7 construction requirements, a lot of those things have to come  
8 through the network in order to get approval before it goes to  
9 larger VA for approval and distribution.

10 Q When you first -- let me ask a very open-ended question,  
11 but -- and I think you may have discussed this briefly, but  
12 hoping you can unpack it a little bit.

13 Is GLA unique amongst different -- for lack of a better  
14 term -- hospitals, medical centers, what have you across the  
15 country?

16 A VA medical centers?

17 Q Yes.

18 A Yes. The addition of the homeless master plan and  
19 homeless efforts is unique among all of the other VA  
20 facilities.

21 There aren't any other VA facilities, to my knowledge,  
22 that have a similar plan associated with construction that are  
23 focused on the provision of housing on the campus in the  
24 variety of ways in which that is accomplished at GLA. That is  
25 probably what makes it unique.

1           There are other facilities with large research and  
2 academic partnerships, other facilities that have multi-campus  
3 facilities, but there aren't any that have the size and scope  
4 of the homeless program effort that we have here.

5       Q     Let me drill down and let's start with when you first  
6 arrived as medical center director, September 2019; is that  
7 right?

8       A     Yes.

9       Q     At that time were there any permanent supportive housing  
10 units on the West LA Campus?

11      A     Just the one in Building 209 that we have talked about  
12 before.

13      Q     And can you tell us a little bit the history of that  
14 building?

15      A     So it was originally renovated in the 2012 time frame for  
16 use as a residential building for the Compensated Work Therapy  
17 program.

18           We have described that as a program for veteran patients  
19 utilizing work as therapy to help them get back on their feet  
20 and be able to heal and successfully, you know, leave the  
21 campus and be independent once they leave the campus.

22           Over time, over the next few years, the residential  
23 attendance in that program -- because you may still participate  
24 in that program from being off campus or in other facilities at  
25 GLA, declined into the teens by 2015.

1           So, as part of the master plan, the leadership at the  
2 time made the decision that they could find alternative  
3 residential housing for those that were still in the CWT  
4 program, and used that building to be the first turnover  
5 building to the developers as part of an Enhanced Use Lease  
6 program that went to Shangri-La and opened in 2017 for, you  
7 know, homeless veteran permanent supportive housing.

8           THE COURT: That was Building 209?

9           THE WITNESS: 209.

10          THE COURT: It went to Shangri-La eventually?

11          THE WITNESS: Yes.

12          THE COURT: As well as 205 and 208 eventually?

13          THE WITNESS: Those were renovated later.

14          THE COURT: I understand, but --

15          THE WITNESS: But those three are the ones that were  
16 all part of Shangri-La.

17 BY MR. ROSENBERG:

18 Q        I think you used the phrase -- and I could not be getting  
19 it exactly right, but "work as therapy"?

20 A        Yes.

21 Q        So could one say that the work that is being done as part  
22 of the Compensated Work Therapy program is itself a form of  
23 healthcare?

24 A        Well, that work was healthcare.

25           So the Compensated Work Therapy program, like the



1 domiciliary program, those are treatment programs that are for  
2 veterans who are considered to be in a patient status and so  
3 being able to build or renovate or construct housing for people  
4 in a patient status, nursing homes, inpatient facilities, the  
5 domiciliary Compensated Work Therapy, there are some places  
6 that have stand-alone substance use disorder programs or mental  
7 health outpatient residential programs, those are all  
8 considered treatment programs with the veterans living in them  
9 as patients.

10 Q Did VA renovate that building itself?

11 A Yes, in that 2012 time frame, and that was originally  
12 recommended or requested back in 2010, eventually funded for  
13 renovation in the 2012 time frame.

14 THE COURT: I'm sorry, we're talking about Building  
15 209.

16 THE WITNESS: 209 while it was being used --

17 THE COURT: You said that the VA -- the question,  
18 "Did you renovate that building yourself?"

19 Did the VA renovate that or did you have Shangri-La  
20 renovate that?

21 THE WITNESS: No, at the time of the renovation that  
22 was specifically to renovate it to be usable for the CWT  
23 programs so the VA paid for that because it was a patient care  
24 program.

25 THE COURT: Who was your contractor?

1 THE WITNESS: I don't know who the contractor was.

2 THE COURT: It wasn't Shangri-La initially?

3 THE WITNESS: No.

4 BY MR. ROSENBERG:

5 Q Just for the Court's -- just to be clear for the Court, it  
6 was VA that paid -- was it VA that paid directly for the  
7 renovation of that particular building?

8 A Correct. VA let the contract for whoever did the  
9 renovations, I want to say my recollection in the neighborhood  
10 of \$30 million, but I don't know for sure, that might be off.

11 But the VA paid for that renovation, specifically for  
12 making it useful for CWT. And that was before any kind of  
13 master agreement or anything like that was done before the  
14 settlement, it was for that medical purpose.

15 Q And is it -- is the reason VA was able to pay for the  
16 renovation of Building 209, is that it was contemplated to be  
17 used for a Compensated Work Therapy program?

18 A Yeah, that was the purpose was for treatment. There  
19 wasn't any contemplation at the time to turn it over to some  
20 kind of overall housing environment.

21 Q So why was that building -- I think you talked about it a  
22 little bit, but just to be clear, why was that building -- I  
23 believe that was the first building that was converted or  
24 created for permanent supportive housing on the campus; is that  
25 right?

1 A It wasn't created for permanent supportive housing, it was  
2 created for the Compensated Work Therapy. But over time, as I  
3 mentioned, the occupancy in that building dwindled.

4 As I researched how that -- I did do some research on  
5 that, as to how it came to be used for permanent supportive  
6 housing that, you know, the VA leadership at the time, the  
7 medical center director, Secretary McDonough's team, they  
8 identified that building because of its dwindling use, that it  
9 could qualify as an enhanced use lease opportunity to lease it  
10 to a developer and manager to be used for veteran permanent  
11 supportive housing.

12 So, because that had previously been renovated a few  
13 years before and that it was no longer actively completely  
14 used, that that was eligible for use under the EUL rules to  
15 kick-start the homeless permanent supportive housing as part of  
16 the master plan.

17 Q And you referred just now to the "master plan."

18 We have heard of two different master plans.

19 There is a 2016 draft master plan and then there is the  
20 2022 master plan; is that right?

21 A Yes.

22 Q So, I want to talk about the first one, the 2016 draft  
23 master plan.

24 What was the status -- in your view, what was the status  
25 of the draft master plan and the implementation of the draft

1 master plan when you arrived at GLA as medical center director?

2 A I would say from the standpoint of building housing, that  
3 it was stalled, that there hadn't been the expected progress in  
4 doing construction to renovate buildings and, you know,  
5 finalize housing for the veterans.

6 That was one piece.

7 The next piece was to try to find out why that was the  
8 case.

9 Q I want to get to that in a minute.

10 A Okay. So, I would say that I -- you know, I thought that  
11 it was stalled and not meeting the intent of the draft master  
12 plan in terms of the timeline that had originally been  
13 configured.

14 Q And just so that we can all be -- make sure we're looking  
15 at the same document and understand what that timeline is, I  
16 would like to ask my colleague if he can pull up the draft  
17 master plan, which is, I believe, Exhibit 154.

18 And I don't know if you still have -- there is a pile of  
19 documents that have accumulated by you.

20 A I have it.

21 Q Let's actually go to the front page first, just to make  
22 sure we're all on the same page.

23 This document has already been admitted into evidence.  
24 But do you recognize this document?

25 A Yes.

1 Q Okay. And this is -- what we're looking at is the 2016  
2 draft master plan.

3 I'm going to ask if we could turn to the timeline. And  
4 this is Exhibit 154, page 19 of the exhibit, which is page 15  
5 of the draft master plan.

6 When you talk about the draft -- implementation of the  
7 draft master plan having been stalled at the time that you  
8 arrived as medical center director -- you recognize this  
9 timeline, don't you?

10 A Yes.

11 Q And I think you were asked about it yesterday by my good  
12 friend on the plaintiffs' side?

13 A Yes.

14 Q Okay. Is this -- does this timeline reflect -- well, let  
15 me ask this: What does this timeline reflect?

16 A So, this was a -- and it says "potential," you know,  
17 "phasing timeline," right. This was the notional goals for  
18 housing development when the draft master plan was put together  
19 that identified what would happen in the first 12 months, and  
20 then these subsequent, you know, periods of time.

21 And, you know, what I note from the arrow diagram is  
22 that they are dots along a timeline. There is not little  
23 ellipses that generates a suggestion that they are overlapping  
24 periods of time.

25 But I think in the -- when I got there in -- the end of

1 2019, you would argue that those -- certainly those first two  
2 phases there would have already been past and accomplished.  
3 There should have been, you know, 210 or so units, potentially;  
4 over the next period of time, development for 280; and none of  
5 that was done other than that initial turnover of Building 209.

6 Q And maybe I'm just a little too simple. But this is --  
7 I'm a little bit confused by this timeline.

8 Would you call this timeline a model of clarity?

9 A No. Like I said, I think especially when you look at some  
10 of the way the words were described, you know, the specificity  
11 of the years are not clear, but I think it's safe to say that,  
12 you know, the goal would be that in, you know, approximately  
13 ten years from the development of this draft master plan, there  
14 was a goal to have 1,200 units accomplished in that 12- to  
15 14-year time frame.

16 Q Let's -- actually, I mean, if you look at the left --

17 I'm sorry. I wasn't sure if it was you or the  
18 Court that had a comment.

19 If you look at the left, there is a box that says 0, and  
20 then underneath, in that leftmost box, it says, "HR 3484/S  
21 2013, legislation passes."

22 Do you know what that -- well, first of all, did I read  
23 that correctly?

24 A Yes.

25 Q Do you know what that refers to?

1 A The West LA Leasing Act.

2 Q Okay. And that passed in 2016, right?

3 A Yes.

4 Q So, that's the starting point.

5 A Yes.

6 Q Okay. And so, when I look at the rightmost box that says  
7 future development, and then underneath it says 6 to 10 years;  
8 number in red, 430; parcels, TBD, to be determined; buildings,  
9 TBD, to be determined, the 1,200 total permanent supportive  
10 housing units on campus.

11 That is ten years from when?

12 A Probably ten years from that initial phase development --  
13 6 to 10 years from that -- you know, depending on how -- and  
14 that is the problem is that it's all -- it's subject to  
15 interpretation, whether this was meant to be additive or some  
16 cases overlapping.

17 So, I think it's fair to say that the intent was to try  
18 to get as close to 1,200 units in that 10-to 14-year time  
19 frame, allowing for some overlap with that midterm development  
20 to be completed in that period of time, and that didn't happen.

21 Q And maybe, again, I don't fully appreciate additive versus  
22 cumulative on this chart.

23 A If you took each box as a separate box -- in the first  
24 12 months, you should have 60. In the next 24 to 30 months,  
25 you should have 150 more. And the next 30 months, you should

1 have 280 more.

2 That is, essentially, the first six years would be 490.

3 Then in the next four to five years, you would have 280  
4 more.

5 So, in that first 10-year period of time, you would have  
6 770. And then another six to 10 years, you would complete the  
7 12.

8 It's 20 years. That is probably longer than what  
9 was hoped for. That is why I'm saying that. So, it was  
10 probably more likely to say from 2024 to 2030, that is when the  
11 1,200 units would be completed.

12 Q Okay. But I think the --

13 A Or '26 to 2030, I'm sorry.

14 Q I think -- it was stalled.

15 A Yes. And I think that is the important part is to say  
16 that we -- the first part of this initial phase development,  
17 which should have been well on its way, was not well on its way  
18 when I got here.

19 Q Now, there is some language underneath that timeline, and  
20 let me read that to you.

21 "Note that the above proposed timeline will involve  
22 pertinent future due diligence to address utility  
23 infrastructure issues, environmental and historic preservation  
24 analysis, and involve timing issues regarding the selected  
25 housing developers to obtain non-VA monetary capital needs."



1           And then we need to go to the next page.

2           "From various housing related funding sources, e.g.,  
3 equity, construction and conventional loans, tax credits,  
4 grants, operational subsidies like HUD-VASH vouchers, et  
5 cetera, and local zoning and permit processes."

6           Did I read that correctly?

7   A       Yes.

8   Q       What does that mean to you?

9   A       Well, it means that there are -- there were a variety of  
10 things that had to happen before shovels could go in the  
11 ground, and that there would be time that would be required in  
12 order for those things to happen.

13           So, what's -- one of the problems, in my view, with the  
14 master plan as draft master plan, as it was constructed  
15 originally, was that it made some false assumptions or  
16 assumptions that proved to be untrue in the beginning of the  
17 timeline that was as written.

18           One of those is that it would be a rapid process to  
19 identify funding for these units and identify, you know, the  
20 selection of developers.

21           One was that this would essentially be a turnkey kind of  
22 operation for those buildings that were already on the campus  
23 and just needed to be renovated for -- you know, into permanent  
24 supportive housing, and because what proved to be true was that  
25 we didn't have the utility infrastructure in order to support

1 that.

2 The second was failure to account for the bureaucracy in  
3 the city and county associated with the environmental studies  
4 and historical preservation society studies that all took a  
5 couple of years to accomplish.

6 So the notion, really, that we would have been able to  
7 start new construction or renovation within a couple of years  
8 of this plan in the first place was probably optimistic at  
9 best.

10 Q And not to state the obvious, but it was a draft, correct?

11 A Yes, it was a draft.

12 And then the second -- well, not the second piece.  
13 Another piece that wasn't included here was that no funding was  
14 accrued to the project either, so whether that included  
15 personnel that would be required to do the planning and  
16 execution and oversight on the VA side, or whether that was  
17 monies that would be necessary for parcel readiness for  
18 turnover to the developers or utility requirements for the  
19 developers, there wasn't any identified funding.

20 That's one of the things I found when I got to GLA as  
21 well.

22 Q I want to stop for a second. That is a really interesting  
23 point that I hadn't thought about.

24 To your knowledge, has VA ever -- at the time, at least,  
25 had VA ever undertaken a project like this before?

1 A I can't speak to ever, but I'm not aware of a project like  
2 that.

3 Q And you stepped us through your long history and  
4 background in both military and the VA.

5 Are there challenges associated with getting a new  
6 project off the ground?

7 A Well, there are challenges with getting projects off the  
8 ground when it's an unfinanced requirement.

9 So that's probably the, you know, the biggest challenge.

10 And then, you know, the organization that is leading  
11 that effort has to go through steps to identify funding sources  
12 and, you know, operational requirements necessary to get a  
13 project like this off the ground.

14 Q So you have to find funding, and you have to set it up,  
15 right?

16 A Yes. So, one of the things that I found when I came to  
17 GLA is that the personnel and any costs associated with the  
18 development and operational execution of this project were  
19 coming out of the -- GLA's healthcare budget and healthcare  
20 personnel.

21 So, for example, engineers associated with planning were  
22 the facility engineers that would also be responsible for  
23 upkeep of the various healthcare facilities. And that was  
24 putting a strain or drain on healthcare facility operations.

25 Money that would be required in order to do -- and what

1 I mean -- "site prep" or "turnover prep," what I mean by that  
2 is clearing an area, being able to do any kind of environmental  
3 mitigation, like for asbestos and stuff, or disconnecting  
4 utilities or even connecting utility trains to the local areas.  
5 That all requires funding.

6 And that was also coming out of the facility's  
7 nonrecurring maintenance budget, which for GLA was in the, you  
8 know, about the \$25 million allotment.

9 And that's money that ordinarily would be going to  
10 fixing HVAC system or correcting plumbing problems or painting  
11 walls and that sort of thing.

12 So, any dollars in the beginning of this project were  
13 having to come out of GLA's healthcare budget and what it's  
14 allotted for a typical healthcare system.

15 So that speaks to that piece that you were asking about  
16 before, that this was a additive mission but there weren't  
17 resources added to do the mission at the time.

18 THE COURT: I'm sorry, I want to be certain I  
19 understand.

20 THE WITNESS: Yes.

21 THE COURT: In the present system, the developers  
22 are usually incentivized by tax credits. Are the developers  
23 paying for these unforeseen infrastructural costs like sewage,  
24 plumbing, or is the VA paying for that, and then as the  
25 developers seeks tax credits and funding streams -- in other

1 words, how is that divided in the present system?

2 THE WITNESS: Sure. And Brett Simms will  
3 potentially be more expert in this area, but, in general, the  
4 way I understand it is the money that is raised by the  
5 developers is primarily for the purpose of the building itself.

6 THE COURT: Exactly. But the infrastructure is  
7 coming out of your pocket?

8 THE WITNESS: That's correct.

9 THE COURT: I mean the VA.

10 THE WITNESS: Right. Thankfully not my pocket.

11 THE COURT: How does the VA differentiate then  
12 between the position of not being able to construct your  
13 long-term supportive housing on behalf of veterans, versus what  
14 seems to be a part and parcel of this long-term supportive  
15 housing construction?

16 THE WITNESS: Yes. Thank you.

17 So, my understanding is that -- and this is also part of  
18 the new PACT Act -- that toxic exposure act that came out in  
19 2022 -- that VA -- Congress authorized VA a certain amount of  
20 money, the whole PACT Act is \$925 or so million, and some of  
21 that on the construction side, is for leases of facilities and,  
22 you know, healthcare facilities and clinics.

23 Of that money, \$325 million or so over the next 10 to  
24 15 years is authorized to GLA West LA for construction projects  
25 or capital contributions that support the renovation or

1 building of these units.

2 THE COURT: That is the support.

3 THE WITNESS: Yes, sir. Right. So one of the next  
4 things that we identified -- and here is part of the -- when I  
5 was saying the -- kind of the maybe mistaken assumptions that  
6 were used initially was that somebody -- the assumption is  
7 these were all buildings, they were all tied to utilities in  
8 the past, and the newly renovated buildings could use those  
9 utility infrastructure that was already in place.

10 But the reality is the utility infrastructure demands --  
11 electricity, water, gas, power, what have you -- is different  
12 in modern buildings and modern codes than it was 50 and  
13 100 years ago when those buildings were originally erected.

14 And the utility infrastructure was insufficient to be  
15 able to support all of the building that was anticipated on the  
16 north part of the campus.

17 So -- but there wasn't a plan to address that when I got  
18 there.

19 THE COURT: Got it.

20 THE WITNESS: And one of the first things that we  
21 did was -- using GLA's money because that's what we had  
22 available, and then getting some assistance from the  
23 construction and facilities management office at VA -- to do an  
24 utility assessment of the grounds and find out where the  
25 utilities were -- you know, we didn't even know where all of

1 the pipes were -- where the utilities were, what their capacity  
2 and capability would be, and then what kinds of additional  
3 construction of new utilities would be necessary to support  
4 this.

5 And then that, in turn, developed into somewhere in the  
6 neighborhood of \$100 million worth of construction contracts to  
7 build this utility system and to provide parcel preparation for  
8 the turnover into -- to the principal developers of the  
9 building that were getting turned over.

10 So there was no funding.

11 So a combination of -- so in the beginning, since you  
12 asked that open-ended question, I will just keep going. What  
13 we first did was we went to my network director at the time,  
14 Michael Fisher, and said, I need \$7 million from the VISN money  
15 to hire engineers and a contract team to help put this plan  
16 together, and to figure out what was going to be required to  
17 build a housing plan to, you know, move forward with housing.  
18 And that's part of what went into the 2022 new master plan.

19 So, that -- you know, included engineering, that  
20 included the staff, the contracts necessary to do all of that.

21 Then we identified through this utility requirement some  
22 contract programs that would be necessary for, in fact, the  
23 most important beginning one was fire suppression and water  
24 pressure, so that these places would be safe -- to -- and then  
25 went to VA and VHA and used end-of-year surplus funds -- those

1 would be funds that were originally obligated to other  
2 hospitals that didn't get executed during the year, their  
3 contract fell through or what have you -- and got the first  
4 \$30 million necessary to get these construction projects in  
5 place for the utilities. So we swept it from other places and  
6 used it.

7 That got the ball rolling.

8 In the meantime, Congress was putting this PACT Act  
9 legislation together that would enhance our ability to  
10 operationalize the conversion of these parking lots or  
11 buildings into new permanent supportive housing locations. And  
12 now that money that would be necessary moving forward for the  
13 entire remainder of these 1,200 units is available as we need  
14 it because there is -- I don't think there is any year  
15 limitation on that money.

16 There might be a 10- or 12-year limitation, but nothing  
17 in the near future.

18 So, we now have this bucket of funds up to \$325 million  
19 that we didn't have before that are supporting those contracts.

20 THE COURT: Okay.

21 THE WITNESS: And I thought that was a very  
22 important step to be able to move forward.

23 And that -- so, the combination of hiring planning  
24 personnel, the combination of getting funding for the utility  
25 infrastructure assessment, and then building the utility



1 backbone, and then having money to do site prep for turnover,  
2 all of those things were important to be able to move forward  
3 as the principal developers received funding to be able to do  
4 the projects.

5 One of the challenges, too, that happened -- you know,  
6 stuff happens, sort of like the landfill thing -- is that, at  
7 one point, when the VA, in conjunction with LA city and county,  
8 were building the A Bridge Homes -- these hangar, tent-like  
9 structures that are congregate living for emergency housing --  
10 when they built the foundation or dug the foundation, they hit  
11 asbestos piping that they didn't know was there.

12 And that resulted in a year and a half delay and an  
13 extra \$5 million for cleanup of the asbestos.

14 THE COURT: And those are the buildings, as you go  
15 by the chapel, if you look just to your left. There is a long  
16 building, and those buildings sat right there by the lawn?

17 THE WITNESS: No. This is further north.

18 THE COURT: Show me.

19 Counsel, I'm sorry.

20 MR. ROSENBERG: No. I was actually going to ask him  
21 to show you. Can I actually look at the map?

22 THE COURT: It's very helpful for me to have him go  
23 through that at one time.

24 MR. ROSENBERG: I would like to look at the map as  
25 well, if I can approach.

1                   Just to be clear, Dr. Braverman is looking at the  
2 chart that is Exhibit 1069-001.

3                   THE COURT: See where you are driving to the chapel,  
4 off of Wilshire?

5                   THE WITNESS: The chapel is way down here.

6                   THE COURT: Drive up the road, keep going up.

7                   THE WITNESS: All right.

8                   THE COURT: Now, right, go down.

9                   THE WITNESS: So --

10                  THE COURT: In other words, regardless --

11                  THE WITNESS: I don't see.

12                  THE COURT: -- asbestos piping issue, you ran into,  
13 and what I'm going to call -- I can't see it from here --  
14 Bonsall, up the map. I don't know if that is east or north or  
15 east. It wasn't down towards the chapel, where the domiciliary  
16 is, is it?

17                  THE WITNESS: No. It's in this area.

18                  THE COURT: Okay. So, it's up in our basic -- not  
19 as far as 209, 208, 205. It's not quite at 210. It's  
20 someplace near Bonsall, because it curves around.

21                  THE WITNESS: Yeah. It's this area south of Nimitz.  
22 Okay. I will show you.

23                         Here, it's actually right in this area here, near  
24 where this parking lot is. Because this is the CalVet state  
25 home, and it's just to the north of the CalVet state home. So.

1 That's where the Bridge Home locations are. It's not on that  
2 map, that's why I was having -- I was looking for the CalVet  
3 home it was whited out, so I couldn't find it.

4 But just north of Nimitz in that area there. So,  
5 that is where it was.

6 And I bring that up -- we are not getting  
7 feedback from two mics, that works pretty well -- I bring that  
8 up because there is so many changes to the campus over such a  
9 long period of time. There is not always certainty what is  
10 beneath.

11 The other thing that happens way too frequently is the  
12 construction operators that are doing the construction that are  
13 doing the building, we have had over 50 -- what I would call 50  
14 outage days last year where electricity cables or water pipes  
15 were disrupted during the construction and we had to shut down  
16 operations for building as a result of that.

17 So, there is so much construction ongoing that there is  
18 frequently some of these challenges. That happened in the  
19 early stages of the Metro construction that is ongoing as well,  
20 so it's not just the construction for permanent supportive  
21 housing.

22 MR. ROSENBERG: Can I follow up on that actually?

23 BY MR. ROSENBERG:

24 Q Because you mentioned, I believe, was it power outages and  
25 disruptions?

1 A Yes.

2 Q Obviously, nobody likes a power outage, but what are the  
3 impacts of a power outage or other utility disruption on a  
4 healthcare campus?

5 A Yeah. Big impacts when the power goes out.

6 Imagine -- even though we have generators in the  
7 hospital, there can be those initial glitches when it converts  
8 from power to generator power.

9 If you are in the middle of a surgical procedure or  
10 cardiac cath or something along those lines, that could  
11 interrupt, you know, the monitors. Sometimes when power shifts  
12 over, the computers don't start back up the way you would like  
13 to. So there is a fair amount of risk when that kind of things  
14 happens.

15 We try to mitigate that for the most critical things by  
16 having what they call USBs, the uninterrupted power -- UPS, an  
17 interrupted power supply, not USB as in a storage area.

18 UPS, uninterrupted power supply, so that -- it's sort of  
19 like a battery powered plug, if you will, in the event of one  
20 of these glitches. But that's for the most critical parts of  
21 the hospital.

22 At the same time, some of the buildings that are  
23 currently housing our veterans, their power goes out as well.  
24 So, residential people living on the campus get inconvenienced.

25 THE COURT: We're talking about the delays right now

1 concerning the unexpected, the utilities.

2 THE WITNESS: Right. So, the utility stuff that I  
3 was talking about; the potential for crashing into asbestos  
4 pipes and the required cleanup; now, this landfill issue.

5 THE COURT: Just not knowing what is under the  
6 ground.

7 THE WITNESS: Yes, sir.

8 THE COURT: I will turn it back over to you,  
9 Counsel.

10 BY MR. ROSENBERG:

11 Q Is there a challenge -- I know that we have heard  
12 testimony about vacant buildings and I think we're working on  
13 getting a sense of where that currently stands.

14 But I don't know if you are familiar, I think it's  
15 called Traffic Jam, it's the kids' toy where you have to move  
16 the pieces around and there's a little blank space and you have  
17 to get the cars through the traffic jam, so let me ask you  
18 this: Are you familiar with that toy?

19 THE COURT: Is that kinds of like the Baltimore  
20 baseball example?

21 MR. ROSENBERG: It's kind of like it, but hopefully  
22 a little bit better.

23 THE WITNESS: I like the Orioles example better.  
24 I'm not familiar with that game, I'm sorry.

25 BY MR. ROSENBERG:

1 Q Well, the idea of the game is you have to figure out how  
2 to move different pieces of a puzzle around when there are  
3 already pieces of that puzzle in place in order to get to a  
4 goal.

5 Does that analogy apply to how to develop a campus where  
6 there are already some buildings in use?

7 A So one of the things that is ongoing, is that even the  
8 building of those utility infrastructure, pipelines and  
9 backbone, requires closure of streets, closures of parking  
10 lots, when a facility or a building is being built then there's  
11 got to be lay-down for where the contractors, you know, put  
12 their equipment and their supplies that are going to those  
13 buildings. So part of that planning and part of that need to  
14 hire those additional people that I talked about was also  
15 trying to arrange those, you know, planning documents and where  
16 everything would be as, you know, multiple moving parts for  
17 many years.

18 So that's one of the challenges.

19 There are buildings that we have evacuated, for want of  
20 a better term, where we have taken the staff and moved them to  
21 other places in order to turn over a building for construction.  
22 Building 210, which we were talking about in the framework of  
23 the newest building that needed permits and just had the ground  
24 breaking and might have initially been impacted by the landfill  
25 but now is outside of that radius, that was a building that we

1 were using for healthcare until we moved those people to turn  
2 that building over to the developer.

3 So all of that has impacts.

4 One thing that we also deal with is that we may have a  
5 plan that is phased out over time which includes certain order  
6 of these buildings, but then the developers get financing for a  
7 different one.

8 Then we have to change that process.

9 One of those examples happened recently and, yeah, the  
10 numbers again have switched on me here.

11 But I think it's Building 40 -- it was Building 408 or  
12 so, I don't know if we have the old map.

13 MR. ROSENBERG: Let me see if I can -- I think the  
14 visual is helpful. The old map, just to be clear, we're  
15 looking at Exhibit 1 page 291.

16 BY MR. ROSENBERG:

17 Q What building are you referring to? What building number  
18 are you referring to?

19 A It's this building area down here, so maybe you can pull  
20 that back up, it's right --

21 Q I'm putting Exhibit 1069 back in front of the witness.

22 THE COURT: I don't think the court reporter nor I  
23 heard the answer to the prior question. So if you want to take  
24 that map -- take down this map, and then sort of finish your  
25 answer based upon the first exhibit.

1 THE WITNESS: Yes, so this lot 20 area, just north  
2 of Pershing and the building next to it are locations that  
3 we're turning over to the principal developer.

4 I believe -- so there's a little -- I guess a small  
5 rectangle here right where it says Lot Number -- well, it's  
6 actually this one where it says Lot Number 48 -- well, you know  
7 what, I don't want to screw this up. I'm familiar with seeing  
8 it on a different document. I apologize.

9 THE COURT: We will put up another exhibit up for  
10 him.

11 MR. ROSENBERG: So I'm putting Exhibit 1069 back in  
12 front of the witness.

13 BY MR. ROSENBERG:

14 Q If you can't -- if you can't find it perhaps on this map,  
15 because it's not a map you are used to seeing, perhaps you can  
16 just provide the general overview.

17 THE COURT: Obviously he will be back tomorrow, just  
18 look at it tonight.

19 THE WITNESS: Yes.

20 THE COURT: Don't worry, you will be back tomorrow  
21 so you and counsel can go over that tonight and pin it down.

22 THE WITNESS: Sure, I will. I will. The anecdote  
23 that I was going to describe is that the principal developers  
24 came to us with a request to expedite the preparation of the  
25 land for development ahead of schedule.



1           And that area included our hazardous waste storage area  
2 and that's basically where we take the hazardous waste from the  
3 hospital, store it there before it gets disposed of properly.

4           And that had been planned for next year, but they got  
5 funding for it this year and so we had to rapidly find an  
6 alternative location for that hazardous waste, and that's  
7 really what whole story was.

8           And I'll identify the building associated with that. I  
9 believe it's 408, but it might be 402 so. Or 404.

10                   BY MR. ROSENBERG:

11           Q       That's an example of --

12           A       But that's an example of what we are dealing with as we  
13 try to construct new buildings for the permanent supportive  
14 housing.

15                   So it's not as simple as finding a piece of property and  
16 digging a hole for a new building.

17                   BY MR. ROSENBERG:

18           Q       We have spoken at some length about physical  
19 infrastructure, I would like to talk about, for lack of a  
20 better term, human resource infrastructure.

21                   When you became medical center director, did you make  
22 any changes to staffing as it relates to the West LA Campus and  
23 GLA's mission more generally?

24           A       So I think you may be referring to the organizational  
25 structure primarily.

1           So when I got to VA Greater Los Angeles, we had an  
2 individual who was on detail, meaning assigned to GLA to  
3 oversee the master plan.

4           Her name was Meghan Flanz, she was an attorney.

5           And we had -- and she had a small staff under her for  
6 that kind of strategic planning and master plan portion.

7           Didn't have the extra people that I later got funding  
8 for.

9           We also had that CERS program, the community engagement  
10 -- I'm sorry the Community Engagement Reintegration Service,  
11 the homeless program that Sally Hammitt is in charge of, and  
12 that was separate on the clinical side of the healthcare  
13 system.

14           And Meghan announced that she was going to resign from  
15 that oversight position and just be a legal advisor and so I  
16 saw an opportunity to enhance the leadership of this program  
17 and build synergy between the clinical homeless program and the  
18 HUD-VASH program, CERS, with the master plan.

19           And I combined those two under one of our senior  
20 executives and that person eventually became the deputy medical  
21 center director overseeing the master plan and the homeless  
22 program.

23           So that was originally Mack McKenrick, whose name you  
24 heard on the tape, now is John Kuhn.

25           And by combining the two we could make sure that our

1 activities for veteran homelessness in general was now in sync  
2 with the physical components of the master plan, because it's  
3 all for the same purpose, to try to decrease homelessness and  
4 end homelessness in Los Angeles.

5 Q Did you hire John Kuhn?

6 A I did. Yes.

7 Q Why did you hire him?

8 A Well, so Mr. McKenrick left, he went on to be the director  
9 of the Albuquerque, the New Mexico VA, that provided an  
10 opening, and we originally detailed or kind of assigned John to  
11 be the temporary deputy medical center director in large part  
12 because of his experience as the leader in the Supportive  
13 Services For Veteran Families, SSVF, because of his enthusiasm  
14 and innovative spirit associated with kind of leaving no stone  
15 unturned and trying to identify how we can help veteran  
16 homelessness, and he's come up with a lot of innovative ideas  
17 along the way.

18 And I think that is the biggest reason. He was an  
19 accomplished leader in the VA in the GS15 levels, so we hired  
20 him into the senior executive service to take over that  
21 position.

22 MR. ROSENBERG: Judge Carter, I'm at a breaking  
23 point if we want to take a short break.

24 THE COURT: Come back in about 15 minutes.

25 Sir, why don't you step down, relax for a moment

1 and we will see you in 15 minutes, counsel.

2 (Recess.)

3 THE COURT: We're on the record, all counsel are  
4 present, the parties are present, Dr. Braverman is present,  
5 continued direct examination.

6 MR. ROSENBERG: All right. We're back on the  
7 record.

8 And before we turn to the next topic, during this short  
9 break I believe Dr. Braverman has been able to identify on the  
10 maps where the hazardous waste site is, so permission to  
11 approach?

12 THE COURT: Please.

13 BY MR. ROSENBERG:

14 Q Just maybe we can start with the -- I will take the mic  
15 and we will start with Exhibit 1, page 291 and, Dr. Braverman,  
16 can you point us to what the location of the hazardous waste  
17 site?

18 A So the lot I was referring to is this Lot 48, and this  
19 little rectangle below it was the hazardous waste storage area.

20 And it was confusing because that box doesn't exist on  
21 this map.

22 MR. ROSENBERG: I'm going to bring up this map now,  
23 and this map is Exhibit 1069.

24 THE WITNESS: So the building that is being  
25 constructed is this 11400 just north of Vandergrift.

1 THE REPORTER: North of what?

2 THE WITNESS: Vandergrift.

3 BY MR. ROSENBERG:

4 Q Is that at the interaction of Nimitz Avenue and Bonsall  
5 Avenue?

6 A Yes, it's -- I'm sorry, it's south of Vandergrift, north  
7 of Nimitz, west of Bonsall. B-O-N-S-A-L-L.

8 THE COURT: And has that hazardous site ever  
9 contained any nuclear contaminants?

10 THE WITNESS: No, and it was always in a building,  
11 it was never underground or anything like that. So it was only  
12 -- there is no environmental risk associated with that.

13 That didn't have to be cleaned up or anything, it was  
14 just matter a replacing and finding a new site for the new  
15 hazardous containment building, if you will.

16 Think of it as a trash dumpster.

17 THE COURT: Thank you.

18 BY MR. ROSENBERG:

19 Q Dr. Braverman, when you first became medical center  
20 director in September of 2019, were there tents along San  
21 Vicente?

22 A Yes. There was kind of intermittent periodic variable  
23 encampments along San Vicente, usually between 6 to 15 tents,  
24 some of whom were veterans, some of whom were not, along that  
25 road.

1           Are folks familiar with where San Vicente is and what  
2 we're talking about?

3           MR. ROSENBERG: I believe so. I will defer to the  
4 Court on whether any further clarification is necessary.

5 BY MR. ROSENBERG:

6 Q       Let's clarify this, along San Vicente is there a fence?

7 A       So San Vicente is the western border, if you will, north  
8 of Wilshire Boulevard to the border of the VA, so where the --  
9 what they call the Great Lawn is to the west of that is San  
10 Vicente Boulevard, that goes to the north.

11 Q       Okay. Were the tents inside or outside of that fence?

12 A       Those tents were on the -- I guess the sidewalk, if you  
13 will, of the street outside the fence.

14 Q       And is the sidewalk along the street outside of the fenced  
15 VA property?

16 A       No. That's LA County property.

17           So the immediate surroundings of the VA is considered  
18 unincorporated LA County, the law enforcement, the emergency  
19 response to the VA as well, dual jurisdiction between LA County  
20 Sheriff's Department and the VA Police Department, but the  
21 immediate surrounding, the San Vicente sidewalk on the --  
22 adjacent to the VA is LA County oversight.

23           Across the street where Brentwood is LA City so that  
24 would be LAPD. So it's a little convoluted, but the people who  
25 were in those encampments were essentially in LA County, not on

1 the VA property.

2 Q You said it's "a little convoluted," it sounds like a  
3 jurisdictional mess. Does that --

4 A Ultimately people work together.

5 Q I was going to ask if that presented challenges and how  
6 that -- well, tell us, how did people work together?

7 A Well, so some of the challenge was during COVID where  
8 hygiene cleanups of encampment areas and, you know, kind of  
9 policing in those areas was put on hold by the County.

10 But in general, the VAPD the, the LA Sheriff Department,  
11 certainly the LA Fire Department, everybody has good  
12 relationships to try to provide for the safety in the entire  
13 area.

14 Q Did it bother you to see those tents along San Vicente?

15 A Yes, of course.

16 Q Why?

17 A Well, you know, we -- for the same reason that we have  
18 discussed, you know, we want to do what we can to provide, you  
19 know, housing in the entire community for any of the veterans.

20 Now, in that early time of my tenure, some of those  
21 people were veterans, some were not.

22 The CERS team would have regular interactions to try to  
23 do outreach with those who were veterans.

24 That's why I said it was relatively kind of intermittent  
25 and variable as to how many tents there would be in that area,

1 but it had been a long-time location for veterans and the  
2 occasional non-veteran to encamp there.

3 In some cases it was because they felt that that  
4 was an area where they could be closer to the VA for services,  
5 and other cases to call attention to their situation to get  
6 services, if they felt that that was not being accomplished in  
7 the way that we could have or should have accomplished.

8 So there were a variety of reasons why people chose that  
9 location.

10 MR. ROSENBAUM: Your Honor, I'm going to object to  
11 the last part of that answer as --

12 THE COURT: I couldn't hear, I'm sorry.

13 MR. ROSENBAUM: I'm going to object to the last part  
14 of that answer lacking foundation and speculation.

15 THE COURT: Overruled. It's his opinion.

16 BY MR. ROSENBERG:

17 Q At the time what VA programs existed to house veterans who  
18 were in tents along San Vicente?

19 A Well, the same programs in general that are available now,  
20 that would be if folks needed medical treatment, that we would  
21 engage with their medical treatment.

22 If they needed residential treatment for disorders  
23 associated with the domiciliary, that would be an option.

24 There is the Grant and Per Diem program, I see New  
25 Directions on the board there.



1           There were options for permanent supportive housing in  
2 project units in the city and county.

3           The Building 209, if there were any vacancies there and  
4 people qualified for the restrictions that they had, and also  
5 tenant-based housing for vouchers.

6           There was also at the time a welcome center in  
7 Building 257, which is just north of Nimitz Avenue there near  
8 where I was referring to the hazardous waste storage area, that  
9 had some short-term beds and showers for folks who showed up  
10 and needed initial placement, if you will.

11           But not that much for emergency shelter. If people  
12 needed emergency shelter, then people would be referred to  
13 shelters in the area.

14 Q       In your understanding of the homeless veterans who lived  
15 in tents along San Vicente, were any of them reluctant to  
16 participate in the housing programs the VA was providing at the  
17 time?

18 A       Well, that -- in that time when I first arrived at VA, I  
19 would say that there were people who were reluctant, there were  
20 people who were distrustful, there were people who felt like  
21 they had been abandoned or weren't being provided the care they  
22 needed and there were others who were looking to try to get  
23 access to that care.

24 Q       And are you familiar with the term "barriers to entry"?

25 A       Yes.

1 Q What does that term mean to you?

2 A So for people to participate in some of the housing  
3 options that were available through the VA, there are rules  
4 that were associated with that and in some cases sobriety was  
5 required, in other cases sobriety wasn't required, but you  
6 couldn't be handling drugs or alcohol on the federal property.

7 At the time there were far more restrictions for animals  
8 than what we have now, or I would say pets or service animals  
9 and other sort of things.

10 So, there were, you know, reasons for some people -- I  
11 guess smoking wasn't allowed on campus. There were reasons for  
12 things -- for people to not want to participate in those  
13 restrictions and have barriers to start to seek help and  
14 assistance.

15 Q And during this time period, and referring to the late  
16 2019 to early 2020 time period, why couldn't -- let me ask  
17 this: Could homeless veterans bring their tents onto the VA  
18 campus and sleep in those tents on the VA campus?

19 A No. By VA policy, by GLA policy, homeless encampments on  
20 the property were not allowed. They were not sanctioned.  
21 Without -- there was potential for safety hazards and other  
22 sorts of things with people just kind of setting up their  
23 particular living environment anywhere on campus, so that was  
24 against the rules.

25 And individual encampments like that still are against

1 the rules.

2 Q Did COVID change that policy?

3 A Well, I would say COVID changed our outlook on and  
4 authorities on what we could and couldn't do.

5 So, nowhere in the VA country were there any locations  
6 that allowed veterans to come on a campus and post a tent, if  
7 you will, and stay there or sleep there.

8 And one of the -- one of the things that I looked at  
9 when I got to GLA were some of these nearby encampments on San  
10 Vicente and started to ask the question: Why couldn't we set  
11 up a location for people to come and bring their tents with  
12 them, come onto the campus and start to get engaged with  
13 wraparound medical services, identify whether they are eligible  
14 for healthcare, how we could assist them in the HUD-VASH  
15 process.

16 When the medical emergency in COVID was declared  
17 in March of 2020, that arguably -- and I say arguably, because  
18 people were arguing with me -- arguably gave us the opportunity  
19 to use a requirement for emergency care to enable an operation  
20 for veterans to come onto the campus, be able to avoid  
21 shelters, where we were concerned, frankly, that COVID would  
22 run rampant through shelters because of the congregate living  
23 arrangements, and build -- start a pilot program that would  
24 allow us to engage with some of those veterans that were in the  
25 area and not have those same kinds of rules. Still have to

1 have safety contracts, still have to not be able to use elicit  
2 substances on the campus, but we weren't requiring bed checks  
3 and comings and goings, and whether or not people were sober  
4 and that sort of thing.

5 So we identified a location that was both convenient to,  
6 you know, facility resources, was available, was nearby that  
7 San Vicente area and the gate was a parking lot that we didn't  
8 need to use because a lot of the staff were not coming in to  
9 work at that particular time, some of the administrative staff  
10 that were using those parking lots, of course our healthcare  
11 staff was still coming to work.

12 And we set up this program that we call CTRS, Care,  
13 Treatment and Rehabilitation Services.

14 The idea was that veterans would bring their tents with  
15 them onto that parking lot, that we would provide wraparound  
16 services, we had donors to support meals for them.

17 And while we could provide the space and the opportunity  
18 to do this, the VA's position was still that this was housing,  
19 it was not at the time considered a medical program, and we  
20 couldn't purchase tents or tiny shelters or anything along  
21 those lines, but we used -- we got it started.

22 I basically said, we're doing it whether the lawyers are  
23 happy or not.

24 So we started doing this and we set it up so we could  
25 have up to 25 in that parking lot, and that's the parking lot

1 Number 17 on this map that is just south of Eisenhower, it's  
2 actually a parking lot -- where that big number 7 is on that  
3 particular map and started that way.

4 We saw that it was relatively successful for the people  
5 that came into that program, and many of them moved on to  
6 transitional or eventually permanent housing.

7 One of the things that happened during that time is that  
8 a donor came forward with large 10-by-15 tents and I think one  
9 of the other mistakes that I would say that we made at that  
10 time -- I mentioned one before about not thinking about the  
11 requirement to get veteran feedback about the UCLA stadium.

12 I think the other mistake that we made was initially  
13 saying no to the large tents, because the team felt there  
14 wasn't enough space on that parking lot to accommodate 25 of  
15 those big tents and that, again, probably an error that they  
16 weren't necessary in order to use.

17 I think that was one of the decisions that then  
18 generated people to donate and start setting up those large  
19 tents on San Vicente for other veterans to use because they  
20 felt like we weren't doing what we needed to do inside the  
21 fence for those veterans.

22 Now, I'm sure people have different recollections or  
23 perceptions at that area, but I think that was a mistake on our  
24 part.

25 Eventually, we did allow those larger tents and then

1 because of the success of the program or the burgeoning success  
2 of the program and, you know, the alternative from what was  
3 outside of the fence where people could start to get wraparound  
4 services, they could get that outside as well.

5 But this was a safe and secure environment, we decided  
6 to expand it and move that into the Great Lawn, which was just  
7 south of where that parking lot was.

8 Q I want to get to that in just a minute.

9 And I appreciate the acknowledgment of the mistake. You  
10 were on new turf or --

11 A Yes, this hadn't happened before.

12 Q -- a new parking lot, I suppose.

13 Not done anywhere else in VA at the time?

14 A Nor since.

15 Q Parking lots get hot in the summer.

16 Was that part of the decision to move to the Great Lawn?

17 A That was part of it as long as -- as well as, you know,  
18 kind of expansion in an area where we could expand to. But,  
19 yes, that was a big reason for doing that.

20 Q And when were -- you might have said this, so I apologize,  
21 approximately, when was the move made from the parking lot to  
22 the Great Lawn area with the tents?

23 A So the program started in April of 2020, and then by the  
24 latter part of the summer we were moving it onto the Great  
25 Lawn.

1                   Originally, we identified kind of a grid with  
2 gravel for ease of walking and transportation.

3                   Next to those gravel lanes were pallets, and we had now  
4 by that time those larger tents and the tents were put on top  
5 of those pallets to try to mitigate for bugs and gophers and  
6 other sorts of things on the actual tent site that wasn't  
7 mitigating the surrounding areas, it was a grass area, so some  
8 of that was still evident there.

9                   Over time, we put construction projects and other -- in  
10 place that built kind of asphalt rows upon which eventually the  
11 tiny shelters were built.

12                   Improving the roads and parking lot in that area,  
13 tried to decrease, you know, any kind of flooding from  
14 rainfall, building -- getting hygiene shelters, hygiene  
15 trailers for showers, and washers and dryers and, you know,  
16 porta potties and running water, sinks and other sorts of  
17 things along the way to make it a more hospitable, but  
18 certainly not long-term perfect environment.

19 Q           What type of services were provided to veterans living in  
20 the tents along the Great Lawn?

21 A           Well, there were medical staff that were there on-site.  
22 There was security services to try to keep people safe.

23                   There were case management and social work services that  
24 were there.

25                   So we tried to run the gamut of what was necessary for

1 care.

2 As I mention, we had donated meals for them as well.

3 Q I think you alluded to this just a few moments ago, but  
4 how did we get from tents to tiny shelters?

5 A So as this continued to evolve, and it looked like it was  
6 going to be there to stay, we were looking for more stable  
7 environmental alternatives for the veterans that would be in  
8 that area.

9 The team researched opportunities and came up with the  
10 idea to use these pallet tiny shelters and at the same time we  
11 were in this VA policy realm where it was still considered to  
12 be housing and we didn't have the authority to purchase those  
13 shelters ourselves.

14 And we worked with our community partners and donors to  
15 get up to initially 70 and ultimately 100 shelters to be used  
16 for veterans.

17 We used our revenue lease fund for the construction of  
18 the -- and readiness of the area to accept some of those  
19 shelters.

20 The first three shelters were erected around the October  
21 of 2021 time frame.

22 That was right around the same time that people were  
23 finding alternative locations to the San Vicente encampment.

24 Q I think you -- were there any other infrastructure needs  
25 that VA addressed when moving from tents to tiny shelters?



1 A Well, there was requirement for power and utilities to  
2 come on board, making sure we had -- I think the biggest thing  
3 was power, communications.

4 I mentioned the various, you know, hygiene trailers and  
5 eventually there were dining locations or community trailers as  
6 well.

7 Ultimately, as the years went on, there became an  
8 opportunity to do and make hot meals and improve the overall  
9 situation.

10 But, you know, it was by no means anything that would be  
11 considered permanent or even temporary. It was really designed  
12 to be an emergency transitional kind of location to get folks  
13 started.

14 It's described as this low barrier to entry program so  
15 we didn't have all of those rules that we described before.

16 Q So you mentioned power to the shelters, did they have  
17 power?

18 A Yes, power, air-conditioning, heat, don't have running  
19 water, that's the one thing that's not in those shelters.

20 Q But when you say they don't have running water, to be  
21 clear, you're referring to what's within an individual shelter?

22 A Yes. We have water trailers that have showers and sinks  
23 and toilets and then we have -- we also, for a while, we were  
24 using porta potties with, you know, hand washing stations.

25 They have been supplemented with those hygiene trailers

1 now that we have along the way.

2 So an iterative process to continue to try to improve  
3 the capacity and capability along the way, as we got funds  
4 could enter into contracts and try to make it a more hospitable  
5 location.

6 Q Referring to contracts, what type of contracts are you  
7 referring to?

8 A Well, we're talking about the construction contracts in  
9 order to do the utilities and the road improvements and those  
10 trailers and those things that I mentioned.

11 Now, over time, the VA changed their policy, in part as  
12 a result of the success of the program and our continued  
13 efforts to identify this as a medical program such that this  
14 became a healthcare program that allowed us to maintain  
15 ownership and/or purchase the tiny shelters moving forward.

16 THE COURT: So the VA actually purchased the tiny  
17 shelters, eventually?

18 THE WITNESS: Eventually, new ones. The ones that  
19 were donated, we kept.

20 But the other piece that was convoluted with this as  
21 well was in order to accept the donation, the small parcel of  
22 land upon which these tiny shelters sat, was then a revocable  
23 license with the owner of those shelters. And those were  
24 deemed to principally benefit the veterans and that allowed us  
25 to operate this while there was legal ambiguity over what we

1 were doing.

2 THE COURT: If you can purchase, eventually -- I  
3 mean, whoever is making this decision, and I'm assuming you  
4 might have had a lot of roadblocks to your efforts, you don't  
5 have to tell me that, okay, or west of the Mississippi or  
6 Washington D.C. Just joking.

7 Why were you able to purchase tiny shelters but you  
8 can't construct long-term supportive housing? Who is making  
9 that decision?

10 THE WITNESS: So, the interpretation --

11 THE COURT: No. Not interpretation. Who is making  
12 that decision?

13 In other words, I don't have any interpretations being  
14 given to me, I keep asking for a written document.

15 I'm going to assume there is none unless I see it.

16 Who, you know, behind the curtain is making this  
17 decision?

18 The president? VA? Mr. McDonough? Who? And a name.

19 No some amorphous, mystical person. Who? I sound like  
20 an owl. Who?

21 THE WITNESS: So, there are legal --

22 THE COURT: Who?

23 THE WITNESS: There are legal documents.

24 THE COURT: Who?

25 THE WITNESS: From the --

1 THE COURT: Can do you hear me? Who?

2 THE WITNESS: Yes.

3 THE COURT: Who?

4 MR. ROSENBERG: If you have names, I'll need it.

5 THE COURT: I know this might be a privilege, but  
6 I'm not getting into the conversation.

7 I just want to know where my center of authority is  
8 here.

9 THE WITNESS: So, I don't know the particular name  
10 of the attorney who provided the -- but, it's from the  
11 healthcare law group.

12 THE COURT: Is it the attorney making the decision  
13 or the director of the VA? Who?

14 THE WITNESS: So, the -- okay. I would say that the  
15 decision -- the VA --

16 THE COURT: If you don't know --

17 THE WITNESS: No. I'm trying to put this in a  
18 perspective.

19 THE COURT: I'm not willing to live with the answer  
20 that, you know, it's --

21 THE WITNESS: That it's the generic VA. No, I get  
22 it.

23 So, the Real Property Law Group headed by Robert  
24 Davenport --

25 THE COURT: Okay.

1 THE WITNESS: -- is the group that has decided that  
2 the law says that we can't purchase housing for housing sake.

3 THE COURT: Just a moment, Mr. Davenport isn't  
4 appointed by the president. So let's start again.

5 Is Mr. Davenport governing these decisions or is  
6 Mr. McDonough governing these decisions?

7 MR. ROSENBERG: If I could --

8 THE COURT: No, thank you, counsel. I want an  
9 answer now.

10 THE WITNESS: So he supplies the legal  
11 interpretation --

12 THE COURT: Uh-huh.

13 THE WITNESS: And then the people who have the  
14 authority to spend the money make the decisions, and so --

15 THE COURT: Who?

16 THE WITNESS: -- I will say that for GLA, then I was  
17 the deciding authority as to whether to follow the legal advice  
18 or not.

19 THE COURT: Okay. Thank you very much. I  
20 appreciate that.

21 THE WITNESS: Okay. And then depending upon the  
22 legal of the amount of money or the things involved, it goes  
23 higher.

24 THE COURT: Does it go up to the Secretary of the  
25 VA?

1 THE WITNESS: Ultimately.

2 THE COURT: No, not ultimately. Does it go up to  
3 the Secretary of the VA?

4 THE WITNESS: I guess the Secretary of the VA could  
5 decide to not follow the legal interpretation of the law.

6 THE COURT: Or accept the legal interpretation.

7 THE WITNESS: Or accept the legal interpretation.

8 THE COURT: I'm going to continue to ask both  
9 parties to produce where there is set forth in writing that you  
10 can't construct long-term supporting housing, okay?

11 Thank you very much, counsel.

12 THE WITNESS: So the interpretation, as I made the  
13 decision on what we could spend money on or not, based on the  
14 authorization and the interpretation of the legal authorities,  
15 ultimately the HA Homeless Program Office, made -- and they may  
16 have been assisted by someone else higher -- made the decision  
17 that our CTRS program would be classified as a healthcare  
18 program within the Homeless Program Office and, therefore, just  
19 like we could use funds to build domiciliary buildings, a  
20 healthcare program or the CWT program, we now had the authority  
21 to do that for CTRS.

22 THE COURT: Because you are dealing with new and  
23 novel issues at your level.

24 And I understand that other people are involved, but  
25 like Harry Truman said, the buck stops someplace, and if it's

1 with the law firm, who is really controlling this, then I need  
2 to know that; if it's with the Secretary of the VA, I need to  
3 know that.

4 THE WITNESS: Right. So, I made the decision all  
5 along the way, whether and where I was willing to potentially  
6 break the law as it was interpreted to me.

7 THE COURT: Okay. Counsel.

8 BY MR. ROSENBERG:

9 Q What about food? We've talked about shelter.

10 We haven't spoken much about food. I think you  
11 referenced volunteer organizations providing food when there  
12 were tents in the parking lot.

13 Am I recalling that correctly?

14 A Yeah. So, food was in line with the same thing as  
15 housing.

16 Neither is allowable if it's not part of a medical  
17 program.

18 The medical care is always allowable.

19 So, once this became a program that was considered a  
20 medical program, then we could also supply the food.

21 And so we could venture into a healthcare contract,  
22 HCHV --

23 Q What does that stand for?

24 A And that's why I was trying to avoid saying the acronym.

25 But it's, I think, Health Care For Homeless Veterans, --

1 is that the kind of program area where that allows us to enter  
2 into a contract with an organization to provide the management  
3 and the food and case management, in some cases, for those  
4 kinds of programs.

5 So, that is something that we did last year, year and a  
6 half or so ago.

7 I think it was right towards the end of my tenure at  
8 GLA.

9 So -- and entered into that program so now we could use  
10 appropriated funds on the medical support -- medical services  
11 side of the house, to provide food the same way we provide food  
12 for people in the domiciliary or the people in nursing homes,  
13 et cetera.

14 Q Did VA provide food to homeless veterans living in tents  
15 outside the fence along San Vicente?

16 A No.

17 Q Why not?

18 A Well, that was not part of the medical program, and it was  
19 the same reason why we weren't providing food for people  
20 inside.

21 But they were -- it's essentially people who are in an  
22 encampment in the community and the VA doesn't pay for food for  
23 any veterans out in the community.

24 Q Did VA have an interest in trying to bring homeless  
25 veterans living in tents along San Vicente into CTRS?



1 A Yes. Any of the veterans who were on the San Vicente  
2 encampment later that was more organized, with a lot of support  
3 from community advocates and each other, were -- if they were  
4 eligible for VA healthcare -- were eligible to come into the  
5 CTRS.

6 There were many who didn't want to do that. There were  
7 some who did.

8 Eventually, in October along September, October, as of  
9 2021, as we were working together with a variety of  
10 organizations and people, Rob Reynolds, who I see there in the  
11 -- I will say the stands -- was, you know, very instrumental in  
12 assisting us in communicating, and in some cases building trust  
13 with some of the veterans who were on that encampment.

14 I think one of the things that became very  
15 important, that was a learning lesson for all of us -- and when  
16 I have described this experience -- I have even given talks to  
17 the Interagency Council on Homelessness for this -- is the  
18 power of comradery in some of these encampments.

19 And our approach up until -- I would say September --  
20 August, September, October of 2021, had been to work with  
21 people at the individual level.

22 And there was a group of folks -- and I guess I would  
23 say the last 20 or so veterans that were on San Vicente -- that  
24 were only going to come in to CTRS as a group.

25 And that power of comradery in these encampments was

1 very important.

2 And in order to do that, we also had to change some of  
3 our rules.

4 We had to relax some of the rules in regards to  
5 check-ins.

6 We had to relax some of the rules. We couldn't relax  
7 the rules on substances on the federal system, but -- and we  
8 even established an area within CTRS where all of those  
9 veterans came together in the tents.

10 And as we were building the tiny shelter community,  
11 following between October and December of that year, people  
12 gradually moved into shelters as they became more comfortable  
13 with the environment. And eventually, there was no longer a  
14 distinction between the veterans that came in from the San  
15 Vicente encampment versus those that had already been in CTRS  
16 before.

17 So, some of those veterans went to hotels from Operation  
18 Room Key.

19 Some didn't last there very long and came back.

20 Some went into additional programs and domiciliary  
21 programs in permanent housing.

22 But we tried to work with each individual veteran to  
23 figure out what was best for them.

24 Q And eventually, was the -- were the tents along San  
25 Vicente cleared out?

1 A Yes. So, as veterans moved out, their left-behind tents  
2 were gradually picked up in combination with the County -- you  
3 know, public health, environmental services, the police were  
4 assisting. They had a team called the HOST.

5 THE COURT: You said the police, that was the  
6 sheriff, wasn't it?

7 THE WITNESS: The sheriff. Thank you. Yes, the LA  
8 County Sheriffs Department, because it was on the county side  
9 of the street.

10 And they had a HOST program which was the  
11 Homeless -- I forget what the O stands for.

12 THE COURT: Don't worry about it.

13 THE WITNESS: But it was a homeless support team. I  
14 forget what the O stands for.

15 But it was also working with us and had been working  
16 with advocates that were trying to assist those veterans that  
17 were on San Vicente as well.

18 Again, Rob was a big component of that.

19 So, this entire community, you know, got together to try  
20 to assist veterans, so that there was no longer an encampment  
21 there on San Vicente.

22 And to this day, there hasn't been any sustained  
23 encampment there since.

24 BY MR. ROSENBERG:

25 Q Can you describe how your -- your prior teams, since you

1 have moved on to VISN 22, but when you were medical center  
2 director, can you describe how your team worked with  
3 Mr. Reynolds?

4 A Well, you know, one of -- Rob was, in my perception, seen  
5 as a leader among -- and a trusted agent -- among the veterans  
6 that were there on San Vicente.

7 I think we all came to believe that he had the best  
8 veterans' interests at heart. So when you have allied similar  
9 goals, then that allows people to try to work together to get  
10 to solutions.

11 And, you know, in some cases Rob served as an  
12 intermediary between what the VA needed to communicate with  
13 those veterans when there was a lack of trust.

14 It was also on the other side where he could tell us  
15 what the veterans needed in order to be able to improve the  
16 situation as well.

17 And I think he's continued to do that, to some extent,  
18 as a contractor with the VA now.

19 In some cases with some of those hardest to reach  
20 veterans who would benefit from our help but may not be ready  
21 to engage to the fullest extent.

22 And there are other advocates like that as well,  
23 but I will publicly thank Mr. Reynolds for the work that he was  
24 doing with his advocacy, and I think it's made a difference.

25 Q Thank you for that.

1 Are you aware of a fire that took place at CTRS?

2 A Yes.

3 Q Do you know what caused the fire?

4 A Yes. So, there was a battery from an electric E-bike that  
5 had been plugged in for three days, overheated and caused a  
6 fire.

7 The bike was sitting next to one of the pallet shelters,  
8 the wind was blowing in a particular direction, and it quickly  
9 engulfed about 20 units.

10 The fire department responded and was able to extinguish  
11 the blaze.

12 And thankfully nobody was injured, but there were 20 to  
13 24 shelters that were -- 20, I think, permanently damaged; a  
14 few others that were potentially salvageable. But a -- kind of  
15 a central section of the shelters were damaged and irreparably  
16 repaired.

17 So, we immediately worked to find alternate locations  
18 for the people that had been in those shelters, all but two  
19 ended up returning and staying.

20 And the two that left ended up going to housing  
21 somewhere else with their family.

22 And then that also sparked, one, a safety assessment of  
23 the environment.

24 We had the fire department investigate whether there  
25 were appropriate fire safety measures in place, and the answer

1 was yes, each of the facilities had individual fire -- not fire  
2 hydrants, but fire extinguishers.

3           There was a fire hydrant in the area that was within  
4 code and accessible.

5           Despite that, as we were building water infrastructure  
6 for those showers and sinks and water utilities that I  
7 mentioned, we also took advantage of that contract to build a  
8 couple of additional fire hydrants that were a little closer in  
9 the event that it would be needed again.

10           And we made a separate e-Bike area where the e-Bikes  
11 were, so if something like that happened again, it wouldn't be  
12 near any of those flammable shelters, trying to decrease the  
13 stuff that people had around their shelters, and, you know,  
14 periodic safety checks along the way.

15           MR. ROSENBERG: Judge Carter, I'm at a breaking  
16 point for this topic. I don't know if the Court has any  
17 questions for Dr. Braverman regarding CTRS?

18           THE COURT: No. Are you comfortable with breaking  
19 at this time?

20           MR. ROSENBERG: I think this would be a good point  
21 to break for the day.

22           THE COURT: Doctor, thank you very much.

23           Is 8:30 acceptable to everybody? 8 o'clock?

24           MR. ROSENBERG: We have a big lift in the next  
25 couple of days, so maybe 8:00 a.m., if it works for the Court?

1 8:00 is a good -- it's a good, round number.

2 THE COURT: Well, listen folks, go home and get some  
3 rest. Stay focused.

4 Thank you very much. 8 o'clock, okay? Thank you.

5 (The proceedings concluded at 5:17 p.m.)

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**CERTIFICATE OF OFFICIAL REPORTER**

COUNTY OF LOS ANGELES )  
 )  
STATE OF CALIFORNIA )

I, TERRI A. HOURIGAN, Federal Official Realtime Court Reporter, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the judicial conference of the United States.

Date: 14th day of August, 2024.

/s/ TERRI A. HOURIGAN

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TERRI A. HOURIGAN, CSR NO. 3838, RPR, CRR  
Federal Court Reporter



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