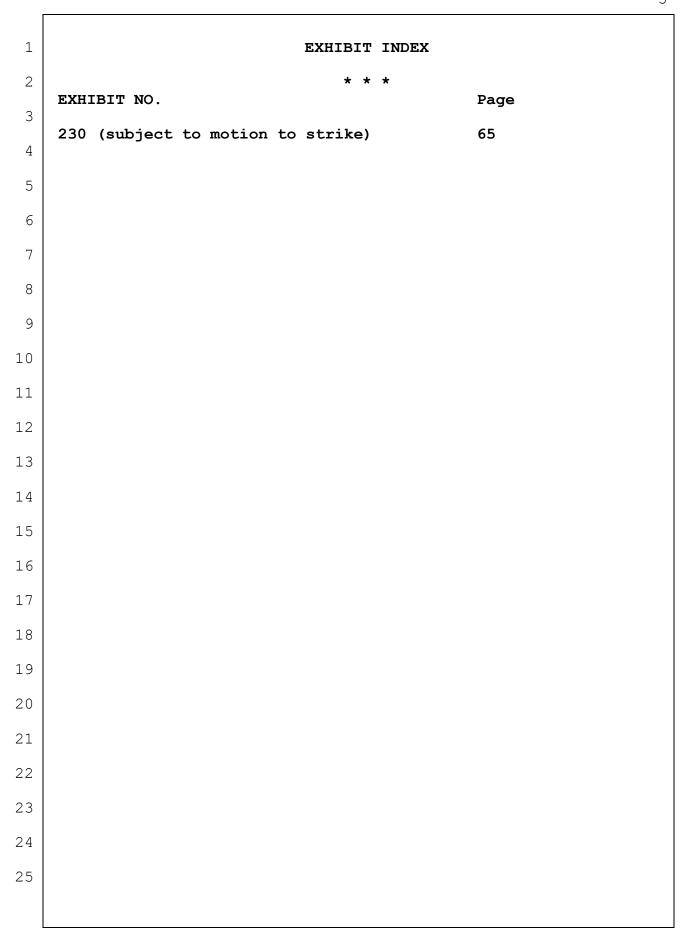


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1	WITNESS INDEX		
2	* * * WITNESS:	Page	
4 5 6	STEVEN LEWIS SOBOROFF Direct Examination by Mr. Silberfeld Cross-Examination by Mr. Lowenstein Redirect Examination by Mr. Silberfeld	7 67 82	
7 8 9	Recross Examination by Mr. Lowenstein	88	
10 11			
12			
14 15			
16 17			
18 19			
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24 25			
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, AUGUST 21, 2024 2 1:00 p.m. 3 --000--4 5 THE COURT: Well, counsel, thank you for your patience, I apologize for being late. 6 7 So we're back in session. All counsel are present, the parties are present. 8 And, counsel, if you would like to call your next witness on behalf of plaintiffs, please. 10 MR. SILBERFELD: Thank you, Your Honor, plaintiffs 11 12 call Steve Soboroff. 13 THE COURT: Thank you. Sir, if you would be kind 14 enough to step forward. Would you raise your right hand. 15 (Oath was administered.) 16 THE WITNESS: Yes, sir. 17 THE COURT: Thank you very much. If you would be 18 seated here in the witness box, it's just to my right. THE WITNESS: It's a little too far for me to walk. 19 20 Congratulations, 23,000 steps, whatever that was. 21 THE COURT: Anyway, have a seat. Thank you, sir. 22 Make sure you are comfortable. 23 Sir, would you be kind enough, after you are comfortably 24 seated, to state your full name, and after you state your full 25 name, would you spell your last name?

```
1
                THE WITNESS: Full name is Steven, S-T-E-V-E-N,
 2
    Lewis, is my middle, last name Soboroff, S-O-B-O-R-O-F-F.
 3
                          STEVEN LEWIS SOBOROFF,
 4
                          having been duly sworn,
                           testified as follows:
 5
                THE COURT:
                            Thank you, sir. This is direct
 6
7
    examination by the plaintiff.
 8
                MR. SILBERFELD: Thank you, Your Honor.
 9
                            DIRECT EXAMINATION
                     (Plaintiffs' direct examination)
10
11
    BY MR. SILBERFELD:
12
          Mr. Soboroff, what do you do for a living?
13
          I'm a real estate investor and, not for a living, but for
14
    most of my life I have been a public servant, public policy
15
    servant.
16
          As a public policy servant, can you give the Court
17
    examples of some of the things you have been in involved in,
18
    sir?
19
          My positions? Or things?
20
          Positions and things together.
          I will start with Recreation and Parks Commission.
21
22
            I was the commissioner for City of Los Angeles
23
    Recreation and Parks, it involved -- it handles the park system
24
    for Los Angeles and consider -- consisting of museums, parks,
25
    at that time the zoo.
```

1 It was in huge disrepair at that time for five years. I was harbor commissioner for the Alameda Corridor 2 Project, Mayor Riordan appointed me for that for the purpose of 3 4 trying to put together a project that had been languishing for many years, a federal project, a-billion-eight toll road for 5 6 freight trains, and I was harbor commissioner to complete -- to 7 try to put that together and get that finished. 8 And then for the last ten years under a different mayor, 9 Garcetti, Police Commissioner for LAPD. 10 Tell us about some of the --11 Do you want me to go? I've got more. 12 Well, sure. Go on. 13 Okay. I was senior advisor to the Mayor Riordan for his 14 entire term and --15 You ran for mayor also at one point? Yeah, but if I -- when I say that, a lot of people will 16 17 ask me for their money back, so I would prefer not to get into 18 that. All right. We won't explore that any further.

- 19
- 20 Thank you, sir. I came in third.

21

22

23

24

25

And I was asked by the California Science Center to sort of liaison with NASA to bring the space shuttle endeavor here to Los Angeles, and enabled that to get to the California Science Center from the airplane, which the world watched.

Did you regard yourself as someone who is knowledgeable

```
1
    about solving complex planning development and construction
 2
    projects?
          I have gotten a lot of positive reinforcement for trying
 3
 4
    to take complex things and make them simple, for trying to work
    with Government bureaucracies, and without criticizing, but
 5
 6
    through positive reinforcement, getting things done that
 7
    wouldn't have gotten done.
 8
            And for me and for my five children, I hope, that
 9
    experience has been very broadening and enjoyable to me.
10
    estate people are good for public policy issues, even though
11
    most of them don't do them, which is another problem.
12
            But, because we're only paid on completion, we're paid
13
    to finish, we're not paid for reports. We're not paid for
14
    stories in the newspaper. You are paid when you are finished.
15
            So the skills, the characteristics, and the mannerisms
16
    of people who finish, go through the finish line. I went to
17
    Taft High School, my coach told me it was 105 yards, not a
18
    100-yard dash. Those skills can be -- can work in public
19
    policy and that's been my experience. I have met a lot of
20
    wonderful, wonderful people.
21
          One of the projects we're going to talk about in a little
22
    bit is Playa Vista. Can you describe to the Court what Playa
23
    Vista was and what your involvement was and how you brought --
24
          Yes, sir.
25
                        (Reporter Clarification.)
```

```
A I'm trying to talk slow.

Playa Vista was Howard Hughes' old airport. It was

1,100 acres.
```

I believe that it's the largest private airport ever built for one person's use, before and even now. In fact, it was so large, the runway, that a 747 one time missed the runway at LAX and landed at Playa Vista by mistake.

Playa Vista, Howard Hughes had envisioned while he was alive, I never met him, he had envisioned building a city on that land. They had buildings built there where they assembled helicopters, they assembled the famous Spruce Goose, he didn't like that term, but, and they did a lot of Hughes aircraft and things.

But he wanted to build a city, and a very large city and he wanted it to go -- because the property was really three times what the VA is, 1,100 acres from the San Diego Freeway to the Pacific Ocean.

He had some big plans for it. And they became highly controversial. It was too much.

And the fear was that he could do it. The fear was that he could politically get through -- he was Howard Hughes, he could get through things.

But he had a problem in that he died and his successors, the Summa Corporation, started running into political, environmental, neighborhood, even media issues because they had

```
1
    a blacklist of people on the media that they didn't want on the
 2
    property.
            So Summa wound up selling the property to another group
 3
 4
    and that group lost a lot of money. And then they sold it to
    another group that was losing a lot of money.
 5
            And when I lost the election, they asked me if I would
 6
 7
    be interested in leading Playa Vista.
 8
            I said I'm not as qualified to lead it as Randy Johnson
    is, I mean, he was a vice president then, he knew about doing
 9
    the infrastructure, doing everything for community self-esteem,
10
11
    he knew everything about housing.
12
            I said, but -- they said, "What would your goals be?"
            And I said, "Well, make traffic work, respect the
13
14
    environment, build a community that all kinds of people want to
15
    live in, help public education, and create a great park
16
    system."
17
            They said, "Wait a minute, your goals are supposed to be
18
    about finance."
            And I said, "Well, if you do all of those things, the
19
20
    money will come. If you don't, it never will."
21
            So, I -- they were upside-down hundreds of millions of
22
    dollars.
23
            And I was hired and the thought was, how do we get this
24
    from controversial, in all of this talk and all of these
25
    lawsuits and all of this, to cool.
```

And the answer was not build on wetlands.

So we sold all of the wetlands, which was half of the property, to the State of California but we really gave it to the State of California because we got them the money to buy it through a bond measure.

And Playa Vista went from controversial to cool on that November day.

What was built there over ten years with Randy at the lead as the chief operating officer, I was I think president and CEO or something.

What was built there is a remarkable wonderful -wonderful community with connective tissue, it's like a cruise
ship, but it's for everybody. It wasn't just for rich people
or it wasn't just for underserved.

We hired felons. One in ten people who were working on the project were felons, and a work project they were surrounded by nine sort of Big Brothers or Big Sisters, union laborers, and the recidivism rate went from 70 to 6 after three years. Thousands of people went through that program.

We gave cops, firemen, teachers, and nurses their units at -- I don't know if it was half price, but it's a substantial discount.

We mitigated traffic issues that hadn't been mitigated since -- for 50-some years.

Q What does "mitigated" mean?

2

3

4

5

6

7

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10

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12

13

14

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18

19

20

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22

23

24

```
Well, it's -- we fixed them. Mitigated is the opposite in
the last 50 years as what's happened on the VA campus. That's
my definition of mitigated, because nothing has been mitigated
on the VA campus.
       So the project was built, today 10,000 people live
there, 10,000 people work there. There are many, many
children, many, many dogs, it's a very healthy place for all
kinds of people.
     What years was it you were the head of Playa Vista?
     I was hired in 2001, exactly six months after I lost the
election, and I left at the end of 2010.
     Okay. You have been asked to act as an expert witness in
this case, correct?
     This is the first time I have ever -- yes. This is the
first time I have ever been an expert witness on the stand.
       So I do have one question, Judge.
           THE COURT: Sure.
           THE WITNESS: May I ask you? I've read a lot of
stuff, but I made a lot of notes and I brought them with me.
Is that okay?
           THE COURT: Yes.
           THE WITNESS: I mean, I'll leave them here. I won't
leave my daughter's birthday card here.
           THE COURT:
                       It's fine if you refer to the notes,
just let counsel know that so that they know when you are
```

```
1
    looking at your --
 2
               THE WITNESS: Or they can have them when I'm
 3
    finished. So it's okay to do that?
 4
               THE COURT: Sure.
                   BY MR. SILBERFELD:
 5
          So when did I ask you to act as an expert witness for the
 6
 7
    first time, sir?
 8
          After Mark called you, I think.
            Mark called me from public counsel because I -- being in
    public life for so long in Los Angeles, I have known of the
10
11
    good work of public counsel and agreed with most of it and
12
    disagreed with some of it, but that's life.
13
            But he called me and asked me about this, and I was
14
    familiar with it because 10 years ago -- 12 years ago, I talked
15
    to Dan Garcia, Bobby Shriver and a whole bunch of people about
    getting involved, but I couldn't -- so I'm under oath, right?
16
17
    I didn't want to work in the Trump Administration.
18
            I just had no interest.
            So I was familiar with VA and what they wanted to do and
19
20
    Mark called me and asked me -- he told me about the lawsuit and
21
    he told me that they had -- that there was a lawsuit before
22
    that they had won, but they had made a mistake, there weren't
23
    teeth from it.
24
            And he told me take a look at the deed, which I did.
25
    And the deed says that the land was given in consideration of
```

```
the promises for a permanent maintenance, but there were no teeth in it. "Teeth" in real estate, I'm not a lawyer, but say, well, if you don't do what you say you are going to do, I want my property back. That is not in the deed.
```

So, you know, I have heard George Washington, you know, what George Washington said, I heard what Abraham Lincoln said, but it's what Yogi Berra said that is in my mind, and that is déjà vu all over again. There's gotta be teeth, because without teeth, promises aren't being kept. They are being promoted.

I have brochure after brochure talking about community. Building complete community, not just housing.

Get support for a lifetime. This is a recruitment brochure for all of the armed forces that says how you are going to be taken care of after you're finished.

Well, if this was a truth in advertising case, I would want a disclaimer on that saying once you're finished and if you are going to be near the West LA VA, you are not going to get any of that, because it's not provided and it's an American tragedy and because of that, this hit me.

Q What is "this"?

A The emotion of it, the American tragedy that is going on right here and what Mark says is, "Do you think it's fixable?

Do you think it can be done?"

And if you -- I said, "Well, if you send me some things

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
I can tell you." You're not telling me to fix it, you are
asking me if it's possible, you are asking me if there is a bus
to yes instead of an easy bus to no.
       Which is what I found at the City, what I found at the
County, what I found at the State, what I found at the Federal.
The easiest thing to do is say no because then you don't have
to do anything. And you are not going to get fired.
       And so once I looked at it, it's like it's emotional, I
mean, this is an American tragedy, right here.
       And so I looked and then you called me and gave me some
more detail. We hadn't met before. And I said, "Yes, but my
strength is in knowing my weakness. But I know people who are
smarter than me at different parts, so can I do my part but
there are some other people you're going to have to get
involved in this if you want me to do it."
       You did, and I did, and that's how I got involved.
     All right.
           MR. SILBERFELD: Your Honor, we offer Mr. Soboroff
as an expert in public policy, real estate development, and the
building of communities.
           THE COURT: You may proceed.
           MR. SILBERFELD:
                            Thank you.
BY MR. SILBERFELD:
     Was part of your reason for getting involved that you saw
a connection between the VA property as it exists and what you
```

```
1
    accomplished at Playa Vista?
 2
          Between Playa Vista, 7.3 miles away, which I guess if you
    ever want to go out there we could leave in 5:00 in the morning
 3
 4
    and get there by -- it's pretty much the same time. And
    experiences with LAUS in overseeing $2 billion, a-billion-eight
 5
 6
    worth of fixes to the dilapidated schools and the park system,
 7
    fixes to hundreds of parks, and the Alameda Corridor, working
    with dozens of cities, I looked at this and said, "Let's go.
 8
    We can do this, let's get on the bus to yes, let's do it."
10
                   Otherwise, put a disclaimer in all of these
11
    papers, telling every person that is trying to sign up to go
12
    into the service in America, you are going to be mistreated
13
    when you are out.
          So at my request did you put together a series of
14
15
    photographs, aerial photographs, and examples of housing?
16
          Yes.
          Okay. Let me show you what we've informally marked as
17
18
    Exhibit 230.
19
               MR. SILBERFELD: This is what we sent you, Brad, but
20
    here is a new one.
21
          It is a part of what needs to be done.
22
                  BY MR. SILBERFELD:
23
          Right.
24
          Based on the judge's --
               THE COURT: Thank you, I appreciate it.
25
```

```
1
                THE WITNESS: Which was based on the judge's, was
 2
    that an order that the judge -- that you sent to me?
    BY MR. SILBERFELD:
 3
 4
          No.
 5
          It was a -- something. Shows my inexperience.
    anyway, you mentioned about temporary housing, Your Honor, so
 6
 7
    that was one of the things that they asked me to do.
 8
          Before we go into this, did you, in fact, identify a
    number of parcels on the West Los Angeles VA Campus, that may
10
    be suitable for temporary housing?
11
          Temporary and permanent housing.
12
          Both?
13
                Stressing what can be done in a year. What can be
14
    done in 18 months. Because these people are in the streets
15
    dying, and some of the people in these little 8-by-8 telephone
16
    booths that are living there, I mean, that is just abuse,
17
    period.
18
            So, yes.
          Let's walk through what you had created for us by way of
19
20
    illustration.
21
            What we have on the screen there in front of you,
22
    Mr. Soboroff, is an aerial of the West LA VA property and there
23
    are nine parcels identified along with their acreage, but only
24
    eight are usable in your opinion, correct?
25
          Yes. Now, these were for -- to try and get 1,000
```

```
1
    temporary units. One-level units in little healthy
 2
    neighborhoods around the campus.
 3
            And we looked at them from -- obviously from the open
 4
    land perspective, but a couple of main things that guide us, we
    didn't want to interfere with any of the permanent housing
 5
    that's being built or will be built in the future.
 6
 7
          Right.
          We think that there are capable people doing that under an
 8
    agreement.
10
                THE COURT: So you are initially going to talk to us
11
    about the temporary housing?
12
               THE WITNESS: Yes, sir.
13
               THE COURT: All right.
14
               THE WITNESS: And Parcel 8 as we kept going out,
15
    we've eliminated Parcel 8, we said it's not worth it for the
    number of units, but I could add a couple of more parcels in
16
17
    here that I think could be used because some of these have
18
    issues with them. You have got to be on the bus to yes to make
19
    these work. If you are trying to kill them off, I know the
20
    arguments against them, but when you bring up those arguments,
21
    I will show you how to beat them.
22
    BY MR. SILBERFELD:
23
          So let's run through the parcels on this first page of
24
    Exhibit 230 in order, shall we?
25
    Α
          Yes, sir.
```

```
1
          Let's start with Parcel Number 1.
    Q
 2
               MR. SILBERFELD: If we could make that --
 3
          I can describe it.
    Α
                   BY MR. SILBERFELD:
 4
 5
          Is that the solar parking lot on the South Campus?
 6
          Yes, it is.
 7
               MR. SILBERFELD: And, Your Honor, you will recall we
 8
    looked at this just this morning.
          So we think of two things, Number 1 is what will the
10
    quality of the temporary housing be, where will it be,
11
    especially in relation to the hospital, which is a great --
12
    that was a great place for some of it.
13
            Number 2, where would we put the parking that has to be
14
    taken out. And just as important, solar is good, how do you
15
    replace -- how do you replace that solar or give more power
    than that solar is providing. Because those solar panels are
16
17
    around -- I don't know my Apple computer is -- my Apple phone,
18
    iPhone is a 15, those are 2.0s. There's been a lot of change
    in quality and ability --
19
20
          All right.
21
          -- with solar. But, yeah, that's a great site.
22
          So with regard to Parcel Number 1, which is roughly
23
    15 acres, a little under 16, right?
24
    Α
          Yes, sir.
          There was some issues you spotted right away with regard
25
```

- 1 | to using that parcel, correct?
- 2 A Well, there are issues with every -- you know, with every
- 3 parcel, but one was there's a helicopter pad there.
- 4 0 Yes.
- 5 A The helicopter pad -- you don't mess with helicopter pads
- 6 | because they're not given out in Los Angeles County very
- 7 | seldom, and that is an important helicopter pad that services a
- 8 | hospital so we left that out.
- 9 Q And that's excluded from the Parcel Number 1, that's a
- 10 | little cutout there?
- 11 A Yes, it is. Also, there's some potential environmental
- 12 issues, some soil issues, all minor league. That can be easily
- 13 | built over, and the parking can be easily replaced in a parking
- 14 | structure that will better serve the hospital.
- 15 | O And in the financial model that Mr. Johnson created, did
- 16 he account for building a parking structure to replace the
- 17 | spaces that are lost if you use the solar parking lot for
- 18 | temporary housing?
- 19 | A I believe so. But I don't want to -- did you, Randy?
- 20 Okay, yes.
- 21 Q All right.
- 22 A This is not the place to guess or lie I guess.
- 23 | Q Let's do this: Approximately how many single-level units
- 24 | do you -- of temporary supportive housing do you believe can be
- 25 | placed on an acre of land that's usable?

```
1
          Approximately 40. But there are some that are basically
 2
    -- that are duplexes that share a wall, because you need to
    have 10 feet in between, and you want to have porches and you
 3
    want to have yards. You don't want to have wheels, you want it
 4
 5
    to look like little neighborhoods.
 6
            So I would say 40.
 7
          So if 15 of the 16 acres was usable --
    0
 8
          61 there. Yeah, I mean, 40 times 15, it would be 60.
          600?
    Q
10
          Yes.
11
          Let's go on to Parcel Number 2.
12
               MR. SILBERFELD: Tommy, if we could below that one
13
    up.
14
          May I just add one thing to Parcel 1?
15
                   BY MR. SILBERFELD:
16
          Sure.
    0
          Because I'm going to say this on every one. Let's assume
17
18
    for some reason that all of it couldn't be used.
            Let's assume that only eight acres could be used. Let's
19
20
    assume that 13 could be used. Let's assume that four could be
21
    used. As many as possible, it's not all or nothing, and.
22
          How do you solve for the shortfall?
23
          Well, we have enough land in the nine parcels, less the
24
    other one, to do a lot more units than the Judge envisioned and
25
    the number that I have been working with is 1,000.
```

```
1
            I don't know how that number was arrived at. I don't
 2
    know if that number should now, because the count is going
 3
    down, should go down to 600, et cetera. We solved for 1,000.
    It's easier to solve for 600.
 4
 5
          Sure, because you need less property.
 6
          And I need 18 lots and that's it.
 7
          Let's talk about Parcel Number 2 on the map here.
 8
          My screen is half black, is yours?
 9
                THE COURT: Mine is also.
10
                THE WITNESS: Okay, there we go.
11
    BY MR. SILBERFELD:
12
          Do you recognize Parcel Number 2 to be down --
13
          Yes, sir.
14
          -- south end of the campus behind and around the Patriot
15
    House?
16
          Yes, sir.
17
          And you think that is a suitable parcel for temporary
18
    supportive housing?
19
          I think it's a wonderful parcel for --
20
    Q
          Why?
21
          Because of the proximity to residential, proximity to the
22
    hospital, the little nooks and the inefficiencies. It's not a
23
    square block like the other one, and when I show you -- when
24
    you show me the photographs of what we're envisioning here, you
25
    can easily see subneighborhoods, subcommunities to help create
```

```
1
    a nice life for someone.
 2
        All right.
 3
               THE COURT: Just one moment, let me get oriented for
 4
    just a minute.
 5
                         (Pause in proceedings.)
               THE COURT: Thank you very much, counsel.
 6
 7
               THE WITNESS: Okay.
    BY MR. SILBERFELD:
 8
          Directly across the street from the Patriot House land is
10
    another parcel that you've identified as Parcel Number 3,
11
    right?
12
          Yes, sir.
         That's about 1.6 acres?
13
14
          It is.
15
          The parcel we just talked about across the way behind and
    around the Patriot House used to be six and a quarter acres and
16
    it's now 4.3 acres.
17
18
          We found some issues with some of the land that make it
    too difficult.
19
20
        Okay. So if Parcel Number 2 was rounded down, four acres
21
    at 40 per acre, roughly 160 units?
22
          Maybe a few less because it's a little inefficient. It's
23
    not a square.
24
        What about Parcel Number 3 at 1.6 acres, this is an area
25
    -- do you recognize it as being behind the Fisher House?
```

```
1
          I do, I think it's -- well, first of all, the use now is a
 2
    noble use, it's just not used.
 3
            And that is for people who want to park overnight to
 4
    sleep in their cars. It's hardly used. We could find
    alternative spots for that. But this, again, a residential
 5
 6
    neighborhood between Parcel 2 and Parcel 3 is the only
 7
    respectful and dignified entrance to this entire 388 acres.
    It's a nice area. And I believe that -- I believe that that
 8
    parcel would be a super mini neighborhood.
          Okay. Let's go on to Parcel Number 4. It is shown on the
10
11
    map here as being adjacent to the South Lawn Park area.
12
                  Do you see that, sir?
13
    Α
          Yes, sir.
          You understand that that parcel today is dedicated to the
14
15
    Metro operations, having to do with the Metro stop being built
    across from the existing hospital?
16
17
          Yes, sir, it's a staging area.
18
          And why do you count this three and a half acres as
    possible citing of temporary supportive housing?
19
20
          It's a good question.
21
            It's not green now. It is paved. I think we could work
    with MTA -- I have worked with them before -- or it could come
22
23
    later.
24
            On the other hand, as a parks person, I'd probably want
25
    to eliminate this.
```

```
1
    Q
          All right.
 2
          I would like to see a bigger park.
 3
          All right.
 4
          But --
          You have put a legend on here about the park to be
 5
 6
    maintained, referring to the South Lawn Area.
 7
          Yes, sir.
 8
          Why did you do that?
          Because parks are a critical part of community, of
    healing, of re-entry. In every city in America.
10
11
            I love that park. I don't love the utilization for just
12
    very few homes, but I think that is a wonderful park.
13
    maybe that park should be expanded.
            If it wasn't, and we got the laydown yard back, it would
14
15
    be a super place for temporary housing to live in a park.
16
          Okay. How many times have you visited the campus?
17
          In my life?
18
               In the last six months since you first became an
19
    expert in this case, approximately.
20
          A dozen, and driven by it 100.
21
          Okay. All right. Let's go on to Parcel Number 5 which is
22
    a triangle. Do you see that, sir?
23
          Yes, sir.
24
          It's 2.2-acre parcel. Is that a parking lot --
25
    Α
          Yes, sir.
```

```
1
          -- currently?
 2
          Ye, sir.
 3
          And why do you think that's a suitable place to put
 4
    temporary supportive housing?
          It's inefficient, but it could be really cute. Is that a
 5
 6
    word for an expert witness?
 7
            It could be a nice little area. Even though it's two
    acres, I think you could probably get 40 or 50 units, but it's
 8
    a great location.
            It's very proximate to non-hospital services that are
10
11
    provided, and God willing, will be provided.
12
            So it's a great location, and the parking can be easily
13
    -- because that parking is used, the parking can be easily put
14
    somewhere else proximate.
15
          Parcel Number 6 on this map, Mr. Soboroff, is a 6.3-acre
16
    parcel that is just north of the existing relatively new
    columbarium.
17
18
            Are you aware of that?
          A portion of it is contiguous to the new park and the
19
20
    large portion isn't, but yes. I have been on that parcel many,
21
    many times.
22
          And that is currently a paved parking lot, is it not?
23
          Yes, it is.
24
          And there is some issues about the ability to use that
    parcel?
25
```

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```
I would imagine. I think it's under -- I believe that
it's under different ownership control because of the
department of whatever it's called.
     You are aware that the National Cemetery Administration --
     Has control over all or a portion of that. I'm aware that
they have completed the columbarium magnificently, and I
understand that they believe that the part of it just to the
north, over the next 30 years, within the next 30 years, may be
developed. We're talking about temporary supportive housing.
       So, it's a wonderful location. It would involve working
-- because these are temporary -- working with them to get all
or a portion or half or a third of it. But anything would be
great. It's a great location.
     If you got the whole parcel it would be six acres, and
that's roughly 240 units, maybe it's 200 units?
     Terrific units. What I'm saying is, because I'm picturing
what the units look like and how they lay out, I would like to
show that, also, to the Court.
     Okay. We will get there.
Α
     Okay.
     Parcel Number 7 is a four-acre parcel to the west and
slightly to the north of the columbarium parking lot.
familiar with that area?
     Yes, sir.
     And that is an area that includes the veteran garden area?
```

```
1
    Α
          The community center. Yes, sir.
 2
          And both Parcel Number 6 and Parcel Number 7 are around
 3
    the UCLA baseball stadium, are they not?
 4
    Α
          Yes, sir.
 5
          Okay. Parcel Number 7 is four acres, give or take?
 6
          Yes, sir.
    Α
 7
          It's partially hilly?
 8
          Partially.
    Α
          And it is adjacent to private homes --
10
          Yes.
11
          -- along Brentwood Glen, I think it's called?
12
          Yes. But the issue to me is what -- what the sign says it
13
    is, a community guard, is exactly what the VA needs. It's
14
    connective tissue. It's something for people to do. It's
15
    hobbies. It's places where people heal.
16
            But that is the rattiest community garden I have seen in
17
    America, and I have been all over America looking at community
18
    gardens. Because we put some in Playa Vista.
19
            And what I would do would be to replace that community
20
    garden with a series of community gardens dispersed in the
21
    greenery in the parks throughout the campus. Because community
22
    gardens are terrific. I have never seen one community garden
23
    for 388 acres. That is ridiculous. You want people to walk to
```

Q So you would use the existing community garden for

it, not to have to take a bus.

24

```
1
    temporary housing --
 2
          Yes, sir.
 3
          -- in part --
 4
          Yes, sir.
 5
          -- and then create smaller gardens or --
 6
          Yes, sir.
 7
          -- or smaller parks elsewhere?
 8
          Yes, sir.
    Α
          Is that the idea?
          I mean, I would put -- you know, along San Vicente, where
10
11
    you are now looking at the phone booths -- or whatever they are
12
    called, tiny shelters, or whatever they are. Those have to
    come down.
13
14
            But I mean, there are places for community gardens on
15
    this property that would be much healthier for present and
16
    future residents or people that are getting services there.
17
          Right. Parcel Number 7, roughly four acres. Roughly
18
    160 units?
          Maybe a little less because of what you mentioned.
19
20
          Call it 100?
21
          It's a little inefficient getting -- as far as -- the road
22
    access is a little bit tougher. The utility access is a little
23
    bit tougher. But I would say 120, 130. Really nice community.
24
          All right. Parcel Number 8 --
25
          May I add one thing?
```

```
1
          Certainly.
 2
          I know we're not talking about housing for veterans who
    work on the campus who are now driving from Palmdale or Pomona,
 3
 4
    but what a wonderful place for some workforce housing. What a
    wonderful place for -- 20 percent of our community college
 5
 6
    students live in their cars. A number of those are veterans.
 7
    What a wonderful place to serve veterans.
 8
            Maybe outside the scope of what we're talking about, or
 9
    may not, I'm talking about people getting better. I'm not
10
    talking about...
11
          So are those ideas of yours about workforce housing and
12
    veteran -- student veteran housing, possible reuses of
13
    temporary supportive housing that gets put on the property?
14
          Yes, sir.
15
          Okay. Let's go on and talk about Parcel Number 8, even
16
    though you are not going to use it for your purposes.
17
          Sad.
    Α
          What is the problem with Parcel Number 8, which is the
18
19
    sort of diamond-shaped figure up in the upper left-hand corner
20
    there?
21
          Well, for those of you who walked it, Barrington, above
22
    it, there's a very, very deep slope there. And so, a small
23
    portion of that land is suitable for temporary housing. I
24
    mean, it's possibly an acre or acre and a half.
```

I would think that if there was a need for other parcels

```
1 for permanent supportive housing, that a project could be built
2 into the hill that would be beautiful. So, from a temporary
```

- 3 perspective, I don't think it's worth pursuing.
- 4 Q Okay. And then Parcel Number 9, which is roughly an acre,
- 5 | that is a softball field just outside the Brentwood gate, is it
- 6 not?
- 7 A That is the rattiest softball field I have seen in Los
- 8 | Angeles, and I was parks commissioner.
- 9 Q Well, you haven't seen the recreation parks up on
- 10 | Barrington, I guess?
- 11 A Yes, I have. And I was a part of that. Not so bad. This
- 12 is bad. It's hardly ever used. It's in the Brentwood School
- 13 lease. They don't use it. It would be a lovely place to have
- 14 | a little neighborhood.
- 15 | Q Okay.
- 16 A And whoever uses it could also -- there are alternate
- 17 | places are for them to play softball within a home run's hit
- 18 from there.
- 19 Q So have you identified in the course of your work in this
- 20 case, all the places that temporary housing might be put on the
- 21 | West LA VA campus?
- 22 A No.
- 23 | Q All of them?
- 24 | A No. Had I walked with you today, I probably could have
- 25 | found one or two others.

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The last time I was out there, we found one or two
others. But I wanted to have studied them enough to be able to
present them here. But I'm not done, you know. I didn't do
all of the work. I have been doing this for 50 years. I
didn't do it all in three weeks.
     I want to direct your attention to a part of this first
page of Exhibit 230 that isn't outlined. I want you to look at
the area between Parcel 8 and Parcel 9.
       Do you see that, sir?
     Yes. You mean up on Barrington? The park?
     Yes.
     Yes.
     Do you see we have just circled it?
     I do.
     So that's two large baseball fields, right?
     Well, they are public -- they are part of the LA City
public park system. Yes. I know what you are talking about.
     Okay. Did you consider whether those -- that parcel would
be suitable either for temporary or permanent supportive
housing?
     I don't think it's necessary now, and I think what it
would do is create opposition that isn't necessary now.
     What opposition is that?
     There are a lot of people that use the -- for the dog --
use the dog park and utilize that park. The City of Los
```

```
1
    Angeles Recreation and Parks, I think operates that park. And
 2
    just like in Playa Vista --
 3
               THE COURT: Just a moment. This isn't the dog park,
 4
    counsel.
    BY MR. SILBERFELD:
 5
 6
          The dog park is adjacent to these two baseball fields?
 7
          Yeah. When you circled it --
 8
          Yes?
    Q
          The parcel that you have circled, is the dog park within
    that circle?
10
11
          Yes.
12
          Okay. That's what I thought.
13
               THE COURT: Counsel, dog park is not in that circle.
14
               MR. SILBERFELD: I'm sorry.
15
               THE WITNESS: I just felt that there would be --
16
               THE COURT: A portion might be, the way you have
    drawn it. But there is a parking lot, you walk out, about nine
17
18
    acres there. The dog park is below that.
19
               THE WITNESS: Correct. And the parking lot --
20
               THE COURT: The portion -- just so we're all, I
21
    hope, on the same page, that nine acres is maintained by the
22
    City. That's what we walked. The dog park is just down
23
    adjacent to it.
24
               THE WITNESS: Yeah. And people are using the
25
    regular park as a dog park. I think there was a photograph of
```

that in Los Angeles Times this week.

I am concerned about political opposition to stymieing this project, and a lot of those neighbors have a lot of political contacts. And so I just assumed -- not deal with that now and get this other stuff done and then come back and take a hard look at that.

Because you have two parcels -- one on the north side and one on the south side -- that paved of the existing post office that will lend itself to permanent supportive housing with prospective veteran retail underneath it.

- Q But you haven't looked at those two parking lots as sites for temporary supportive housing, correct?
- 13 | A No, sir.

- Q Did you, at my request, have test fits run for these eight parcels that we're talking about to see how many units could actually fit on these parcels?
 - A Through a relationship of Mr. Johnson through Gensler, one of the largest, most sophisticated architecture firms in the world and who are as experienced with temporary housing as anyone that we found, we found the types of units and did a few prospective layouts. But the answer to your question is I need another week.
 - Q Okay. We will take a look at the next page of Exhibit 30.

 THE COURT: Counsel, I want to apologize. Would you put that back up for just one moment?

```
1
               MR. SILBERFELD:
                                 Sure.
 2
               THE COURT:
                           Thank you. The prior slide.
            I'm wrong. You see that bare spot next to the green?
 3
 4
               MR. SILBERFELD: Right.
 5
               THE COURT:
                           That's the dog park. It was in the
 6
    circle. I want to correct the record because the Court was
 7
    wrong in its evaluation of where that was located.
 8
               THE WITNESS: Thank you. From a practical
 9
    perspective, the entire park is being used as a dog park now,
10
    illegally, by the community.
11
    BY MR. SILBERFELD:
12
          Let's go onto the test fits, which is the next page of
    Exhibit 230.
13
            Yes, sir. So is this page of Exhibit 230, Mr. Soboroff,
14
15
    a test fit of how many single level units and duplex dwellings
    could be placed on the eight parcels of the nine that were
16
17
    shown on the map on the prior page?
18
          Yes, sir. This is a very important page. It looks like
19
    one page it took weeks of back and forth site visits,
20
    consultants to the site, and to come up with those blue
21
    numbers. Because the blue numbers at the bottom -- the
22
    number 590 and the number 860 are important in relation to the
23
    Judge's ultimate findings based on the need.
24
          So, without going into every one of these line items, was
25
    the process to have you and Mr. Johnson and the team from
```

```
1
    Gensler --
 2
          And more.
 3
          -- figure out, maybe with Johnson team as well, figure out
 4
    how many single-level units and duplex units could be placed on
    these eight parcels based upon their shape and configuration?
 5
 6
          Yes, sir. And then something else came up that was sort
 7
    of a shock to the system.
          What was that?
 8
          You can build two-level, modular, temporary supportive
10
    housing units that are very nice.
11
          All right. We will talk about those in just a minute.
12
          But we were trying to get to it without doing that.
13
               THE COURT: So is this estimate, then, single-story?
14
               THE WITNESS: Yes, sir.
15
               THE COURT: This isn't double-story.
16
               THE WITNESS: No, sir. We can get over 1,000.
    People have built five-level buildings, but that isn't what we
17
    are envisioning here.
18
    BY MR. SILBERFELD:
19
20
          So the number 590 there, Mr. Soboroff, represents what?
21
    What is being expressed there?
22
          Maximum single-level dwelling units. When you show the
23
    photographs, you will see that the duplex -- because they have
24
    side yard setbacks between each unit. When you have a duplex,
25
    you will have -- eliminate that.
```

```
1
               THE COURT: Between the two of you, it's my
 2
    apologies, I'm confused. When I say "max duplex," is that a
 3
    second story?
 4
               THE WITNESS: No. Single-story, sharing a wall.
 5
               THE COURT:
                           Thank you.
    BY MR. SILBERFELD:
 6
 7
          It's side by side, I think. Is that what a duplex is?
 8
    Α
          Yes.
          A single-story, side-by-side unit sharing a common wall?
10
          Which has an advantage when you look at potential users
11
    who have families, because they may need more space.
12
          So, what this test fit teaches us is that if, on these
13
    eight parcels, single-level standalone units were placed, you
14
    believe the number for these eight parcels is about 590 units?
15
          Yes.
16
          And if duplex units -- in other words, two units sharing a
17
    common wall -- were placed on these eight parcels, you could
18
    get 860 units placed?
          Yes. But as they are laid out, the reality will be that
19
20
    it'll be a hybrid. There will be some areas where you can't
21
    fit two units, where you could fit a duplex unit. So, a
22
    hybrid. There is nothing wrong -- both of these are healthy
23
    living places.
24
         All right. Did you bring along with you in this exhibit,
25
    sir, some examples of single and duplex veteran housing?
```

```
1
          Yes, sir.
    Α
 2
          All right. Let's turn to the next page, if we can,
 3
    please.
 4
          That's what I'm talking about.
          All right. So starting with the photograph in the upper
 5
 6
    left-hand corner, the white, single-story standalone
 7
    structures, is this actually a village that exists?
          It's in Santa Rosa. Give us 18 months from tomorrow and
 8
    $110,000 a unit, and that will be there.
10
          Okay. The next photograph, moving down the page, is
11
    another example of single-story standalone dwelling, right?
12
          There is in Wisconsin. Yes. I don't think it's as
13
    pretty, and it's probably a little bit cheaper.
14
          Is this a VA property?
15
         Yes, it is.
            I believe -- and I'm not sure that these are 400 square
16
    feet either. These are a little smaller.
17
18
          Okay.
          This isn't my favorite of the slides.
19
          In the middle of this page we have a veterans community
```

- 20
- 21 project village in St. Louis, Missouri. Is this an actual
- 22 project?
- 23 Yes, sir. I haven't been there. I have seen the
- 24 photographs. I have done Google Maps to make sure they are
- 25 really real. But yes.

2

3

4

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19

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21

22

23

24

```
And my question to you is isn't it cool? It's awesome,
compared to that 8 by 8 stuff where people have no bathrooms,
no running water, where they can't get healthy.
       How do you heal in a tiny phone booth? It's abusive to
me.
     In the upper right-hand corner of this page, Mr. Soboroff,
there is a New Directions Burbank Housing Corporation veteran
bungalows in Burbank, California. Is this, again, an example
of what might be done on the West LA VA campus?
     Yes. I would live there.
     And then, the bottom of that page is yet another example.
This one is a duplex housing?
     Which is really important because you can have the
physical look of any of the others, but here they share a wall
and there are two separate -- two separate units of 400 square
feet.
       When you look inside -- high ceilings, natural light,
kitchens, bathrooms, bedrooms, living spaces. God forbid, have
a neighbor over to visit you. Wonderful. At the same price
point, 100-some-thousand.
     Just to be clear, looking at this last photograph of the
duplex housing where two units share a common wall --
     Yes, sir.
     -- that, you think has a test fit of about 860 units?
     Yes, sir. Could I mention dollars per square foot for
```

```
1
    just a second?
 2
          Of course.
          400 square feet, $120,000, is $300 a square foot. Some of
 3
 4
    the projects today with the permanent supportive housing
    projects being built on the campus with their financing stack
 5
    and all of their costs, and hard and soft costs, are $1,200 a
 6
 7
    square foot.
            400 percent less cluck for the buck. It's a shame, for
 8
 9
    not even the same quality of living.
10
          Let's turn to the --
11
               THE COURT: Would you repeat that for me. I want to
12
    make certain. And that is that you say that 400 square feet at
13
    120,000, which is the example of the -- example you are showing
    me from Calgary, et cetera, would equate to $300 a square foot.
14
15
               THE WITNESS: Yes, sir.
               THE COURT: But you tried to point out that
16
    permanent supporting housing is costing four times as much,
17
18
    $1,200 per square foot.
               THE WITNESS: Yes, sir. Including all the costs,
19
20
    the hard costs, the soft costs, all of the fees.
21
            And the other thing that this includes is not just the
22
    building, but the infrastructure, the gardens in between, the
23
    roads, the parking space in between.
24
               THE COURT: Do you know the cost per square foot,
25
    let's say, of Building 209 -- it's got an address now -- 208
```

```
1
    and 205.
 2
               THE WITNESS: I don't. I think tomorrow Randy
    Johnson would know that, or other people would know than me.
 3
    BY MR. SILBERFELD:
 4
          Have you brought for us an example of what a veteran
 5
    village might look like as you envision it, sir?
 6
 7
          A veteran village? Similar to what you allay or what one
 8
    of the master plans envisions.
          Let's take at Exhibit 230?
          Okay. Yeah. This is a -- I call them a tiny home
10
11
    village. But these are prospective layouts of how you take the
12
    units -- instead of putting them right next to each other, like
13
    you did when those phone booth things that look like big
    toilets, except they don't have toilets -- but it's how you
14
15
    make something healthy, how you make something inviting. And
    that's why we're using 40 or even go down to 30 -- I would like
16
17
    to have more land -- I would like to have all eight of those
18
    nine parcels, because then you can spread them out a little
19
    bit. You can actually enjoy living there. You can actually
20
    get better. You can actually reenter. And that's what all of
21
    these brochures say you are supposed to do.
22
            But when they go to the focus groups -- they have done a
23
    lot of focus groups.
24
            This is not guided by me as a real estate person. This
25
    is guided by the wonderful work that the community has done,
```

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that the VA has done, that both master plans have done, and
there is nothing I would throw away. But I don't want it on a
book shelf.
       And it's summarized when they ask people in the focus
group. The campus was characterized consistently by panelists
in terms such as lonely; dilapidated; uncaring and uncared for;
a medical center, not a home; and lacking a heart.
       That's not what the deed says. It is not what is
promised in any of these materials. That is housing.
talking about community. The developers that are doing housing
are great at housing. It's a different game to do the
community, to do the connective tissue. It needs a different
developer.
     The document you just read from, what is that document?
     Is it part of the master plan. I know it's from something
you gave me. I didn't make it up, but here it is.
     Okay. Very well. Did you also --
     Sorry.
     Did you also consider whether it was possible and
plausible and reasonable to put multi-story, modular housing on
the West LA campus?
     Well, I believe that one of the permanent supportive
housing units is advertised -- the one that Frank Gerry was
involved in -- as modular construction. It was not built
```

on-site. So the answer to your question is yes. I would

```
1
    prefer not to here.
 2
          Why?
          I want -- you are taking people off the streets.
 3
                                                             I want
 4
    to give them a great chance to be surrounded -- to be
 5
    surrounded by services, by a nice place to live, in a nice
 6
    location with things to do.
 7
            And I believe that one-story is better for that.
                                                               Plus,
 8
    I don't know if you have ever lived below somebody else, but --
    especially if they have kids, they have hard shoes -- but
    sometimes you get noisy, you get problems, you get transfer
10
11
    problems. And that doesn't happen in one-story.
12
          Take a look at the next page of 230, Mr. Soboroff?
13
          Yes.
14
          Are these examples of multi-story veteran villages that
15
    actually exist today or are planned?
16
          Yes, sir. And they are modular. I mean, they are
17
    building modular hotels now where the furniture is in the room
18
    before they stick it on the site.
19
          Define "modular" as you use that term?
20
          It's built off-site. It's built as a modular instead of
21
    building the entire building, and it's assembled on the site.
22
          Okay. And here in the left-hand portion of this page, we
23
    have a project in Orange County, California. Do you see that,
24
    sir?
25
          That's nice. It looks more permanent to me than it does
```

```
1
    temporary.
 2
          Okay. In the middle of the page, we have a project in
    Riverside, California?
 3
 4
          Yes. It's called Veterans Village. Yes.
          And on the right-hand side, something in the --
 5
 6
          Rancho Cordova, which is up near Sacramento, yes.
 7
            To me, they look much more institutional. That's why I
 8
    would like to keep away from that for this entry housing that
    is for people having crises and emergency. I would like to
10
    give them a better shot. That's why I like -- I recommend
11
    single story or the -- what'd we call it?
12
    Q
          Duplex?
13
          Duplex.
          Okay. Take a look at the last page of Exhibit 230, and we
14
15
    won't spend a lot of time on this. Are you familiar with the
16
    Solar Decathlon?
17
               I'm familiar with solar, and I think it's cool.
18
            And I think that it's possible that solar on these units
19
    could provide a big portion of the electrical usage. But
20
    again, that isn't -- I do know the Solar Decathlon is -- I
21
    think it's great.
22
          All right. The temporary supportive housing units that
23
    you envision to be placed on the West LA VA campus, do you have
24
    an opinion as to whether those can be placed there in a matter
25
    of months as opposed to a matter of years?
```

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1
          Yes, sir. And I will tell you why I say "yes, sir" to
    Α
 2
    that.
 3
            We have contacted a number of manufacturers of this type
 4
    of housing and asked them about their capacity to build and
 5
    their capacity to ship and install.
 6
            I think we have a list of like eight or nine people, I
 7
    mean, including Berkshire Hathaway has a division that does
    this.
 8
            All in the same price range.
            The thing that is -- the thing that comes to my mind --
10
11
    first of all, these guys are all busy now, but we talked to
12
    them about this project, talked to them, you know, 1,000 units,
13
    and I think we'd probably would have to get five or six of them
14
    simultaneously.
          Five or six different manufacturers?
15
16
          Yeah. But they can do the same thing.
17
          So there would be a mix of different manufactured housing
18
    that would comprise the stock --
19
          Yes, sir.
20
          -- of temporary supportive housing?
21
          Yes, sir.
22
          Why five or six different manufacturers?
23
          Most of them say the most they can build is 70 a month.
24
            So if I've got five of them and if they get halfway on
25
    their promise, I'm getting 150 a month, 150 a month and then
```

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I'm going to get to 600, they can build them -- what I'm trying
to do is get to a -- come back here in a year with them all
done, or 18 months.
       This is not the first time I have said that publicly.
said it about body cameras with LAPD, I said about fixing 200
parks at the Department of Recreation and Parks without hiring
one new person.
       I have said that about spending a-billion-eight in
hundreds of schools that were dilapidated, I'm getting that
done in a period of months other than years, and we called it
in the park system Project 24, because their schedule was
24 years and my schedule was 24 months, and they did it.
Q
     Okay.
     I still lost for mayor. It was a big accomplishment.
     I thought we weren't going to talk about the election?
     I didn't mean to, but you hit a soft spot for me.
     Sorry. We will talk about it later.
     No, I won't.
     Do you have in mind simply the placement of temporary
supportive housing on the West LA VA Campus or erecting a
community there?
     Building housing, including temporary supportive housing,
including permanent supportive housing, does not build a
community.
```

Without a community you build a housing project, and

housing projects have inherent problems.

Without the connective tissue, without a park system, without those -- without the infrastructure, the reports have said is between some of it up to 100 years old, most of it 50 years old that needs to be replaced without parkways, without the correct landscaping, without park systems, without that connective tissue, without things for people to do to heal, they won't if there's just housing.

Q I think you were present last week when Dr. Sherin testified.

Do you remember his testimony?

- 12 A I certainly do. I have talked to him many times.
- Q And I know you have been in touch with him over the last few months about this case, have you not?
- 15 A I have. I have a high level of respect for him and how he
 16 feels about this, because I relate to it. It's the way I feel
 17 about Los Angeles.

I have a sister who died, but she was schizophrenic and putting a roof over her head wouldn't have done anything for her, she needed help.

21 Q Yes.

A And these veterans need help, and this is an opportunity for veterans. It's an opportunity for the VA to see how to do this correctly, to sequence it correctly in the future for veterans around the country. Because you don't just build

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housing and say, "Good luck, Wally," you can't do that.
         Dr. Sherin made a point in his testimony, I think you may
    remember this, about creating a campus for reintegration into
    the broader community.
                  Do you recall that?
         Yes, sir.
    Α
         Does what you have in mind to build between housing and a
    sense of community and the connective tissue you've talked
    about do that?
         Yes, sir.
                    It's --
         How?
         It's also respectful. It's what people who have served in
13
    the Armed Forces, whether they have gone to war or not, all
    veterans deserve. They deserve -- now you are getting second
    generation -- you are getting kids with PTSD because their
    parents had it.
            They deserve a place to be surrounded by a community
    that cares about them. That they come from a place, a
    battlefield or a training, where they have a buddy system,
    where we do things together, we do things together, then they
    get out and they're all alone. This is a place where they can
22
    do things together, and they will, and whether, like Sherin
23
    said, it's bingo or a swimming pool or a community garden or
    places just to talk or play chess, it becomes a community.
    That is what Playa Vista is, and then the people who live
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1
    there, even with the problems that they have start creating
 2
    their own community self-esteem. They start picking up the
    trash themselves, they start taking care of things themselves.
 3
    That's what has to be there or this is a failure. It's a
 4
    failure.
 5
 6
          I want to just cover some basic information with you about
 7
    your work in this case. You wrote a report that was I think
 8
    provided to the Government on or about April 1st --
      Can I get some water?
               THE COURT: Absolutely. I don't have any, but
10
11
    somebody may have some water.
12
               MR. SILBERFELD: We have some.
13
               THE WITNESS: Yes. Okay. What?
14
    BY MR. SILBERFELD:
15
          Just some basic ground rules about how you formed your
16
    opinions in this case.
17
            You wrote a report on or about the 1st of April this
18
    year. Do you recall that?
19
          Yes, sir.
20
          Then you had your deposition taken after that?
          I did.
21
22
          Okay. And the operating assumption you made was that
23
    there were about 4,000 homeless veterans in Southern
    California?
24
25
         Yes, sir. I also made a mistake in my deposition and that
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years.

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was -- I have tried to correct that numerous times, but I do
not believe it takes 10 to 12 permanent supportive housing
construction groups to do the permanent supportive housing.
                                                             Ι
think what you have is enough, three or four. It just needs to
be made easier for them to do that.
              If the infrastructure is done correctly, which it
isn't, if the roads are done correctly, which they aren't, if
the community fabric is done correctly, which it isn't, it will
make their work easier and faster and more efficient, less
costly and most important, more meaningful.
     We will get to that.
       But back at the baby steps, beginning of this, you
assumed that there were approximately 4,000 homeless veterans?
     That was a number that was given to me.
     Yes. And based on that, you reached an opinion about the
placement of roughly 1,000 temporary supportive units?
     That's correct.
     You understood that there were in process 1,200 permanent
supportive housing units in various stages on the campus now
and in the future?
     Yeah, you are saying in process is a wide range of what's
going on, because some are almost complete, some are complete,
and some are in process that won't be complete for years and
```

And you formed an opinion that based on 4,000 homeless

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1
    veterans, the campus should have an additional number of
 2
    permanent supportive housing units, right?
          Well, that's what I was told, and so we wanted to keep out
 3
 4
    of the way of that with the temporary units and then find other
 5
    locations, including areas of demolition. There's a lot of
 6
    buildings to be demolished. And other areas looking at --
 7
    instead of this adaptive reuse, which is incredibly slow,
 8
    incredibly expensive, and in some cases it's required because
    of the history, but incredibly inefficient to remove some of
    those and to build -- you could build more units.
10
11
          Okay.
12
          Or they could. The Government has a deal with this group
    to build them.
13
          The developer group?
14
15
          Yes, sir.
          You mentioned infrastructure, just define that for us as
16
17
    it applies to the West LA VA Campus?
18
          I'll start on the perimeter. For many years the San
19
    Vicente fence was horrible and now it looks good.
                                                                 The
20
            A lot of the rest of the perimeter looks horrible.
21
    entrances are disrespectful.
22
                   The message -- when you drive in, the message is
    -- they might as well just put a big sign out there, we don't
23
24
    care about you, this isn't going to be good for you.
25
            But if you are on the corner of Constitution and
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Sepulveda and you are looking into the cemetery, you see a
beautiful entrance, beautiful landscaping, both sides of the
street, places for healing, there is only one problem, you've
got to be dead to be there.
              But if you turn the other direction, you see an
oil field, you see the road is half torn up, and then you go
into these buildings that are beyond looking like they should
be red-tagged.
       That, a park system, a complete new road system, and
utility system that is put in. And this is coming out of the
reports that I have been given, complete redo of aging
infrastructure, instead of doing them project by project, that
is inefficient, ridiculous.
              The subway's is being dug now. I called DWP and
I called Southern California Edison and asked them, are they
working off of these master plans? Because you have to order
this equipment years and years in advance.
       I did not get any response that there was.
       They are being done building by building, infrastructure
is being done place by place.
       It's inefficient and it doesn't solve anything.
     What are the consequences of doing infrastructure building
by building?
       Does it cost more?
     Yeah, it costs more, but the consequences are mental
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health. The consequences are when you come out of one of those
buildings that have been built and completed, which some of
them are nice, what are you coming out of?
       What is your life?
       You don't heal in two-hour therapy sessions. You heal
in a community, and therapy is one part of it.
       And so there is a village with retail and recreational
activities, activities with dogs, sometimes service dogs.
       The community has come up with hundreds of things that
go into building the healthy community.
     All right.
     They're not expensive.
     Do you recall going on a site visit with a number of other
professionals, other than you and Mr. Johnson?
     On the bus to yes?
     Yes.
Α
     Yes.
     And when was that site visit, approximately?
     I don't remember, a couple of months ago.
     And without necessarily naming names, although you are
welcome to name names, what kinds of professionals were along
on that bus tour?
     Randy Johnson will be better at that than me tomorrow, but
I can tell you from my perspective, because I was sitting in
the front row behind the bus driver trying to ask him what he
```

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1
    knew about the VA, and I was hopping out, talking to vets and
 2
    talking to contractors, et cetera.
                   But there were architects, there were utility
 3
 4
    people, demolition people, there were people that build
 5
    communities.
 6
            I think that -- I believe, you can verify from
 7
    Mr. Johnson tomorrow, that these people came out there for free
 8
    based on what we did at Playa Vista, sort of saying, hey, we
    respect what you, him, maybe a little bit of me, did at Playa
 9
    Vista and if you think something is cool, we're willing to look
10
11
    at it.
12
            And it was very, very helpful in identifying sites,
13
    looking at problems and coming up with solutions to the
14
    problems.
15
          Did the input and the opinions of those professionals
16
    inform your opinions about what can be accomplished at the West
    LA VA?
17
18
          It validated them.
               MR. SILBERFELD: Your Honor, this would be a
19
20
    convenient point for a short break.
21
               THE COURT: 20 minutes, counsel.
22
               MR. SILBERFELD: Sure.
23
               THE COURT: Let's have a recess. We will see you in
24
    about 20 minutes. Thank you.
25
                           (Afternoon recess.)
```

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THE COURT: Counsel, have a seat.
 1
                                                   Thank you for
 2
    your courtesy, though.
 3
                  We're back on the record, all counsel are
 4
    present, parties are present, the witness is present.
                   Counsel, your continued direct examination on
 5
    behalf of the plaintiffs.
 6
 7
    BY MR. SILBERFELD:
 8
          Thank you, Your Honor.
                   Mr. Soboroff, at our request did you form an
10
    opinion about the need for permanent supportive housing as
11
    distinguished from temporary supportive housing?
12
          I validated or verified, based on what I have read, that
13
    the approximate 2,800 units, based on what the need was, could
14
    go up or down, and also that the number of temporary housing
15
    units could go up or down, but I felt that one of the important
    quidelines was not to have to recirculate EIS because that
16
17
    takes a lot of time.
18
            And I felt that what we're talking about doing, the EIS
    does not forbid -- the boundaries of the Environmental Impact
19
20
    Statement are much larger than these shrinking boundaries of
21
    these master plans.
22
            And that the things we're talking about doing here, most
23
    likely can be done within the existing EIS.
24
            I do need to make a clarification, Judge, on the dollars
25
    per square foot, because I want to make sure they are apples to
```

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1
    apples.
 2
            The message is the adaptive reuse is super expensive
 3
    compared to new construction.
            The message is that these temporary units, even though
 4
 5
    they can last a long time, are not anywhere near as expensive
 6
    per square foot.
 7
            But the apples to apples numbers, when you look at the
    financing stacks and all of the other things, they may not be.
 8
 9
            So, I don't want to -- I don't want to go out of here
10
    saying it's four times or three times as expensive to do this
11
    versus that.
12
            I would like to substitute the word substantially more.
13
               THE COURT: Fair enough.
14
               THE WITNESS: Okay. And the other thing is the
15
    photographic examples, I hope I didn't intimate that those were
    all on veteran property, they are veteran villages built for
16
17
    veterans, some are and some aren't.
18
            People build veteran housing off veteran properties.
19
               THE COURT: Okay.
20
               THE WITNESS: And the last thing is we talked
21
    briefly about the -- a little bit about the retail and the
22
    village.
23
            But my point is, a coffee shop in a housing project is a
24
    coffee shop.
25
            A coffee shop in a village is city hall. It's where
```

```
1
    people go to talk, it's where they get together, it's where
 2
    they heal together, it's a healthy place.
            And the reason I'm here is because there is a difference
 3
 4
    between a housing project and a community.
 5
            And what's promised to veterans, every veteran, I think
    there are 18 million in America, is that we're going to be with
 6
 7
    you when you're finished, and housing projects don't do it.
                   BY MR. SILBERFELD:
 8
 9
          So, Mr. Soboroff, just to be clear about the number of
10
    units we have been talking about here, we have talked about
11
    1,000 temporary units, we have talked about 2,800 additional
12
    permanent units.
13
            You are aware that there's 1,200 units planned to be
14
    completed by 2030?
15
          Yes, sir.
          I just want to make sure that the record is clear about
16
    what all of those numbers mean.
17
18
            All of those numbers are premised on, first of all, the
19
    assumption that there are 4,000 homeless veterans, and maybe
20
    there are more and maybe there are less, right?
21
          Yes, sir.
```

22 0 And those

23

24

25

Q And those numbers of units could be adjusted upward or downward, depending upon need; is that correct?

A That's correct. And this idea that need is only going in one direction is a dangerous way to think.

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Because even though it went from -- if the numbers are
-- if it went from 4,000 to 3,000, if we become known for
solving this issue, what's going to happen is it's going to be
a magnet for others to come here from other places because it
works.
       So I don't believe it's -- all you are going to see in
the future, this continual big drop, big drop, big drop, if we
start solving it, and if we don't do anything maybe we will see
a big drop.
     With regard to the temporary supportive housing units that
you have looked at, what is the estimated life span of those
units? Roughly.
     It could be 25, it could be 30 years. They can be used in
other places.
       They can be taken from here and moved into other places,
even in Los Angeles, where some of these tiny, tiny homes are
being built even now.
       So I think they can have a life span a lot longer than
mine.
     In order to accomplish what you believe can be
accomplished on the West LA VA Campus, with respect to
temporary supportive housing, doing it in a matter of months as
opposed to years does --
     Or never.
     -- does something else have to change about how projects
```

are run on that campus?

A Yeah. I think it's the reason that Mark called me and you and I spoke initially.

And that is this is not about bad people where people are doing the wrong thing or not doing their job. These are about impossible situations and the governance of these situations, in many cases, needs to be changed to allow people to do what they need to do.

For example, in policing, I will say that without the Consent Decree that occurred in Los Angeles, the department would not have gone from a militaristic police department to a community-based police department.

That method of governance was a new method of governance and took over control of making decisions for that department.

In the school bond, where we had a-billion-eight for I think there were 600 schools, and it was important that we spend that money correctly, because it was a \$10 billion need of dilapidated schools, so we need voters to say, You're doing a good job, we'll vote again.

The system just couldn't handle it. The bureaucracy in LAUSD was not -- the org charts and the way people were had authorization couldn't -- it couldn't do it.

So the voters said, We're not giving you the money to put into the system. We want an oversight committee, an oversight committee of experts to go around that system and

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president.

create the teeth to actually get it done, because a lot of times they can spend half of the money and not do anything, just in the planning and the this and all of the reports. And I was a chair of that oversight committee. And I didn't have a lot of construction expertise, but other people on it did. In the parks system, they were building two parks a year. And we had an opportunity, and my opinion was to use it or lose it money, and to do work at -- I don't know the exact number, 75, 80 parks in areas that needed parks to heal, which is like this, areas infested with gangs, to add programs to where the gang guys eventually would come in there and have to beat each other up, but to bring their kids there to play baseball. So, but the rules were we couldn't hire anybody else without going through all of these appropriations and this and that. So we created Project 24 and Project 24 was to build these parks in 24 months instead of 24 years without hiring one new person. So what we did is we gave authority, this was my portion of it from the leadership perspective, I was parks commissioner

Instead of one person just doing the roads and one person doing the sprinklers on all of the parks, there were

```
nine different people. I think I gave them each eight parks and say, You are in charge of the whole park, go home tonight and tell your kids you are building eight parks, and if you do it, they get done, if you don't, they don't.
```

If you need any help in building those eight parks, you know the other people here, we're going to meet every Monday and we're going to talk about our problems.

We built all of those parks within 24 months. And it was a 24-year schedule.

- Q So in order to accomplish the placement of temporary supportive housing on the VA campus in months not years, you believe a governance change is needed?
- A Beyond that. I don't believe that the infrastructure and the sense of community and the connective tissue can be done under the existing structure.
 - It takes a master plan developer. It takes some authority to say "yes" quickly instead of going through 50 people who are discouraged from saying yes. They are afraid to say yes.
- 20 | Q All right. So in addition --
- 21 A Yes. Special master, oversight committee, consent decree.
- 22 | I don't know the terms, I just know that it's needed.
- It's not fair to the good people in this system to make
 them try and do this because it's not going to be done.
- 25 | Because it hasn't already -- déjà vu all over again, Yogi

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Berra.
     So in addition to a governance change, do you believe that
a specific timeline needs to be established to complete certain
steps in order to achieve the goal of both temporary housing
and the sense of community in a matter of months, not years?
     Well, if you'd give me about 45 seconds, I will give it to
you because we already did, yes.
     Well, we can deal with the specific timeline at a later
point --
     It's broken into achievable baby steps that can be done
concurrently and it doesn't have to be through one party.
       Instead of one person doing infrastructure and the
roads, there can be four different contracts, et cetera.
There's ways to get it done if you want to get it done.
     What is the division of labor between you and Mr. Johnson,
how have you divided it up?
     He does the work and I get the credit.
     Okay. Beyond that?
     I don't think there is anything. I don't know. I was the
face of the community. I tried to listen to the people who
were criticizing us, I tried to -- in fact, I spent -- that's
all been done here, it has been beautifully done by these
organizations. Community meetings, architectural reports, all
kinds of studies, all kinds of -- and by "community," I mean
community of veterans.
```

When I worked on the school bond issue, I didn't listen to the administrators, I listened to the janitors, they told me what needed to be done at the schools.

And here I want to elicit -- and here, when I read it, the beauty of what they did is they did ask the vets. I don't have to tell them what they need to do, they have already told us what they need to do.

They have told us the uses that they need to heal. But there is no budget anywhere, there's no timeline anywhere, they are not planned anywhere and that is a crime.

- Q I know we're going to leave the details of how the Enhanced Used Lease projects are financed to Mr. Johnson for the details.
- 14 A Yeah.

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- Q At a high level, Mr. Soboroff, do you have an opinion as to whether or not the manner of financing using Low Income
- 17 Housing Tax Credits works?
- 18 A You have great -- they have selected great people to do
 19 this work, and they are doing their work very slowly.
 - In no small part from a financing system, a stack, a group of things, you have got to do to get financing to get a building done. You have to be a savant to be able to figure it out.
 - And, in addition to that, some of it is discriminatory or was discriminatory. So, yes, and I think that Mr. Johnson

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1
    will go into that because he understands it much better than I
 2
    do.
 3
            But that's one of the reasons, aka excuses, that things
 4
    are going so slow.
 5
          Right.
 6
               MR. SILBERFELD: Your Honor, I move Exhibit 230 into
 7
    evidence.
               MR. LOWENSTEIN: Objection, Your Honor. This
 8
 9
    exhibit -- proposed exhibit was provided to us just yesterday.
10
    This was not part of -- this was not supplemented as part of
11
    Mr. Soboroff's report, so we're going to object to its
12
    admission.
               THE COURT: Well, I will receive it subject to
13
    motion to strike.
14
            Why don't you look at it, if you've got a specific
15
    objection, lodge it.
16
17
            Subject to motion to strike, counsel.
18
                  (Exhibit 230 received into evidence,
19
                       subject to motion to strike.)
20
               THE WITNESS: What is it? Can I ask what it is?
    230.
21
22
               MR. SILBERFELD: It's the set of slides we just
23
    looked at.
24
               THE WITNESS: Oh, okay.
25
               MR. SILBERFELD: I have nothing further, thank you.
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1
               THE COURT: Now, is he going to talk about permanent
 2
    supportive housing?
 3
               THE WITNESS: I will.
 4
               THE COURT: No, no, thank you.
               MR. SILBERFELD: Other than the numbers that we've
 5
    had testimony about, no.
 6
 7
               THE COURT: So far he's put up a number of sites
 8
    concerning what I'm going to call temporary housing.
 9
               MR. SILBERFELD:
                                Yes.
               THE COURT: Is he going to be talking about sites
10
11
    concerning permanent supportive housing?
12
               MR. SILBERFELD: No.
13
               THE COURT: Will Mr. Johnson be talking about that?
14
               MR. SILBERFELD:
                                 No.
15
               THE COURT: Will anybody be talking about it?
16
               MR. SILBERFELD: No. Other than the availability of
17
    property to do it on.
18
               THE WITNESS: I hate to correct everybody, but
19
    didn't you talk to me about that already?
20
               THE COURT: He started to, but then he didn't.
21
            All right. Counsel, cross-examination?
22
               THE WITNESS: I told you I didn't have any
23
    experience.
24
               THE COURT: Just my curiosity, is anybody going to
25
    be talking about permanent supportive housing, since you are
```

```
1
    asking for 3- to 4,000 units?
 2
            I thought Mr. Soboroff was, or that was my impression,
 3
    or Mr. Johnson.
 4
                MR. SILBERFELD: Again, not explicitly as to a place
 5
    to put them, no.
 6
                THE COURT: All right. Counsel.
 7
                THE WITNESS: I can, if you want me to.
 8
                THE COURT: I may ask a couple questions.
 9
                THE WITNESS: You can. You have right to do that,
10
    sir.
11
               THE COURT: Yes. Cross-examination.
12
                            CROSS-EXAMINATION
13
    BY MR. LOWENSTEIN:
          For the record, Jody Lowenstein for the federal
14
    defendants.
15
16
            Good afternoon, Mr. Soboroff.
17
          Jody, sir.
    Α
18
          Nice to see you again.
19
          Welcome to Los Angeles.
20
          Yeah. Thank you. It's home now.
21
          Stay for the Olympics?
22
          Hopefully not.
23
          It's up to him.
24
          All right. Now, earlier today you testified regarding, I
25
    think, in this Exhibit 230, test fits.
```

```
1
            I think the page is temporary supportive housing test
 2
    fits based on two housing types.
 3
            Do you recall that?
 4
          Yes, sir.
    Α
 5
          And there is various types of data in the chart provided
 6
    there.
 7
            There is data for eight of the sites you identified, max
 8
    single-level dwelling units.
            Do you see that there on the screen?
10
          Yes.
11
          And you have it for each of those eight sites, and then
12
    you have a total, 590.
13
            Do you see that?
14
          Yes, sir.
15
          There is also single-level dwelling units per acre, max
    duplex dwelling units, and duplex dwelling units per acre for
16
17
    each of those eight sites and then a total.
18
            Do you recall testifying to those?
19
          Yes, sir.
20
          You did not disclose any of this data in your expert
21
    report; is that correct?
22
          Yes, sir. I needed time to put it together.
23
          When were these test fits conducted?
24
          I think it's -- that is a better question for -- where or
25
    when?
```

```
1
    Q
          When.
 2
          Over the last two weeks, two and a half weeks. I mean, we
    were having calls every other day, modifying them. And the
 3
 4
    densities on these are much different than 40 per acre in some
    cases. Some cases they are 20, and some cases they are 12.
 5
            I want to be clear, when I say 40 an acre doesn't mean
 6
 7
    one size fits all.
            But this chart, which is important, otherwise we
 8
 9
    wouldn't be talking about it, came together very quickly at the
10
    end, as a result of the availability of Gensler and the rest of
11
    us to get together just to keep working on it, keep looking at
12
    the sites, revisiting -- excuse me, revisiting the sites,
13
    looking at environmental reports, liquefaction reports, all
14
    kinds of things. That's what we do.
15
          So this chart and the data in it, you didn't supplement
16
    your expert report to include this; is that correct?
17
          I didn't.
    Α
18
          Okay.
          I haven't even read my deposition. I mean, all I do is
19
20
    what they ask me to do. But, no, I didn't.
21
          Now, in the slides following this on Exhibit 230, there is
22
    examples of different types of modular housing units, different
23
    locations of those --
24
          Can we put that up?
25
          Sure. Can you go to the next.
```

```
1
          You mean, the pictures? Yes, sir.
    Α
 2
          Here is an example. And there is locations of these
    modular housing units here across the country.
 3
 4
            Do you recall testifying about these?
          Yes. These were given to us by Gensler.
 5
 6
          But you didn't disclose this information in your expert
 7
    report, correct?
 8
          No, sir. I just got it and -- no.
          Let me ask you, you didn't collect this information on
    this slide?
10
11
         Yes, but not until recently. We were looking at --
12
    talking to different manufacturers.
13
            A member of the legal team went out and did a video chat
    with a manufacturer of these kinds of housing, which I think
14
15
    attorney -- that Roman showed, but it's much different looking.
            This has been evolving. We have been -- I have been
16
    asked to do stuff that hasn't been done here for decades, and
17
18
    I'm asked to do it in a period of days and weeks.
19
            And so, it changes. It fluctuates.
20
            I would like to modify and add a couple more sites in.
21
    And I could probably add a few more pictures in, but I'm not --
22
    this is not the end. This is the beginning.
23
          To that point, you testified earlier -- I believe this is
24
    a direct quote: I'm not done, you know, I didn't do all of the
```

work.

```
1
            And that was when you were discussing the various sites
 2
    that you have selected.
 3
            Do you recall testifying to that?
 4
    Α
          Yes.
          So you would agree that your analysis of these sites is
 5
 6
    incomplete, correct?
 7
          My definition of complete is working drawings permitted.
 8
    Yes.
          And you don't have those, correct?
10
          No.
              No, sir.
11
          You can take down that exhibit.
12
            Now, you also testified earlier about the cost of
13
    temporary modular housing per square foot versus permanent
14
    supportive housing per square foot.
15
            Do you recall that?
          Yes, sir, and I made a clarification.
16
17
          Sure. You did not disclose that analysis anywhere in your
18
    expert report, did you?
          No, sir. Some of it I didn't get until the last couple of
19
20
    days.
21
          But once you got it, you did not supplement your expert
22
    report, did you?
23
          No. I don't know how to supplement an expert report.
24
            How do you supplement an expert report? What do you do?
25
          Well, I think that is a question for your counsel.
```

```
1
    Α
          Okay.
 2
          So now let's talk about temporary modular housing.
 3
            You used the figure 1000 modular housing units for the
 4
    campus for the purpose of temporary housing.
            Is that your opinion that there should be 1,000 modular
 5
    housing units on the campus for temporary supportive housing?
 6
 7
          It wasn't my opinion, it was what I was given when I read
 8
    through the records of the discussions, and what the Court was
    talking about.
            And so I went out there with the idea in mind are there
10
11
    places on which we could build 1,000 of these units and not
12
    interfere with permanent supportive housing because there could
    need to be 2,800 units.
13
            So -- also identified opportunities for those, but we
14
15
    haven't talked about that yet.
          So, do you recall testifying earlier, and I believe this
16
    is a direct quote: I don't know how that number -- referring
17
18
    to the 1,000 units -- was arrived at.
19
            Do you recall testifying to that?
20
          Yeah, and I don't. It's not my job.
21
          Now, earlier, you testified to a timeline for the
22
    installation of temporary modular housing on the campus, and I
23
    believe the timeline that you provided was, from today, 12 to
2.4
    18 months.
25
            Is that the timeline that you believe that 1,000
```

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
temporary modular housing units could be installed on the
campus and ready for occupancy?
     On the bus to yes, yes.
     Now, in coming up with that timeline, you did not account
for the time it would take VA to comply with the National
Environmental Policy Act's requirements; is that correct?
     I believe that I do anticipate that, site per site.
didn't talk about that, but I have looked at the environmental
concerns in the EIS, in a lot of the -- in the 2016, 2022
master plans, and updates, and so I have factored in mitigation
on those.
       But, again, these are not buildings that require
substantial interference with what is going on in the ground.
There are many methods of construction in much worse
environmental conditions than these.
       I don't believe we would breach any of the environmental
issues that have been brought up in any of the reports that I
have seen.
       So I have considered that.
     I just want to be clear, the timeline of 12 to 18 months
for 1,000 temporary modular housing units, that is in your
expert report, correct?
     Yes, sir.
     And I believe counsel said that that was provided to us in
April.
```

```
1
            Does that sound right to you?
 2
          Yes, sir.
 3
          And you had a deposition after that, I believe in June.
 4
    Do you recall that?
          I do recall it.
 5
 6
          And your testimony today is that in forming that opinion
 7
    about a 12 to 18-month timeline, you accounted for the
    requirements for VA to comply with the requirements of the
 8
    National Environmental Policy Act.
            You took that into account?
10
11
          Well, I'm not an expert in that act, but I do know the
12
    environmental concerns brought up about each one of those
13
    parcels.
14
            I do know about the timing to get permits.
15
            I do know about the timing to get the equipment to build
    the utilities and the infrastructure.
16
17
            I do know about the soil preparation, and I do -- there
18
    is very little demolition, but I factored all that into that 12
    to 18-month period, if we're all in the same bus, if we want to
19
20
    help the vets.
21
          Now, during your deposition, you testified under oath,
22
    correct?
23
          Yes. Yes, sir.
24
          And you understood that that deposition could be used in
25
    this lawsuit?
```

```
1
    Α
         Yes.
 2
               MR. LOWENSTEIN: May we approach the witness, Your
 3
    Honor?
 4
               THE COURT: Certainly. You can do that at any time,
 5
              Thank you for your courtesy, though.
    counsel.
 6
               MR. LOWENSTEIN: Thank you.
 7
            We're going to hand you a copy of your deposition
 8
    transcript.
 9
               THE WITNESS: Okay. Good. Yeah. I haven't seen
    it.
10
11
               MR. LOWENSTEIN: Thank you.
12
               THE WITNESS: I did correct one error, I thought
    that I made in it.
13
               MR. LOWENSTEIN: We're going to mark this as
14
15
    Exhibit 1626, just for identification purposes.
16
               THE COURT: That's fine.
17
               THE WITNESS: Police Commission -- they never
18
    allowed anybody to approach the commission. I'm not used to
19
    this. Thank you.
20
               THE COURT: Thank you.
21
               THE WITNESS: Okay.
22
    BY MR. LOWENSTEIN:
23
          Now, the first page -- now, the first page of this
24
    document says Deposition Transcript, at the top, and Steven
25
    L. Soboroff in the middle of the page.
```

```
1
            That is you, correct?
 2
          Yes.
 3
          Do you see that it says "certified copy" on the right side
 4
    of the page?
 5
          I do.
 6
          All right. Let's take a look at page 52.
 7
         Okay. I'm there.
          And starting at lines -- at line 11, I will just read this
 8
    into the record.
10
                "QUESTION: Mr. Soboroff, have you been involved in
11
    any projects that had to comply with the National Environmental
12
    Policy Act?
                "ANSWER: I don't know what the National
13
    Environmental Policy Act is."
14
15
            And I'll skip to Line 21.
               MR. SILBERFELD: If we could read the entire answer,
16
17
    Your Honor.
18
               MR. LOWENSTEIN: Sure.
                                        I will restate that answer.
19
                          I don't know what the National
                "ANSWER:
20
    Environmental Policy Act is. I have been involved with
21
    projects that have been involved with major environmental
22
    conditions and laws, but that one specifically, I don't know
23
    what it is. So I don't -- maybe.
24
                "QUESTION: Could you --
25
                "ANSWER: -- maybe not.
```

```
"QUESTION: But you're not familiar with the
 1
 2
    National Environmental Policy Act?
                "ANSWER: No, I'm not. As a legal -- as a legal
 3
 4
    term or acronym or something, no, I'm not."
 5
            Did I read that correctly?
          Yes, sir.
 6
 7
          Now, Mr. Soboroff, do you recall testifying that, quote, a
 8
    lot of buildings that need to be demolished are on campus.
            Do you recall testifying to that?
10
          Yes, sir. I believe when in doubt, tear them out.
11
          And specifically, it's your opinion, that somewhere
12
    between 60 and 70 buildings should be demolished on the campus;
13
    is that right?
          I believe that -- in looking at the -- they have taken all
14
15
    of the buildings and put them into different grades.
16
            Certain buildings on the register, certain buildings are
    on another category, and another category. There are a number
17
18
    of buildings that I would like to see removed, and there are a
19
    number of buildings that they are planning on removing anyway.
20
    I think that is in the 50s.
21
            I would like to see that expanded because it limits the
22
    number of permanent supportive housing units that can be built.
23
          So you would like to see the number of 50 -- you would
24
    like to see more buildings on the campus demolished than 50?
25
          I'm having trouble, like, blazing through 50 different
```

```
1
    buildings, but I would to look at the specifics. But I would
 2
    like as many as possible.
 3
            Knowing they could be replaced, and keep the
 4
    architectural thread, the historic thread, it doesn't mean they
 5
    need to be torn down. You have the same issue of the Howard
 6
    Hughes properties at Playa Vista.
 7
          Do you recall testifying during your deposition that you
 8
    would like to see 60 to 70 buildings demolished on the campus?
          Possibly. I mean, if -- what page is it on?
    Α
10
          Well, we can look at it. Go ahead and turn to page 133.
11
            You can look at line 25.
12
          Okay. I'm there.
    Α
13
          I will go ahead and read that into the record.
                "Approximately how many buildings should be
14
15
    demolished, in your opinion?
16
                          60, 70, out of 90."
                "ANSWER:
17
            And then why don't you turn to page 137 and look at --
18
    starting on line 18, and I will read that into the record.
                "You suggested demolishing between 60 and 70. That
19
20
    is your opinion, correct?
21
                "ANSWER: Yes, sir."
22
            Did I read both of those correctly?
23
          Yes, you did.
24
          Now -- we can take that down. Thank you.
25
            Now, 60 to 70 buildings is roughly two-thirds of the
```

```
1
    buildings on the campus, correct?
 2
          I believe so.
          And in forming that opinion of the number of buildings
 3
 4
    that you would like to see demolished, it was your
    understanding that 30 buildings on the North Campus could be
 5
 6
    demolished without having to satisfy any historical
 7
    preservation requirements; is that correct?
 8
          That was -- yes, that is correct, based on my reading --
    which may be incorrect -- of the grades that were given about
10
    the historical significance of the buildings.
11
          Now, you just said that that could be incorrect?
12
          I said it was based on my reading of that document.
13
          And you just testified that your reading could be
14
    incorrect?
15
                I have read a lot of things that have been
    incorrect.
16
17
          Now, in forming your opinion that 60 to 70 buildings on
18
    the North Campus -- or on the campus should be demolished, you
19
    were unaware whether any portion of the campus is a historical
20
    district listed on the national register; is that correct?
21
    Α
          No.
22
          All right. Could you please turn to page 139 of your
23
    deposition transcript.
            Please start at line 1, and I will read this into the
24
25
    record. So start at line 1:
```

```
1
                "QUESTION: Do you know whether any portion of the
 2
    West LA Campus is a historic district?
 3
                "ANSWER: Not specifically. I would have to look
    and see" --
 4
 5
          Can I respond to that?
 6
               I'm not finished, Mr. Soboroff.
 7
    Α
          Okay.
          I will restart this for clarity of the record.
 8
          Okay.
    Α
10
          On line 1:
11
                "QUESTION: Do you know whether any portion of the
12
    West LA Campus is a historic district?
13
                "ANSWER: Not specifically. I would have to look
14
    and see, but I mean, I think, to me, the whole -- the whole VA
15
    campus is a historic district because I believe that that is
16
    what the veterans deserve. Some needs to be preserved,
    remodelled, and celebrated. There may be some that is more
17
18
    than others."
19
            Did I read that correctly?
20
    Α
          You did.
21
          Now, in forming your opinion that 60 to 70 buildings on a
22
    campus should be demolished, you were also unaware what the
23
    implications would be if any portion of the campus were a
24
    historical district; is that correct?
25
          No.
    Α
```

```
1
          All right. Let me direct you to page 139 that same page.
 2
    And we will start at line -- at line 9. I will read it into
 3
    the record.
 4
                "QUESTION: Do you know what the implications are of
 5
    being a historical district?
 6
                "ANSWER:
                          The implications or the restrictions?
 7
    would imagine there are some -- no, I don't specifically, but I
 8
    would imagine that there are some architectural threads, some
    conditions, and -- and some guidelines which may go all the way
    to restrictions. I don't believe that those are significant
10
11
    here in relation to the master plan of 2016 or 2022 or the ULI
12
    report."
13
            Did I read that correctly?
14
          Yes, sir.
15
            You are not giving me a chance to respond.
16
          Mr. Soboroff, I'm going to ask one final round of
17
    questions before I confer with my colleagues.
18
            You have a series of documents up there, some of which
    you have read during your direct testimony.
19
20
            Can you please identify each of those documents for us?
21
          Can I just give them to you?
22
          I would ask that they each be marked for identification
    purposes, and copies be provided to counsel.
23
24
               MR. LOWENSTEIN: We can do that.
25
               MR. SILBERFELD: No problem. We will do it right
```

```
1
    after this.
 2
               MR. LOWENSTEIN: Your Honor, may I have one second
    to confer with my counsel?
 3
 4
               THE COURT: Yes.
 5
               THE WITNESS: I don't have to give them my
 6
    daughter's birthday card, right, because that's in here.
 7
               MR. LOWENSTEIN: Your Honor, before I wrap up, I
 8
    just want to put on the record that we do intend to file with
    the Court, on the record, a motion to strike Exhibit 230, but
10
    no further questions from me, Your Honor.
11
                THE COURT: Okay. I have a number of questions for
12
    the witness, but I want to be courteous if you would like to
    have redirect and recross.
13
            I can ask him after each of you are done, or ask him now
14
15
    and you can follow up.
16
               MR. SILBERFELD: I'm happy to defer to the Court. I
    just have one short subject.
17
18
               THE COURT: Go ahead.
                          REDIRECT EXAMINATION
19
20
    BY MR. SILBERFELD:
21
          Mr. Soboroff, with regard to the subject of additional
22
    permanent supportive housing units on the West LA Campus --
23
          Yes, sir.
24
          -- based upon your study of the property, do you believe
25
    there is room on the campus to accomplish that goal?
```

```
1
          Yes, sir.
    Α
 2
               THE COURT: And you know I'm going to ask where,
    counsel, so you might as well ask where before I ask where.
 3
    BY MR. SILBERFELD:
 4
 5
          All right. Can you name some of the sites where you think
 6
    permanent supportive housing -- not temporary now -- permanent
 7
    supportive housing can be placed?
 8
               THE COURT: Put up that map showing the temporary
 9
    housing.
10
               MR. SILBERFELD: The first page of 230.
11
               THE COURT: Okay. And also, you might refer back to
12
    page 132, et al, of his deposition where he talks about this.
13
            Now, I'm curious, let me just speak to plaintiff's
14
    counsel for a moment.
15
            Initially, in your opening statement, you mentioned
    4,000 housing units, permanent supportive housing, 1,000,
16
17
    temporary. That could be an increase of 2,800 over the 1,200
18
    now.
19
               MR. SILBERFELD: Correct.
20
               THE COURT: Are you going to be arguing and asking
21
    later on for permanent supportive housing units?
22
               MR. SILBERFELD: Yes.
23
               THE COURT: Okay. Do you have any indication or an
24
    indication to the Court about how many you will be asking for?
25
            I won't hold you specifically to it, but it depends on
```

```
1
    what I ask the gentleman.
 2
               MR. SILBERFELD: I think it depends on what the rest
 3
    of the evidence evidence shows about the meaning of the
    point-in-time count that came out in a last few weeks.
 4
               THE COURT: Okay. Why don't you ask your questions,
 5
    and then I don't want you to leave because we're enjoying your
 6
 7
    company.
 8
            I have a couple questions of you, okay?
 9
               THE WITNESS: What do I do with all of this stuff?
               MR. SILBERFELD: Put that to the side and we will
10
11
    make marks and copies and provide them to you.
12
    BY MR. SILBERFELD:
13
          So, starting with the area that is between Parcels 8 and 9
14
    in the upper left-hand corner.
15
            Do you see that, sir?
16
          Yes, sir.
17
          That is the two baseball diamonds, and that's about,
18
    between the baseball diamonds and the dog park, approximately
    12 acres.
19
20
            Is that your recollection?
21
          Yes, sir.
    Α
22
               THE COURT: Now, just one moment. Would that
23
    include the parking lot as well as that -- what I'm going to
24
    call the grass area that the City is supposedly caring for?
25
               MR. SILBERFELD: It is limited to the grassy area
```

```
1
    that the City is caring for and the dog park, for the moment.
 2
                THE COURT: Okay. About 12 acres, okay.
    BY MR. SILBERFELD:
 3
          Is that an area where, in your judgment, permanent
 4
    supportive housing can be placed?
 5
          Yes, reluctantly.
 6
 7
          Okay. Have you considered whether any portion of the
 8
    Brentwood property, the 22 acres that Brentwood has, it would
    be, in your judgment, suitable for permanent supportive
10
    housing?
11
          Yes, eventually. I mean, they have a lease with a 10-year
12
    option, and I don't see an urgent need for that to be used for
13
    permanent supportive housing.
            I think there are alternate sites available. Some of
14
15
    which --
          Like what?
16
17
          The two parking lots up on Barrington for multi-story.
18
            And then I can start going through other parcels.
19
    believe that adaptive reuse and -- creates an inefficiency for
20
    density because you are using the same building and the same
    footprint.
21
22
            I also believe that a number of these sites, whether
23
    it's 70 or 30 that would be demolished, would have a great
24
    opportunity for permanent supportive housing of substantial
25
    density.
```

```
1
    Q
          If buildings were demolished?
 2
          Yes.
 3
          Okay. What about the UCLA baseball property, which is
    about 10 acres?
 4
                I mean, what I envision there -- because I see some
 5
    of the benefits, if they were following whatever rules there
 6
 7
    are of the lease of building on top of the parking lot,
 8
    multi-family, without disturbing the parking.
          Without disturbing the stadium itself?
          Sure. But if you're going to -- if the stadium were to
10
11
    move or be tossed out, of course, it's a great location.
12
          You just mentioned the concept of building permanent
13
    supportive housing over existing parking.
14
            Is that something you are familiar with?
15
          Yes, sir.
          How does that work?
16
          Well, I think if you look at almost every apartment
17
18
    building or condo building in Los Angeles, you will see that
19
    the first two floors or underground is parking, and I believe
20
    that that could be done without impacting the number of spaces
21
    used at Jackie Robinson Stadium if that lease were something
22
    that the VA and UCLA were to use in a legal manner.
          And the UCLA property aside, if there are open parking lot
23
24
    places on the VA campus, do you believe those could be used for
25
    permanent supportive housing without disrupting the parking
```

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that is needed by those surface lots?
 1
 2
          I would say not could be, but they should be.
            Los Angeles is a very horizontal city, New York is a
 3
 4
    very vertical city.
            There is a hybrid here and that's what is happening in
 5
    Los Angeles now, we're on transportation corridors.
 6
 7
            To take these parking lots, all you do is you replace
 8
    the parking that is there and then you add the permanent
    supportive housing, plus the parking required for the permanent
    supportive housing on the same piece of real estate.
10
11
         Okay. Are there any other specific examples you can think
12
    of -- I'm sorry, to make this a pop quiz -- about where
13
    permanent supportive housing could be placed based upon your
14
    understanding of the campus?
15
          Yes. And other than that, it is a pop quiz. So, I mean,
    it's just not fair, we're talking about people's lives and all
16
17
    kinds of things.
18
            Between the Metro -- between where the Metro station is
19
    being built, and the ring road, there is a large wall built,
20
    which is on the end of the Metro property.
21
            Between that property and the street, which is right
22
    across from the entrance to the hospital --
23
          Yes.
24
          -- is a parcel on which I think it would be a great use
25
    for permanent supportive housing.
```

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1
          Okay. Any others come to mind?
 2
          Pop quiz.
 3
    Q
         Okay.
 4
               MR. SILBERFELD: That's all of the questions I have,
 5
    Your Honor.
 6
               MR. LOWENSTEIN: Your Honor, may I recross with just
 7
    one question?
 8
               THE COURT: Sure. If you could keep this map up, I
 9
    would appreciate it.
10
                           RECROSS EXAMINATION
11
    BY MR. LOWENSTEIN:
12
         Mr. Soboroff, the opinions you just testified to regarding
13
    possible locations of permanent supportive housing on the
    campus, those were not disclosed in your expert report, were
14
15
    they?
    A I don't believe so.
16
17
               MR. LOWENSTEIN: Okay. Thank You. No further
18
    questions.
19
               THE COURT: I'm going to go back to temporary
20
    housing for just a moment, okay?
21
                  And, counsel, I'm going to ask one of you to get
22
    this easel for just a moment.
                   Because eventually, I'm going to have to decide
23
24
    if we get to increased housing of some type, Mr. Soboroff, what
25
    is reasonable, what is feasible. Okay?
```

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THE WITNESS: Correct.
           THE COURT: Okay. One of you get the blank easel,
see that paper over there, turn it towards me. Bring it down
here because one of you are going to write, and also get that
map up there so he can see it. Either one, it doesn't matter.
All right.
       Mr. Soboroff, I'm going to take your figures for a
moment and I want you to correct me, sir, anytime I'm wrong.
Okay?
       You stated to me that you thought that temporary units
might be approximately 40 per acre; is that correct?
           THE WITNESS: Yes, sir. And Mr. Johnson reminded me
of Gensler's discussion of the inefficiencies of a number of
these sites, so the density could go down to 20 an acre, 25 an
acre, depending on the different sites.
                       You also stated in your opinion it would
be a much better community atmosphere if these were what I'm
going to call single-story and not double-story, correct?
           THE WITNESS: Yes, sir.
           THE COURT: All right. I want to take Parcel Number
1.
              And would one of you point to Parcel Number 1 on
the -- that's the...
           MR. SILBERFELD: That's the solar field.
           THE COURT: Yeah, they're going to help us by
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pointing out Parcel Number 1 to us with some arrow or mouse or
something. That's 15.85 acres.
       Can one of you put a finger on that or something.
       Okay. Part of that is an existing parking lot, I
believe.
           THE WITNESS: Yes, sir.
           THE COURT: And that has what I'm going to call
these linear lines which show solar panels on top of the
roofing; is that your memory?
           THE WITNESS: Yes, sir.
           THE COURT: Okay.
           THE WITNESS: You are talking about the solar
parking over the parking lot, because there is also solar
panels over the other parcels on the other side of the ring
road.
           THE COURT: Right. Is that the site that was traded
out by Metro?
           THE WITNESS: I don't know.
           THE COURT: Counsel, do you recall? Can either one
of you help me? That wasn't.
           THE WITNESS: It's nowhere near the Metro line.
           THE COURT: It isn't? And so if this was used for
temporary or intermediate housing, we would have at best about
600 temporary housing units according to your math? I'm going
to say as little as 20, because you modified it.
```

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1
               THE WITNESS: Yeah, I just don't like the word
 2
    "best" because I don't believe if it was all housing that that
 3
    would be right. You can spread it out --
 4
               THE COURT: You give me the correct analogy so I
 5
    won't quibble with your words, it's basic stupid math.
 6
               THE WITNESS: Okay.
 7
               THE COURT: Okay. So I don't want to quibble with
 8
    you, I will call it anything you want to.
 9
               THE WITNESS: Okay. I would say between 200.
               THE COURT: 200 and 600?
10
11
               THE WITNESS: Yes. Also the ring road that you see
12
    there --
13
               THE COURT: I'm going to have you wait now, I've got
14
    some questions for you.
15
            You can add all you want to in a minute.
16
               THE WITNESS:
                             Okay.
17
               THE COURT: I know that there are various substance
18
    abuse programs on this campus in varying degrees.
19
    imagine that there's an acute, either psychiatric or
20
    psychological center in the main hospital, which you can see in
21
    the southern campus.
22
            So I'm going to make an assumption that the Court might
23
    want, if it agreed with your position, the more acute veterans
24
    going through trauma closest to the southern campus and that
25
    hospital which offers acute services.
```

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1
               THE WITNESS:
                              That subject came up during the bus to
 2
    yes tour and the answer is absolutely.
 3
               THE COURT: Okay. Well, you didn't invite me on the
 4
    tour, so I don't know.
               THE WITNESS: You didn't invite me on the walk
 5
 6
    either.
 7
               THE COURT: You wouldn't have liked it.
 8
               THE WITNESS: No, I need steps.
 9
                           Okay. Now, you also mentioned that if
               THE COURT:
10
    the Court was involved in some equity involving an injunction,
11
    that there might be a valid reason for a higher number because
12
    even if I didn't have 200 to 600 veterans with the need for
13
    temporary housing, that that could later be used or could be
14
    used for staff which has a difficult time obtaining housing in
15
    this area.
16
            Is that what I heard?
17
               THE WITNESS: Absolutely. This is Field of Dreams.
18
    If you build it, they will come.
19
               THE COURT: Now, we're going to dream.
20
            How does the VA approach Congress, in your opinion, not
21
    with the Preservation Act, forget that for a moment, but how
22
    does the VA approach Congress and say we have the need for, you
23
    know, 200 acute intermediate housing and, by the way, we're
24
    quessing because it could be another 200 to 400 units, so we're
25
    asking for 600 and maybe there is some carryover to staffing.
```

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I don't know what Congress is going to say to that.
They might react to the need for acute veterans being treated
near the hospital.
       I'm not sure how they would react to housing, even if we
all agree it's a good idea so that the staff has some ability
to live in the area.
       How would we approach that? Because you're the expert,
you put together 10,000 people in Playa del Rey, tell me how
you do that?
           THE WITNESS: I have the answer.
           THE COURT: What's the answer?
           THE WITNESS: I need to think before I talk.
           THE COURT: Okay.
           THE WITNESS: First of all, doing it piecemeal will
not make people healthy.
           THE COURT: Understood.
           THE WITNESS: So I need a sheet -- in fact, the
sheet is in here, that does everything. Not the permanent
supportive housing, everything except the permanent supportive
housing.
       The infrastructure, the connective tissue, the temporary
supportive housing, they're line items and that number may be
$700 million it might be a billion dollars, it might be
$500 million, but I believe that going at this piecemeal just
for these is not --
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THE COURT: But you understand that in the VA making
this presentation or HUD on an appropriation of some type, has
to have some reality behind the request.
       That they just can't come up with an arbitrary number
that they can't justify, and right now, we're struggling with
that number.
           THE WITNESS: You are telling me or asking me?
           THE COURT: I'm telling you.
           THE WITNESS: Okay.
           THE COURT: So I want to assume that this is 200 to
600.
       What number am I going to land on on that Parcel
Number 1 on the 15.83 acres?
           THE WITNESS: Based on the use that you are
describing that we talked about on the bus to yes, because it's
proximate to the hospital --
           THE COURT: And I'm going to assume minimum
400 square feet. Minimum.
           THE WITNESS: The units.
           THE COURT: That's right.
           THE WITNESS: That's correct. I'm going to assume
there will also be some other amenities within that parcel.
also assume that the ring road is -- oh, I just did that, it
doesn't need to be there -- this connection and this connection
are already there and it's a nice wide road, that ring road
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1
    makes it look --
 2
               THE COURT: Give me a number. I'm going to tie you
 3
    down now.
 4
               THE WITNESS: If my sister were living there, 300.
               THE COURT: 300. Fair enough.
 5
                  Write down 300 Parcel Number 1.
 6
 7
               THE WITNESS: Can I say something about Congress?
 8
               THE COURT: No, no. Spare me, give me the rest of
 9
    the day and the night.
                  All right. Parcel Number 2. That is 4.3 acres
10
11
    and it loops around what counsel has described to the Court to
12
    be a -- I'm going to call it some kind of Internet module of
13
    some kind, some building.
               THE WITNESS: Patriot House.
14
15
               THE COURT: Now, in the back of that, there is a
16
    bunch of apartments, and if you walk that route you will see
17
    some apartments that are going to cause just as much a concern
18
    to those apartment or home owners as eventually Parcel
19
    Number 7.
20
                  How far would my setback be from the apartment
    dwellers?
21
22
               THE WITNESS: Probably the City -- even though it's
23
    County, probably the City code.
24
               THE COURT: What is that?
25
               THE WITNESS: It might be -- I'm not sure.
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1
               THE COURT: That's fair enough.
 2
               THE WITNESS: 15 feet. It's no biggie. No big
 3
    deal.
 4
               THE COURT: Now, you can imagine the pushback of an
 5
    apartment having, you know, a group of apartments, seeing a
 6
    temporary modular construction 15 feet away from their line.
 7
               THE WITNESS: No, I can't. I think it would be
    beautiful.
 8
 9
               THE COURT: Okay. We could have a community meeting
10
    and see how they feel about it.
11
               THE WITNESS: Yeah. But, I mean, there will be
12
    NIMBYs, they don't want anything. So yes, but you --
13
               THE COURT: How many parcels could I -- or, I'm
14
    sorry, temporary units can I put in Parcel Number -- and my
15
    apologies, I think --
16
               THE WITNESS: Parcel Number 2?
17
               THE COURT: Yeah. No, no, my apologies, just a
18
    minute, it wraps around. Yeah. No, it's Parcel Number 2, my
19
    apologies, Parcel Number 2. 6.3 is reduced to 4.35.
20
               THE WITNESS: 80, plus or minus 10.
21
               THE COURT: 80 plus or minus. Just a moment.
22
                  Would you write down Parcel 2, 80.
23
            Parcel Number 3 that we viewed is what I'm going to call
24
    overnight parking, and it's listed as 1.6 acres.
25
            Do we know or do you know the amount of usage, in other
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1
    words, if we're getting three cars per night, the highest and
 2
    best use might be converting this to temporary or intermediate
 3
    housing.
               THE WITNESS: I believe it is.
 4
 5
               THE COURT: Why? Why do you believe that?
               THE WITNESS: Because it's underutilized.
 6
 7
               THE COURT: Not utilized?
               THE WITNESS: It's underutilized.
 8
 9
               THE COURT: How do I know that?
10
               THE WITNESS: Go out there tonight and look.
11
               THE COURT: Okay.
12
               THE WITNESS: You are asking me to go out there and
    look?
13
               THE COURT: Yeah. After work, that's where we're
14
15
    going.
16
               THE WITNESS: It's my daughter's birthday.
17
               THE COURT: So you are not going there then?
18
    go with counsel again. We will go out and look and see how
19
    it's utilized, because I have a feeling nobody really knows.
20
            I haven't had any records yet. So if it's three cars
21
    per night you might be absolutely right. If it's 20 cars per
22
    night, then it may have some value.
23
               THE WITNESS: Well, I think there are people in this
24
    room who do know --
25
               THE COURT: Who knows that answer for me?
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1
                THE WITNESS: Any of the veterans? You guys have
 2
    been around there a lot.
 3
               THE COURT: I will call them later on then and find
    out what the utilization is.
 4
 5
            All right. Now I want to go to Parcel --
                THE WITNESS: Do you want to know how many homes I
 6
 7
    want in there?
 8
               THE COURT: No. I want you to bear with me now.
                                                                  I
 9
    want you to answer my questions.
10
               THE WITNESS: Okay.
11
               THE COURT: I want you to go to Parcel Number 6.
12
            Do you see it at the top, the 6.3 acres?
13
               THE WITNESS: Yes.
14
               THE COURT: Is that a freeway -- is that the 405
15
    Freeway?
16
               THE WITNESS: Yes, sir.
17
               THE COURT: Now, I've had a number of settlements
18
    with the City and the County, and the advocates on behalf of
19
    homeless have stated to me that there is a 23 year life
20
    decrease for homeless and they've attached much of that to the
21
    inherent health issues of living near roadways.
22
            The first and highest cause of death, when I first got
23
    this case, was heart attack.
2.4
            The second was narcotics.
25
            And the third was simply getting hit by a car.
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Now, that has changed somewhat with Fentanyl, that's not
    heart attack anymore.
               THE WITNESS: Columbian prime.
               THE COURT: Now, the State of California came out
    with a criteria and so did the City, and all of the settlements
    thus far have not allowed any construction of temporary or
    permanent supposedly within 500 feet of a freeway.
            I want you to look at Parcel Number 6, and I'm a little
    concerned about where that 500 feet would be. Right there?
               THE WITNESS: Approximately. And that also is the
11
    main expansion area for the columbarium, the other isn't.
               THE COURT: All right. There was a par -- Parcel
13
    Number 7. Do you see that?
               THE WITNESS: Yes, sir.
               THE COURT: On one side there is a housing -- rather
    nice homes, nice homes.
16
            On the other side if you look at it there is a rather
    steep bank.
            What would you recommend the setback be of temporary
    housing was placed in that location?
               THE WITNESS: Judge, are you saying that is
22
    contiguous to the housing, contiguous on these houses --
23
               THE COURT: Exactly.
               THE WITNESS: -- is a bank going down?
               THE COURT: Yes. What I'm trying to do is find a
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code or some reasonable assumption on all of our parts that
would also take into consideration the residents there and the
outcry that is likely to ensue if it's right up on the fence.
I don't know how far that setback needs to be, and then I don't
know how much land would be left.
           THE WITNESS: Again, I would say that the slope
probably would take care of the setback in that specific case.
       In other words, when you get to the bottom of the slope
you'll have enough setback towards --
                       I'm sorry. The slope is away from the
           THE COURT:
house. It's on the opposite side. That's where the bank is.
           THE WITNESS: Okay.
           THE COURT: It's level near the houses. What I'm
trying to do, I would expect pushback to come from the
homeowners in Parcel Number 7, I would expect pushback to come
from the apartment owners, probably in Parcel Number 2.
       What I'm trying to figure out is what would be a
reasonable position for Court to take in terms of those
setbacks and then find out how much is left for temporary
housing?
           THE WITNESS: 15 feet.
           THE COURT: 15 feet.
           THE WITNESS: 15 foot setback. These people have
bought houses that leave out this parcel that are right next to
each other and right behind each other already.
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So unless they are just trying to throw up hurdles, in
other words, that's what you do when you're on the bus to no,
yeah, they're going to come up with all kinds of things.
           THE COURT: I want you to look at Parcel Number 8
and 9.
           THE WITNESS: Okay. Judge, may I make a statement
about Parcel 7, one other statement?
           THE COURT: Certainly.
           THE WITNESS: I believe you could go a little bit
further north than the green.
       We were told that on a bus to yes.
           THE COURT: I want you to look at Parcel 8 and 9.
           THE WITNESS: Okay.
           THE COURT: Now, on Barrington there is a parking
lot that you walk through and then you will see -- I apologize
to you, you are absolutely right about the dog park. You will
see this brown area.
              If you walk into that brown area you will see
about nine acres of field, flat level, the City supposedly
maintains it, but I think if you walk it, you would agree that
it's about as poorly maintained as you can imagine. It's full
of chuckholes and whoever is playing out there is going to
break their toe.
           THE WITNESS: Don't allow your kids to play
football.
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1
               THE COURT: So let's take a look at this parcel of
 2
    nine acres.
 3
            You said that there would be community be pushback.
                                                                 Why
 4
    would there be significant pushback along Barrington when I
    have a parking lot in depth before I get to my nine acres
 5
    versus the pushback that I think we might get on Parcel Number
 6
 7
    2 and Parcel Number 7, when they abut 15 feet from a homeowner
 8
    with a couple of million dollar home.
 9
               THE WITNESS: Judge, I'm a parks commissioner, I
10
    believe when you go to take parks away from people, they go
11
    nuts, and you can't sell parks.
12
            You can't lease them out for other uses. This is a
13
    park.
14
               THE COURT: We have a dog park there. Why are the
15
    dogs using the public park that, you know, we're supposed to
    play in?
16
            We have a dog park set aside, and yet in your testimony,
17
18
    you seemed to indicate that this was a dog poop park all the
19
    way through it.
20
               THE WITNESS: I believe that some people don't
    follow the rules.
21
22
               THE COURT: Okay. Now, this is on a one-year, I
23
    understood, to be a revocable lease.
24
            If we were going to construct intermediate housing or
25
    temporary housing, why wouldn't it be put there?
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THE WITNESS: I believe that we can hit your number
without creating a firestorm of taking a park away. I prefer
it to do the easy way.
           THE COURT: I'm going to disagree with you.
       I think there is more of a firestorm with people -- and
we can disagree professionally -- I believe there is more of a
firestorm coming from people with a 15-foot setback with Parcel
Number 7 with these homes, and more of a firestorm with
apartments in Parcel Number 2 than having a street, Barrington,
a parking lot and the nine acres setback.
       So we just respectfully disagree.
       I'm going to assume --
           THE WITNESS: But that nine acres --
           THE COURT: I'm going to assume that that nine
acres, now belongs to you and me.
       How many units can I put in there?
           THE WITNESS: That is very efficient. 250.
                                                        270.
           THE COURT: That assumes 40 times 9, but let's
reduce that.
           THE WITNESS: Wait a minute, how many acres is it?
           THE COURT: Nine.
           THE WITNESS: Yeah, nine acres.
           THE COURT: Better yet, we're going to take the --
           THE WITNESS: Would be 360 --
           THE COURT: We're going to take the parking lot
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1
    also, 12.
 2
               THE WITNESS: Both parking lots?
 3
               THE COURT: No, just that parking lot just for the
 4
    time being.
               THE WITNESS: Close to 400.
 5
               THE COURT: Okay. 400.
 6
 7
               THE WITNESS: Because it's pretty --
 8
               THE COURT: Would you write down 400 for a moment in
 9
    parcel number -- well, it's not labeled Parcel Number 9 is 1.6,
10
    Parcel 8, what do you want to call that field that we walked,
11
    counsel?
12
               MR. SILBERFELD: I wrote down parking lot and
    baseball fields.
13
14
               THE COURT: We're getting there, Mr. Soboroff, we
15
    have about 780 temporary spaces and haven't had to have a
    15-foot setback on Parcel Number 7 and haven't had to contend
16
17
    with renters or owners in Parcel Number 2.
18
               THE WITNESS: I want to do the easiest ones, but I
19
    want to be clear that I disagree with you regarding these
20
    parcels with a 15-foot setback.
21
            Because noise walls can be built, beautiful landscaping
22
    can be put in.
23
               THE COURT: Why are you so resistant to this nine
24
    acres and the parking lot on Barrington?
25
               THE WITNESS: Because I want to get this done
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without all of these privileged people going to their
privileged lawyers, going to their privileged Senators, going
to their privileged council members, going to the Congress.
           THE COURT: Let's say we agree with that.
           THE WITNESS: Thank you.
           THE COURT: And it seems to me that the nine acres
with nobody around it, there's no -- have you been out there
and seen those nine acres?
           THE WITNESS: I was parks commissioner, those are
our acres, I complained about the -- yes, but it's a park.
Taking away parks is like Bobby Shiver said, you are going to
build on columbarium land, you don't do that.
           THE COURT: And that park is actually VA land, isn't
it?
           THE WITNESS: Yes, sir.
           THE COURT: On a revocable lease to the City?
           THE WITNESS: I'm not saying you don't have the
right, I'm talking about the Pandora's box. The political
Pandora's box.
              I can get you what you want as long as you -- as
long as the bus -- as long as you let us go south of Wilshire
near the hospital.
       If you take out south of Wilshire for some reason or
whatever, that throws a real monkey wrench in trying to reach
your numbers.
```

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1
               THE COURT: And we might agree that the Court, if it
 2
    gets to that stage, would prefer south of Wilshire.
 3
               THE WITNESS: I hope so.
 4
               THE COURT: Because it's closer to the hospital with
 5
    people coming in with substance abuse or acute mental disorder
 6
    needing that treatment from the hospital.
 7
            We may not want them in the north, I'm just testing how
 8
    quickly we get to the thousand that counsel was arguing that he
 9
    wanted.
10
               THE WITNESS: We get there by taking the path of
11
    least resistance and that's why I'm picking these parcels.
12
               THE COURT: All right. I'm going to tell you a
13
    horror story, that has nothing to do with you but a lot to do
14
    with the City and that is --
15
               THE WITNESS: Did you say horse story?
16
               THE COURT: A horror story.
17
               THE WITNESS: Okay, not a horse story.
18
               THE COURT: No, not a horse story.
19
                  Many years ago there was an effort to put in, I
20
    will call them, tiny homes or modular homes in -- I forget if
21
    it was Paul Krekorian's district or somebody else.
22
            And the modulars at that time were 28 to 25 to $30,000,
23
    and they were about 400 square feet. But the City came back
2.4
    with a bill of 180,000 for modular homes.
25
            You can't make that up.
```

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What's my cost of putting in this modular home, not just
the purchase of the modular home but the infrastructure that
goes with it in terms of electricity and sewer?
           THE WITNESS: We believe -- and Mr. Johnson will be
better suited, but I would say as an outside 130,000 a unit.
           THE COURT: Okay. And you think it might have a 15-
to 20-year life expectancy?
           THE WITNESS: It could go up to 50. All depends on
how people take care of it. I didn't answer your question
about the Congress the --
           THE COURT: That's okay. Just delay it for a
moment. I'll be right back with you.
           THE WITNESS: It's about the money.
           THE COURT: I'll be back with you in a moment, I
want you to answer my questions now.
       With your knowledge, which is immense, you know that
there is a difference if the Court ever got to injunctive
relief between what I call the traditional negative injunctive
relief, where the Court in equity states to a party you should
not do something, versus what is called affirmative injunctive
relief.
       The best case would be desegregation of the south where
Judge Johnson placed an affirmative injunctive.
       And when a Court gets into an affirmative injunction,
it's dealing on tricky ground. It's one thing to tell a party
```

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1
    you've gone too far, it's another thing to tell the party
 2
    you're ordered to do the following.
            And -- before I get to that question, have you been down
 3
 4
    to San Pedro and the Century Project that Judge Pregerson put
 5
    together. Have you seen that?
            Well, he didn't put it together, but he was intimately
 6
 7
    involved.
 8
               THE WITNESS: Are you talking about AltaSea or the
 9
    housing project?
10
               THE COURT: The housing project. Housing project is
11
    a bad word. It was put together by Century, Peck was involved.
12
               THE WITNESS: Yes, I haven't, because I haven't been
13
    harbor commissioner long, but I have seen pictures and I like
14
    it.
15
               THE COURT: Okay.
16
               THE WITNESS: Are you talking about Dean Pregerson?
17
               THE COURT: No, Harry.
18
               THE WITNESS: Oh. Before he died, okay.
               THE COURT: What will entice, in your expert
19
20
    opinion, a veteran who has a supportive network, let's say
21
    living on the street, but that supportive network for the
22
    veteran is one that he or she has chosen out of safety,
23
    comfort, or like veterans.
24
            And although they are in miserable conditions, now we're
25
    going to persuade them to come over to something called West LA
```

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1
    VA.
 2
            And let's assume they are distrustful of the VA, and
 3
    also we have the complexity of this veterans support group, and
 4
    there are veterans talking to each other. What entices them
 5
    over? A 400-foot modular home?
 6
               THE WITNESS: A community. And during the break,
    one of the veterans who is here -- I can't see that far
 7
 8
    anymore -- said to me that -- "I got to get out of there. But
    if they do what you are talking about doing, I want to stay."
10
               THE COURT: So we obviously need community?
11
               THE WITNESS: Yes, sir.
12
               THE COURT: Let's say we all agree about that. In
13
    fact, it's in the master plan.
14
               THE WITNESS: Not the way I like it. Well, okay,
15
    it's in the master plan, it just isn't funded. And nobody is
16
    paying attention to it and nobody knows how to do it. And
17
    nobody is complaining about it, so it ain't going to get done.
18
            And it's the most important thing.
19
               THE COURT: You have talked about a governance
20
    change.
21
            Now, how would you advise this Court that it would be
22
    helpful in some kind of governance change -- remember my power
23
    is a negative power, in a sense, and sometimes it can be an
24
    affirmative power.
25
               THE WITNESS: I hope so.
```

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THE COURT: But if it's affirmative power, then the
risk goes up of appeal, quite frankly, and being overturned.
It's a little bit more risky, quite frankly.
           THE WITNESS: I'm sure. But it's worth it.
           THE COURT: Yeah. But let's assume that you have an
agency or agencies that decide that they want to fight this --
           THE WITNESS: They will.
           THE COURT: -- because they don't like the Court's
order at all.
           THE WITNESS: Nobody wants to give up power.
are all going to want to fight it.
           THE COURT:
                       This, then, can take years in the appeal
process unless we get that agency or agencies on board.
       How do we do that with your wisdom in building this
incredible community, because it didn't take a negative from
you, I have the impression you were extraordinary in the
community bringing people together.
     How does FEMA do it? How does the Army Corp of Engineers
do it?
       What happens during a hurricane, fire, flood, tornado --
that is what is happening here now. It's a national emergency,
just like those weather events are.
           THE COURT: I want you to look at this map again,
and now I want you to tell me -- because I don't have a number
yet, I had a number of 2,800 permanent supportive housing
```

```
1
    units.
 2
               THE WITNESS: Uh-huh.
 3
               THE COURT: Where are you going to put them? Where
 4
    are you going to put them?
               THE WITNESS: I thought we just talked about that.
 5
 6
    I would put some on parcel --
 7
               THE COURT: No. We have used up all of these
 8
    parcels. This is our temporary now. And I think what we got
    is an 800-pound elephant in the room about the UCLA baseball
    stadium that we're dodging, the oil that we're dodging right
10
11
    now, and I think we're all dancing around a little bit about
12
    Brentwood School.
            Now, there is 22 acres of Brentwood School, is that
13
14
    going to be viable in terms of putting permanent supportive
15
    housing on those fields?
16
               THE WITNESS: Yes. At the appropriate -- and I
17
    would recommend that when it's needed and time that according
18
    to their lease expiration, so they don't have the --
19
               THE COURT: That is in 2026?
20
               THE WITNESS: Plus they have a 10-year option unless
21
    they are saying they are in default.
22
               THE COURT: Well, I'm assuming that if there was
23
    injunctive relief, it wouldn't include a 10-year option.
24
               THE WITNESS: I don't know the legal terms.
25
               THE COURT: So their lease runs in 2026.
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THE WITNESS: I understand that, but they have a
10-year option that can be rejected by the VA if they're in
default.
       And I think you believe they are in default.
           THE COURT: No, I don't believe anything. I'm
exploring where I'm going.
           THE WITNESS: Okay. I don't know the answer to
that.
           THE COURT: Who would? Because what I'm not going
to do is hear from plaintiff's counsel that they want some
number without reason to it, and you are the expert or
Mr. Johnson is.
           THE WITNESS: I could tell you why they are not in
compliance.
           THE COURT: No, I'm not interested in that. I'm
interested in where would you put these. And are you ruling
out Brentwood or are you ruling them in?
           THE WITNESS: I don't believe they need to be in the
first tranche.
           THE COURT: Okay.
           THE WITNESS: I think there is more downside.
           THE COURT: Where would my first tranche be?
           THE WITNESS: Your first tranche would be on -- I
think.
           THE COURT: Take your time with this.
```

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1
               THE WITNESS: Okay. I got it. And I'm talking
 2
    about dense housing.
 3
               THE COURT: Where would my first tranche be?
 4
               THE WITNESS: On Barrington. Those two lots up on
 5
    Barrington, the parking lots.
 6
               THE COURT: Just a minute.
 7
               THE WITNESS: Do you know what I'm talking about?
 8
               THE COURT: Absolutely. I know those parking lots
 9
    well.
            Now, one of those parking lots is close to one of the --
10
11
    is the main entrance to the Brentwood School. Yes, it is.
12
            And the other one --
13
               THE WITNESS: Are you talking about the one that's
14
    north of the post office?
15
               THE COURT: Yes. And you enter the Brentwood School
16
    on a road, and there is a guard shack there. And then as you
17
    move south on Barrington, you will see the post office.
18
               THE WITNESS: Correct.
19
               THE COURT: Then you will see another parking lot.
20
               THE WITNESS: Correct.
21
               THE COURT: Now, there is some quibbling over
22
    whether one is three acres, or two acres, or two and a half
23
    acres -- don't worry about that. The top parking lot, it's
24
    going to be argued to me by one party, doesn't serve --
25
    principally doesn't serve veterans; that it's used by the
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1
    merchants.
 2
               THE WITNESS: Well, you can --
 3
               THE COURT: No. I'm not done with my question yet.
 4
    I listened to you, now you get to listen to me.
 5
               THE WITNESS: I have got the answer though.
               THE COURT: No, you don't because you haven't heard
 6
7
    my question yet.
 8
               THE WITNESS: Okay. You're right.
 9
               THE COURT: Am I going to take both of those parking
    lots?
10
11
               THE WITNESS: Yes, sir.
12
               THE COURT: Okay. Then I have got, let's say five
13
    acres.
14
            How much permanent supportive housing can I put in
15
    there?
16
               THE WITNESS: You have to ask Mr. Johnson that,
    because that's what he did at Playa Vista. I think we're
17
18
    getting densities of 40 and 50 per acre.
19
               THE COURT: I'm going to stick with that for just a
20
    moment. Now, that, remember that is single-story.
21
               THE WITNESS: No.
22
               THE COURT: No, just a moment. I want to be certain
23
    to write this down. If it's 40 or 50 single-story per acre --
24
               THE WITNESS: Well, those are only 400 square feet.
25
               THE COURT: No. We're talking about permanent
```

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1
    supportive housing now. We're done with temporary.
 2
               THE WITNESS: Which would be larger.
               THE COURT: How large?
 3
 4
               THE WITNESS: Double the size.
               THE COURT: Okay. 800 square feet?
 5
               THE WITNESS: I would think so.
 6
 7
               THE COURT: I'm going to write down 800 square feet.
 8
            Now, how much per acre? And I will ask Mr. Johnson
 9
    also, and I will ask the expert on the other side.
10
               THE WITNESS: Can I just ask him so I don't make a
11
    fool of myself?
12
               THE COURT: Come on up here for a moment. Help him.
            So, 800.
13
               MR. JOHNSON: Well, you are trying to solve for
14
15
    another 2,800 units, correct?
16
               THE COURT: No. I'm waiting for plaintiffs to tell
17
    me how many they want.
18
            They opened up with 2,800, but it may be less.
               MR. JOHNSON: It's 1,200 on the board, and he's
19
20
    trying to get to 4,000.
21
               THE COURT: Yes.
22
               MR. JOHNSON: So what you have to take into account
23
    -- because the original 2016 plan --
               THE COURT: No. Just a moment. I'm going to make
24
25
    this really simple.
```

```
1
               MR. JOHNSON: Hold on.
                                       Buildings --
 2
               THE COURT: No. 800 on these two parcels, how many
 3
    can I --
 4
               MR. JOHNSON: ADU per acre, 80. And the average
 5
    square footage, because they are studios and ones, it's
 6
    probably about 500 square feet.
 7
               THE COURT: Perfect. Now, hold on. I'm going to
 8
    repeat that back to you.
 9
               MR. JOHNSON: Yes.
               THE COURT: Judge, about 800 square feet, I can put
10
11
    in about 80 per acre?
12
               MR. JOHNSON: Uh-huh.
13
               THE COURT: Is that single-story?
14
               MR. JOHNSON: No. It's going to be four stories.
15
               THE COURT: Four stories.
16
               MR. JOHNSON: Yes. The rest of the campus is three
    stories.
17
18
               THE COURT: Yes. Hold on. So here we are talking
    about four stories.
19
20
            If it was two stories, would it be 400?
21
               MR. JOHNSON: Two stories, could you get to 40, is
22
    your question, per acre?
23
               THE COURT: Correct.
24
               MR. JOHNSON: You probably could.
25
               THE COURT: If it was one-story?
```

```
1
               MR. JOHNSON: 20.
 2
               THE COURT: Just a moment. Okay. Sir, I will be
 3
    back with you. Thank you very much, very helpful.
 4
            I'm going to be conservative, counsel. Where is my
 5
    counsel? I'm going to be conservative.
 6
            I'm not going to go four stories. I'm going to say at
 7
    the most two stories.
 8
               THE WITNESS: Why?
 9
               THE COURT: Because it would be unreasonable. I'm
    compromising right now. Put down 200.
10
11
            Now, I know that you may say 100 or less, because you
12
    like single stories, right?
13
               THE WITNESS: Not for permanent supportive housing.
14
               THE COURT: So permanent supportive housing, you
15
    would go higher?
16
               THE WITNESS: Go down the same street.
17
    apartment buildings are three or four stories.
18
               THE COURT: Permanent supportive housing you would
19
    go higher?
20
               THE WITNESS: Yes, sir.
               THE COURT: Put down 400.
21
22
               MR. SILBERFELD: Four stories?
23
               THE COURT: Yes. In fact, put down 800. 800.
24
    There we go.
25
            Okay. So that takes care of 800.
```

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Where is the next location I'm going to put them?
 1
               THE WITNESS: On Parcel 8.
 2
 3
               THE COURT: Okay. Just a moment.
 4
               THE WITNESS: Which is going to be expensive, but
 5
    great quality.
 6
               THE COURT: It's not suitable for temporary, but
 7
    suitable for permanent?
 8
               THE WITNESS: Because you can build permanent,
 9
    multi-story, into a hillside.
10
            In temporary, you have got to level it.
               THE COURT: And, counsel, that green area again,
11
12
    what do we call that?
13
            That green area -- that darker green area is what you
14
    are referring to, right?
15
               THE WITNESS: Yes.
               THE COURT: What do we call that? Is that the dog
16
17
    park?
18
               MR. SILBERFELD: South of the dog park.
19
               THE COURT: Is that the Japanese gardens?
20
               THE WITNESS: No.
               THE COURT: What do we call it?
21
22
               MR. SILBERFELD: It's just raw land south of the dog
23
    park.
24
               THE COURT: Okay. So you believe that we could
25
    put --
```

```
1
               THE WITNESS: There is an environmental issue in a
 2
    small portion of that which would have to be dealt with.
 3
               THE COURT: Tell me that environmental issue.
               THE WITNESS: I believe it's in the soil. I don't
 4
    believe it's in the groundwater.
 5
 6
               THE COURT: Okay.
 7
               THE WITNESS: I think it can be remediated.
               THE COURT: Because what we don't run into is what
 8
 9
    we heard earlier, and that is something about a problem with
10
    some units that are supposed to come online.
11
               THE WITNESS: That was unbelievable.
12
               THE COURT: Okay.
13
            So how many units can I write down in that location?
14
            Am I going to go four stories, two stories, or what?
15
    See, I'm going to need you in the future.
16
               THE WITNESS: I know, but I have got to get an
    architect to look at that and ask him that question, how you
17
18
    tier them.
               THE COURT: How am I going to make a decision
19
20
    without experts?
21
               THE WITNESS: Ask him. Ask Randy. That one, I
22
    don't know, but I would like to live there.
23
               THE COURT: All right. Where's the next -- I'm
24
    going to put down just an arbitrary number. I'm going to put
25
    down 400 just to be safe.
```

```
1
               THE WITNESS: How many acres is it?
 2
               THE COURT: I don't know. You have to tell me.
 3
               THE WITNESS: Parcel 8 is --
 4
               THE COURT: Parcel 8, not suitable, zero acres.
 5
               THE WITNESS: But we have the gross. The gross is
 6
    8.45.
 7
               THE COURT: That is the acreage?
 8
               THE WITNESS: Yes, sir.
 9
               THE COURT: Okay. So, how many units?
               THE WITNESS: 200.
10
11
               THE COURT: 200. So now we have got 1,000.
12
            Counsel, put down 200, not 2,400.
               MR. SILBERFELD: I crossed it out.
13
14
               THE COURT: Okay. So we have 1,800 units to go,
15
    hypothetically.
16
            Where am I going to put the next?
17
               THE WITNESS: Parking lot. And some of the
18
    buildings that are going to be torn down.
19
               THE COURT: Just a moment. Show me the parking
20
    lots.
21
               THE WITNESS: I can't. There is an exhibit to one
22
    of the master plans that shows the parking lots at the VA.
23
            And each one of those can be in play for permanent
24
    supportive housing as described by Mr. Johnson, which --
25
               THE COURT: Well, we have already used,
```

```
1
    hypothetically, Parcel 3 --
 2
               THE WITNESS: Yes.
 3
               THE COURT: -- Parcel 2. We have hypothetically
    looked at Parcel 7 and 6.
 4
 5
            We have looked at Parcel Number 1 for our temporary
    housing.
 6
 7
            In other words, we're considering all of those.
 8
            Now, I'm back to permanent housing.
 9
               THE WITNESS: Wadsworth parking lot is huge.
               THE COURT: Which one?
10
11
               THE WITNESS: Wadsworth. Not the chapel, but the
12
    theater.
              Large parcel.
               THE COURT: Near the Wadsworth theater?
13
14
               THE WITNESS: Yes, sir.
15
               THE COURT: I know exactly where that is.
               THE WITNESS: I used to go to temple there for
16
    services.
17
18
               THE COURT: Okay. So, we would be developing a --
               THE WITNESS: We could service the Wadsworth and
19
20
    build permanent supportive housing and have parking for that
21
    permanent supportive housing. And the needs here are not the
22
    normal needs; they are less.
23
            The people don't have as many cars.
24
               THE COURT: How many units?
               THE WITNESS: I don't know how many acres that is,
25
```

```
1
    Judge. That is big parcel.
 2
            Can someone help? I just don't know how big it is. And
 3
    you would want setbacks.
 4
            Does anybody know?
               THE COURT: Right now I will put down zero until we
 5
    come up with the number.
 6
 7
               THE WITNESS: I could say greater than five. We
    could use five.
 8
 9
               THE COURT: Okay.
               THE WITNESS: I don't want you to have a zero.
10
11
            There would be very efficient. You could go four
12
    stories.
               THE COURT: Now, remember, everything else seems to
13
14
    be two stories in that area. The existing structures are
15
    two-story.
               THE WITNESS: I wouldn't -- yeah, okay. So it's a
16
    little taller than the Wadsworth, because that building is not
17
18
    -- I mean, it's high. I think it's 35-feet, so that's almost
    four stories.
19
20
               THE COURT: I might accept the four-story concept on
21
    Barrington.
22
            I'm a little concerned about the preservation, et
23
    cetera, with two stories that they're trying to rehab and the
24
    campus itself.
25
            So I'm going to say two stories, okay.
```

```
1
               THE WITNESS: Can I convince you to go to three with
 2
    subterranean parking?
 3
               THE COURT: No, too costly. Two stories. How many
    units?
 4
 5
               THE WITNESS: 40.
               THE COURT: 40. Put down 40.
 6
 7
               THE WITNESS: Well, wait. 40 an acre -- 40 an acre
 8
    times five, 200.
 9
               THE COURT: 200. You have got five acres there.
10
               THE WITNESS: Yes. And I'm trying to be
11
    sensitive --
12
               THE COURT: I'm not holding you to it.
13
               THE WITNESS: I am trying to be sensitive to
14
    Wilshire because what you are saying is you don't want a big
15
    housing project.
               THE COURT: 200.
16
17
               THE WITNESS: Yes.
18
               THE COURT: Where is the next group going to go?
19
               THE WITNESS: Judge, and --
20
               THE COURT: No. Just a moment. You are my expert,
21
    and I'm depending upon you.
22
               THE WITNESS: Don't.
23
               THE COURT: Yes, I am.
24
               THE WITNESS: I mean, because some of these
25
    industrial buildings --
```

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THE COURT: Listen to me now. I'm going to make a
tough decision in a while. You are going to help me with that,
as well as the other experts. And they are not going to argue
X number of units without where they are going.
       Where is the next group going?
           THE WITNESS: Well, I believe that there should be
some units in the area between Constitution and that -- in that
ring road.
       The oil field company, in their settlement, is willing
to give back an acre and a half, so that's additional land.
           THE COURT: Let's hypothetically assume that that
oil field is not usable at the present time because it's within
500 feet of the freeway.
           THE WITNESS: I would agree.
           THE COURT: Okay. So I'm --
           THE WITNESS: I would take it out for a number of
reasons.
           THE COURT: Hypothetically, I'm taking that out.
           THE WITNESS: I would take it out for a number of
reasons.
           THE COURT: Counsel, I'm still open to that. But,
hypothetically, where is it going to go after our oil field has
been rejected?
           THE WITNESS: Where is it going to go?
           THE COURT: Counsel, flip the chart over. I think
```

```
1
    we're up to, what, 1,000? Maybe we're up to 1,200.
 2
            We're up to 1,200.
               MR. SILBERFELD: 1,200.
 3
               THE COURT: You have got 1,600 more to go.
 4
 5
               THE WITNESS: Look at the groups. And I don't want
 6
    to be criticized for saying, well, you don't know what you're
 7
    talking about for this building and that building. But the
    area around 297 --
 8
 9
               THE COURT: Just a moment. 297, the oil is right
10
    across from Building 297.
11
               THE WITNESS: That's correct.
12
               THE COURT: Right across the street.
13
               THE WITNESS: That's correct. But take a portion of
14
    -- in that area -- in that area are these industrial-type
15
    facilities.
16
               THE COURT: Okay.
17
               THE WITNESS: That are inefficient in that they are
18
    not being completely used.
19
               THE COURT: Let's hypothetically assume that the
20
    Court is concerned, but hasn't made a ruling. It might be
21
    reluctant to put veterans, especially in Iraq and Afghanistan,
22
    subject to burn pits, subject to high munitions, noxious fumes
23
    next to an oil well.
24
            So I'm going to hypothetically reject that location.
25
               THE WITNESS: Okay.
```

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1
               THE COURT: Where is the next location?
               THE WITNESS: Okay. Well, I would say on the other
 2
 3
    side of it.
            You know, in other words, between Bonsall and that.
 4
                                                                  So
 5
    they show up -- again, this is very difficult.
 6
            Buildings 508 -- I don't know what is in those -- what
 7
    is in those buildings, but if that is your concern and you want
 8
    to get away from that, just start moving towards Bonsall
 9
    because those buildings need to come down.
                                                They are
10
    inefficient. They are hardly used at all.
11
               THE COURT: I'm going to assume it's still close to
12
    oil for me.
13
               THE WITNESS: You don't want anything. You want to
14
    keep all of that industrial.
15
               THE COURT: I want to keep my veterans healthy.
16
               THE WITNESS: Well, me too.
17
               THE COURT: Good.
18
               THE WITNESS: I would have to start pointing to --
19
    pointing to increasing density that the permanent supportive
20
    housing builders have identified in the future for adaptive
21
    reuse, because I believe adaptive reuse is expensive and
22
    inefficient.
23
               THE COURT: Okay. In your deposition, you stated at
24
    page 132:
25
               "ANSWER: I would say that there are 80 percent
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identified. I believe that there are a couple that aren't
identified are on oil property which is an incredible site for
residential.
       Now you know I have rejected that.
           THE WITNESS: I agree with you.
                      It should be versus pumping oil there
           THE COURT:
are possibly areas around the Brentwood School.
           THE WITNESS: Yes.
                               I got it. Yes.
           THE COURT: What were you referring to?
       In other words, we have 22 acres there, we have run into
a problem seismologically already throughout this 388 acres
where we may have built on some kind of rift or fault.
       Why wouldn't we have the most acreage to choose from,
whether it's UCLA baseball stadium or Brentwood School or
portions there of?
           THE WITNESS: You would. I would like to see them
in second tranches, because I'm afraid they are going to hold
up everything.
           THE COURT: By suing, correct?
           THE WITNESS: Yes.
                       They are going to sue the VA?
           THE COURT:
           THE WITNESS: They are going to sue everybody, every
Senator and Congressman is going to be against it.
           THE COURT:
                       There is going to be a lobby, et cetera?
           THE WITNESS: Yes. So back up to the park, I would
```

```
1
    rather use the park.
 2
                THE COURT: With your wisdom, then, what would the
 3
    Court do with the 2026 lease, when it comes due?
 4
               THE WITNESS: With --
               THE COURT: In other words, 2026, if it's
 5
    reinvigorated, we're over to 2036.
 6
 7
               THE WITNESS: That's correct.
               THE COURT: So what would I do with that lease?
 8
 9
               THE WITNESS: You are asking me if...
               THE COURT: In other words, if it's going to be in a
10
11
    second tranche.
12
               THE WITNESS: Yes.
13
               THE COURT: Are we going to have that lease renewed
    so we're clear out to 2036?
14
15
                  No, I'm asking a tough questions because I'm
16
    going to make a tough decision.
17
                THE WITNESS: Well, I will tell you, the tough
18
    decision is that nothing gets done, like it hasn't gotten done
19
    in 50 damn years.
20
               THE COURT: Right.
21
               THE WITNESS: And if I got to negotiate with
22
    Brentwood and give them four more years, because I would do
23
    that.
24
            If I have got --
25
               THE COURT: What I'm asking you is when that second
```

```
1
    tranche would appear?
 2
            In other words -- hold on. We might have, as counsel
 3
    argued, as you approach the Brentwood School, a field on the
    outside of the fence.
 4
 5
            Counsel, what is the acreage there?
               MR. SILBERFELD:
 6
                                One.
 7
               THE COURT: One acre. What did can you build there?
 8
               THE WITNESS: Well we have that for temporary.
 9
               THE COURT: What can you build there?
10
               THE WITNESS: We think between for temporary, we
11
    have --
12
               THE COURT: No, permanent.
13
               THE WITNESS: For permanent, probably 40.
               THE COURT: Put down 40, right now, we're 1,240.
14
15
               MR. SILBERFELD: I forget what parcel.
16
               THE WITNESS: That is nine. It's a very efficient
17
    parcel and a nice place to live.
18
               THE COURT:
                           In other words, it doesn't make any
19
    difference that the Court makes a silly ruling that it can't
20
    enforce or isn't reasonable, you are my expert now. So where
21
    is my next parcel going to go?
22
               THE WITNESS: I want to say anything.
23
               THE COURT: No. I want to answer my next question.
24
    What is my next --
25
               THE WITNESS: I will, but my answers aren't --
```

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```
THE COURT: Where is my next parcel going to go?
           THE WITNESS: I believe four or five years from now
we will be able to go right at UCLA and maybe back at Brentwood
School, because we will be finished making this a community
with the infrastructure, with --
           THE COURT: Let's assume you are right that we want
to feed in and not necessarily harm a school.
           THE WITNESS: I don't want that guy to move.
           THE COURT: Hold on.
       Let's assume we don't want to add abruptly, let's
assuming we want to feed in. Let's assume it is the second.
       That means we wouldn't be renegotiating a ten-year
lease. We would have to renegotiate with Brentwood School,
and/or UCLA, put them on notice their leases weren't being
extended, fairly, so they can start judging if they have to
move or not.
       I'm asking you, when that second tranche would come on
board.
       Because right now, I have heard this lawsuit ended I
think from 2030 to 2036, with some of these units, and 300 or
400 are already on the drawing board, and if they are, they are
a long ways off.
       By the way I'm putting you as my excellent negotiator,
I'm just joking.
           THE WITNESS: I am good at that.
```

```
1
               THE COURT: We're not going to let it go to 2036.
 2
               THE WITNESS: I understand, but both UCLA and
 3
    Brentwood, if given an opportunity to get five more years,
 4
    would work to give back enough without any hassles, because
 5
    even in the some of the documents that I have read, I can't say
 6
    which one.
 7
            It was talking about considering the lack of pushback,
 8
    and problems, and negotiate.
 9
               THE COURT: Where would the Brentwood School go, if
    these facilities were taken, even if they were wrongfully
10
11
    acquired over a period of time.
12
            Now, some of those may be taken, maybe we have got seven
13
    baseball fields out there, and Brentwood has got three or four
14
    and we can get some of that land.
15
            But that swimming pool seems to be permanent.
16
               THE WITNESS: I don't know we just moved our
    swimming pool at our house, my wife wanted to and I didn't.
17
18
            Yeah, you can do it. And I think that -- I think that a
    space planner a site planner for Brentwood School or for Jackie
19
20
    Robinson Stadium could look into the future and master plan
21
    that stuff at the same time so you could use that in
22
    negotiating.
23
               THE COURT: So we can tranche it?
24
               THE WITNESS: Yes, sir.
25
               THE COURT: In other words, the threat would really
```

```
be you are getting terminated in 2026, quite frankly, and let's
 1
 2
    negotiate. That is really the threat.
               THE WITNESS: I mean, if I was them, I read it in
 3
 4
    the paper, I would be calling to negotiate already.
 5
               THE COURT: I haven't heard that call yet.
               THE WITNESS: I think they did.
 6
 7
               THE COURT: Counsel, are they negotiating with you?
               THE WITNESS: I heard that Brentwood.
 8
 9
               THE COURT: Let's get transparency here.
10
               MR. ROSENBERG:
                              No.
11
               THE COURT: Have you heard from them?
12
               MR. SILBERFELD: I have, Your Honor.
               THE COURT: Where are they?
13
14
            In other words, you may be right. We may need to crunch
15
    that in, there is no necessity for that to come in the first
    tranche.
16
17
            It's pretty interesting we would go another ten years if
18
    this enhanced lease isn't appropriate, but it's awfully abrupt
19
    to say to a school --
20
               THE WITNESS: It's not right.
21
               THE COURT: You have got to value veterans over
22
    school and make those arbitrary decisions.
23
               THE WITNESS: Is it necessary? Can you do what you
24
    need to do without fighting that fight now, and putting it out
25
    for --
```

```
1
               THE COURT:
                           That's what I'm asking you.
 2
               THE WITNESS: I believe you can.
 3
                           Two to four years, five years, what?
               THE COURT:
 4
            In other words, counsel --
               THE WITNESS: Five.
 5
               THE COURT: Five. I'm going to write that down.
 6
 7
               THE WITNESS: A lot of people would breathe better.
 8
               THE COURT: I think I'm almost done with my
 9
    questions. Just a moment.
               THE WITNESS: Ask me about Congress, though, please.
10
11
               THE COURT: Ask me about what?
12
               THE WITNESS: Congress.
13
               THE COURT: No. Thank you. Congress might have
14
    acted by now, and apparently the Court is going to have to make
15
    a decision.
16
            If Congress was going to act, they should have acted by
17
    now.
18
            This has been on the board since 2011, and before.
19
               THE WITNESS: The budget is a joke, it ignores this
20
    campus for what needs to happen here.
21
               THE COURT: Okay.
22
               THE WITNESS: So maybe --
23
               THE COURT: I don't think the Court is going to be
    waiting for Congress.
24
25
               THE WITNESS: How about the president?
```

```
1
               THE COURT:
                           The president?
 2
               THE WITNESS: Reallocation.
 3
               THE COURT: I invited the head of VA to come down
 4
    here to try to negotiate this. He didn't appear.
 5
            HUD's wide open, so now we're pressing a lawsuit.
            I don't see anybody beating down our door.
 6
 7
               THE WITNESS: They are wrong.
 8
               THE COURT: Well, wrong or not, we're not getting
 9
    them down here.
10
               THE WITNESS: Okay.
11
               THE COURT: When you say Congress, that is a pie in
12
    the sky.
13
               THE WITNESS: I believe so.
14
               THE COURT: President is pie in the sky.
15
               THE WITNESS: I don't believe so.
16
               THE COURT: Okay, then call him.
17
               THE WITNESS: I don't have his number. I know
18
    someone who does.
19
               THE COURT: Well, call him.
               THE WITNESS: I have asked him to.
20
21
               THE COURT: Good.
22
               THE WITNESS: He said he has.
23
               THE COURT: What is the response?
24
               THE WITNESS: I haven't asked him again, because I
25
    don't want to embarrass him, I believe when he gets a response
```

```
1
    he will call me back.
 2
               THE COURT: Okay. I'm not joking with you.
 3
               THE WITNESS: It's not funny.
 4
               THE COURT: At some point I have got competing
 5
    agencies, do you understand that?
 6
               THE WITNESS: Yes, you do.
 7
               THE COURT: In once sense I have got to decide if
 8
    the OIG is correct, when the VA said that is not their
 9
    interpretation.
10
            I have got clashing agencies here.
11
            I don't see anybody able to resolve that or willing to
12
    in the administration or past administrations.
13
               THE WITNESS: I don't believe that money is the
14
    issue when you look at the VA budget, and see projects that are
15
    budgeted that will not be complete in the next two or
16
    three years.
17
               THE COURT: But you understand I am done with
18
    aspirational.
19
            I'm done with what might occur, I want to see product
20
    now. Milestones. Period.
21
               THE WITNESS: Reallocation of existing of the same
22
    budget to not ignore and abuse these veterans. Because that's
23
    what the deed says, and that's what the veterans say.
24
               THE COURT: First of all, I want to thank you for
25
    attempting to answer those questions. You have been very
```

```
1
    polite.
 2
            Counsel, do you have any additional questions?
               MR. SILBERFELD: I do not.
 3
               THE COURT: Counsel.
 4
               MR. LOWENSTEIN: No, Your Honor.
 5
               THE COURT: I'm going to place you on call, and the
 6
 7
    reason for that is if we get to the second stage, if we get
 8
    into injunctive relief, that is not on the table yet, then I
 9
    might want to call on you and Dr. Sherin, and some experts on
10
    the defense side.
11
               THE WITNESS: We haven't talked about how you do
12
    this.
13
            And you have to get a different -- you have to do an RFP
    for a master plan developer to do this, and leave everybody
14
15
    else alone. Do what they are doing. We have bring in another
16
    party.
17
               THE COURT: Who would you bring in?
18
               THE WITNESS: You have whoever the -- somebody on
19
    the special master or whoever is making the decisions,
20
    oversight board, whoever that is.
21
                THE COURT: How long has this case been pending
22
    since 2011?
23
               THE WITNESS: Ridiculous.
24
               THE COURT: Just a moment, 2011, correct? Long
25
    time.
```

```
1
               THE WITNESS: You are asking me?
 2
                                  Somebody is going to have to make
               THE COURT: Yeah.
 3
    the decision. If the administration is not going to, the Court
 4
    is going to.
 5
               THE WITNESS: I hope so.
               THE COURT: Questions? Otherwise, I want to thank
 6
7
    the gentleman.
            I'm going to leave you on call, sir, if you have got
 8
 9
    vacations planned, keep them, any personal, keep them.
               THE WITNESS: I will tell you that those guys and
10
11
    those other veterans are much more important to me than taking
12
    a vacation.
13
               THE COURT: Okay. You may step down.
14
            Now, counsel, do you want to get Johnson out and get
15
    started tonight, out of courtesy. He's been waiting all day.
16
               MR. SILBERFELD: If we could start Mr. Johnson,
    can we start tomorrow?
17
18
               THE COURT: Mr. Johnson, apparently they like to
19
    start with you tomorrow.
20
            Can you come back tomorrow, though?
21
               MR. JOHNSON: Yes.
22
               THE COURT: Convenient for you?
23
               MR. JOHNSON: Yes.
24
               THE COURT: Counsel, what time do you want to start?
25
               MR. ROSENBERG: Can I confer with other counsel?
```

```
1
               THE COURT: Sure. Talk to your counsel.
 2
               MR. ROSENBERG: That's what we're going to talk
 3
    about.
 4
               THE COURT: Okay.
 5
               MR. SILBERFELD: 8:00 a.m.?
               THE COURT: Karlen, have the criminal matter brought
 6
7
    up.
            Counsel, I will be right with you on the criminal
 8
 9
    matter.
10
               MR. SILBERFELD: 8:00 a.m.
11
               THE COURT: Have a good evening. Thank you very
12
    much for today.
13
            Now, counsel guess who is joining me tonight? Where you
14
    are going to be? What time do you want to be there?
    8 o'clock. 8 o'clock.
15
               MR. ROSENBERG: 8 o'clock in the parking lot
16
17
    tonight.
18
               THE COURT:
                           I want to see the usage, I can't get a
19
    straight answer, who is using it or not.
20
               MR. ROSENBERG: One thing we're conferring, the
21
    hours I want to make sure.
22
               THE COURT: If you want to make it 9 or 10, but you
23
    are going back out there.
24
            Absolute pleasure meeting you, sir.
25
               MR. ROSENBERG: Judge Carter, the parking lot you
```

```
are referring to opens at 6:30 p.m.
 1
                THE COURT: Let's avoid the traffic, how about 8:00?
 2
 3
                MR. ROSENBERG: We are will meet you at the parking
    lot at 8 o'clock.
 4
 5
                 (The proceedings concluded at 4:53 p.m.)
 6
 7
 8
 9
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1
                     CERTIFICATE OF OFFICIAL REPORTER
 2
 3
    COUNTY OF LOS ANGELES
                             )
    STATE OF CALIFORNIA
 4
                             )
 5
                I, TERRI A. HOURIGAN, Federal Official Realtime
 6
7
    Court Reporter, in and for the United States District Court for
 8
    the Central District of California, do hereby certify that
    pursuant to Section 753, Title 28, United States Code that the
10
    foregoing is a true and correct transcript of the
11
    stenographically reported proceedings held in the
12
    above-entitled matter and that the transcript page format is in
13
    conformance with the regulations of the judicial conference of
14
    the United States.
15
16
    Date: 22nd day of August, 2024.
17
18
19
                                    /s/ TERRI A. HOURIGAN
20
                         TERRI A. HOURIGAN, CSR NO. 3838, RPR, CRR
                                   Federal Court Reporter
21
22
23
2.4
25
```

6.3-acre [1] - 27:15

120 [2] - 2:13, 30:23 2010 [1] - 13:11 **120,000** [1] - 41:13 2011 [3] - 133:19, \$1,200 [2] - 41:6, **13** [1] - 22:20 130 [1] - 30:23 41:18 **\$10** [1] - 60:17 **130,000** [1] - 107:5 **\$110,000** [1] - 39:9 132 [2] - 83:12, \$120,000 [1] - 41:3 126:25 \$30,000 [1] - 106:22 133_[1] - 78:10 140:16 137_[1] - 78:17 **\$300** [2] - 41:3, 41:14 \$500 [1] - 93:24 **139** [2] - 79:22, 81:1 \$700 [1] - 93:23 132:2 **15** [11] - 20:18, 20:23, 22:7, 22:8, 130:21 96:2, 96:6, 100:21, / 100:22, 100:23, /s [1] - 140:19 102:7, 107:6 15-foot [3] - 103:7, 1 104:16, 104:20 **15.83** [1] - 94:13 1 [14] - 20:1, 20:9, **15.85** [1] - 90:2 20:22, 21:9, 22:14, 76:15 **150** [2] - 46:25 79:24, 79:25, 80:10, 16 [2] - 20:23, 22:7 89:21, 89:22, 90:1, **160** [2] - 24:21, 30:18 94:13, 95:6, 121:6 **1626** [1] - 75:15 **1,000** [15] - 18:25, **18** [8] - 18:14, 23:6, 22:25, 23:3, 37:16, 39:8, 47:3, 58:6, 46:12, 51:16, 58:11, 72:24, 73:20, 78:18 72:5, 72:11, 72:18, **18-month** [2] - 74:7, 72:25, 73:21, 83:16, 74.19 120:12, 125:2 **180,000** [1] - 106:24 **1,100** [2] - 10:3, 1:00 [2] - 1:15, 6:2 10:16 1st [2] - 50:8, 50:17 **1,200** [7] - 51:18, 58:13, 83:17, 115:19, 2 125:2, 125:3, 125:4 **1,240** [1] - 129:15 2 [17] - 17:5, 20:13, **1,600** [1] - 125:5 22:11, 23:7, 23:12, **1,800** [1] - 120:15 24:20, 25:6, 95:10, **1.6** [4] - 24:13, 24:24, 96:16, 96:18, 96:19, 96:24, 104:9 96:22, 100:16, 102:7, 10 [6] - 14:14, 22:3, 103:9, 104:17, 121:4 51:2, 86:4, 96:20, 2,400 [1] - 120:13 138:23 **2,800** [7] - 56:13, **10,000** [3] - 13:5, 58:11, 72:13, 83:17, 13.6 93.8 110:25, 115:15, 10-year [4] - 85:11, 115:18 111:20, 111:23, 112:2 2.0s [1] - 20:18

2.2-acre [1] - 26:24

20 [8] - 31:5, 55:21,

55:24, 69:5, 89:14,

90:25, 97:21, 117:1

20-year [1] - 107:7

92:12, 92:23, 92:24,

200 [15] - 28:15,

47:5, 91:9, 91:10,

94:10, 117:10,

120:11, 120:12,

120:13, 123:9,

123:10, 123:17

20005 [1] - 2:24

2001 [1] - 13:10

100 [4] - 26:20,

100-some-

30:20, 48:4, 117:11

thousand [1] - 40:20

100-yard [1] - 9:18

1000 [1] - 72:3

10345 [1] - 3:5

105 [1] - 9:17

1100 [1] - 2:24

69:5, 72:23, 73:20,

74:7, 74:18, 84:19,

85:2, 104:1

12 [10] - 14:14, 51:2,

11 [1] - 76:8

Case 2:22-cv-08357-DOC-KS

136:23, 136:25 2016 [3] - 73:9, 81:11, 115:23 **2022** [2] - 73:9, 81:11 **2024** [3] - 1:14, 6:1, 2026 [5] - 111:19, 111:25, 128:4, 128:6, 2030 [2] - 58:14, 2036 [4] - 128:7, 128:15, 130:21, 131:2 205 [1] - 42:1 208 [1] - 41:25 209 [1] - 41:25 **21** [3] - 1:14, 6:1, **21202** [1] - 2:13 2121 [1] - 2:6 **213** [1] - 1:23 **22** [3] - 85:8, 111:13, 127:11 22nd [1] - 140:16 **23** [1] - 98:19 **23,000** [1] - 6:20 230 [15] - 17:18, 19:24, 33:7, 36:13, 36:14, 42:9, 44:12, 45:14, 65:6, 65:18, 65:21, 67:25, 69:21, 82:9, 83:10 **24** [8] - 47:11, 47:12, 61:18, 61:19, 62:8 24-year [1] - 62:9 240 [1] - 28:15 25 [4] - 59:13, 78:11, 89:14, 106:22 250 [1] - 103:17 **2500** [1] - 2:13 **270** [1] - 103:17 **28** [2] - 106:22, 140:9 **2800** [1] - 2:6 297 [3] - 125:9,

3 3 [6] - 24:10, 24:24, 25:6, 67:1, 96:23, 121:2 3,000 [1] - 59:2 **30** [7] - 28:8, 35:23, 42:16, 59:13, 79:5, 85:23 300 [4] - 95:4, 95:5, 95:6, 130:21 35-feet [1] - 122:19

125:10, 125:11

350 [1] - 1:22 **360** [1] - 103:24 **3838** [2] - 1:21, 140:20 388 [3] - 25:7, 29:23, 127:12 4 4[1] - 25:10

4,000 [8] - 50:23, **6:30** [1] - 139:2 51:13, 51:25, 58:19, 59:2, 67:1, 83:16, 115:20 **7** [12] - 28:21, 29:2, **4.3** [2] - 24:17, 95:10 29:5, 30:17, 95:19, 4.35 [1] - 96:19 99:13, 100:15, 101:7, 40 [20] - 22:1, 22:6, 22:8, 24:21, 27:8, 42:16, 69:4, 69:6, 121:5 89:11, 103:18, **7.3** [1] - 17:2 114:18, 114:23, 70 [10] - 12:18, 116:21, 123:6, 123:7, 123:8, 129:14, 129:15 400 [16] - 39:16, 40:15, 41:3, 41:8, 747 [1] - 10:6 41:12, 92:24, 94:18, **75**[1] - 61:10 104:5, 104:6, 104:8, **753** [1] - 140:9 106:23, 114:24, **780** [1] - 104:15 116:20, 117:21, 120:1, 130:22 8 400-foot [1] - 109:5 **405** [1] - 98:14

5

4311 [1] - 1:22

4:53 [1] - 139:6

45 [1] **-** 63:6

5 [1] - 26:21 **50** [12] - 13:2, 27:8, 33:4, 48:4, 62:18, 77:23, 77:24, 77:25, 107:8, 114:18, 114:23, 128:20 50-some [1] - 12:24 **500** [4] - 99:7, 99:9, 116:6, 124:14 508 [1] - 126:7 50s [1] - 77:20 **52** [1] - 76:6 **590** [4] - 36:22, 37:20, 38:14, 68:12 **5:00** [1] - 17:3

6

6 [6] - 12:18, 27:15, 29:2, 98:11, 99:8, 121:5 **6.3** [2] - 96:19, 98:12

60 [8] - 22:8, 77:12, 78:8, 78:16, 78:19, 78:25, 79:17, 80:21 **600** [10] - 22:9, 23:3, 23:4, 47:1, 60:16, 90:24, 91:10, 92:12, 92:25, 94:11 **61** [1] - 22:8 **610** [2] - 2:10, 2:16

102:7, 103:8, 104:16, 46:23, 77:12, 78:8, 78:16, 78:19, 78:25, 79:17, 80:21, 85:23 8 [19] - 19:14, 19:15, 30:24, 31:15, 31:18, 33:8, 40:2, 84:13,

101:4, 101:12, 104:10, 118:2, 120:4, 120:5, 138:16, 138:17, 139:5 8-by-8 [1] - 18:15 8.45 [1] - 120:7 **80** [7] - 61:10, 96:20, 96:21, 96:22, 116:4, 116:11, 127:1 800 [9] - 115:5, 115:7, 115:13, 116:2, 116:10, 117:23, 117:25, 125:2 800-pound [1] -111:9 **860** [3] - 36:22, 38:18, 40:24 **894-2849** [1] - 1:23 **8:00** [3] - 138:6, 138:11, 139:3

9

9 [10] - 1:14, 32:4, 33:8, 81:2, 84:13, 101:5, 101:12,

UNITED STATES DISTRICT COURT

103:18, 104:9, 138:23 90 [1] - 78:16 90005 [2] - 2:10, 2:16 90012 [1] - 1:23 90064 [1] - 3:5 90067 [1] - 2:6

Case 2:22-cv-08357-DOC-KS

Α

a-billion-eight [4] -8:5, 17:5, 47:8, 60:15 a.m [2] - 138:6, 138:11 ability [3] - 20:19, 27:24, 93:5 able [4] - 33:2, 64:22, 130:4, 135:12 about.. [1] - 31:10 above-entitled [1] -140:12 Abraham [1] - 15:6 abrupt [1] - 132:19 abruptly [1] - 130:11 absolute [1] - 138:25 absolutely [6] -50:10, 92:2, 92:17, 97:21, 101:16, 113:8 abuse [4] - 18:16, 91:18, 106:5, 135:23 abusive [1] - 40:4 abut [1] - 102:7 accept [1] - 122:21 access [2] - 30:22 accomplish [3] -59:20, 62:10, 82:25 accomplished [3] -17:1, 55:16, 59:21 accomplishment [1] according [2] -90:24, 111:17 account [4] - 21:16, 73:4, 74:10, 115:22 accounted [1] - 74:7 achievable [1] -63:10 achieve [1] - 63:4 acquired [1] - 131:12 acre [23] - 21:25, 24:21, 28:21, 31:24, 32:4, 68:15, 68:16, 69:4, 69:6, 89:11, 89:14, 89:15, 114:18, 114:23, 115:8, 116:4, 116:11, 116:22, 123:8, 124:11, 129:8 acreage [4] - 18:23. 120:8, 127:14, 129:6 acres [51] - 10:3,

10:16, 20:23, 22:7,

22:19, 24:13, 24:16, 24:17, 24:20, 24:24, 25:7, 25:18, 27:8, 28:14, 29:5, 29:23, 30:17, 34:18, 34:21, 84:19, 85:2, 85:8, 86:4, 90:2, 94:13, 95:10, 96:24, 98:12, 101:19, 102:2, 102:5, 103:10, 103:13, 103:15, 103:20, 103:22, 104:24, 105:6, 105:8, 105:10, 111:13, 113:22, 113:23, 114:13, 120:2, 120:5, 122:1, 123:10, 127:11, 127:12 acronym [1] - 77:4 act [4] - 13:12, 14:6, 74:11, 133:17 **Act** [6] - 74:9, 76:12, 76:14, 76:20, 77:2, 92:21 Act's [1] - 73:6 acted [2] - 133:15, 133:17 activities [2] - 54:8 actual [1] - 39:21 acute [6] - 91:19, 91:23, 91:25, 92:23, 93:2, 106:5 adaptive [5] - 52:7, 57:2, 85:19, 126:21, 126:22 add [9] - 19:16, 22:14, 30:25, 61:11, 70:20, 70:21, 87:8, 91:15, 130:11 addition [3] - 62:20, 63:2, 64:24 additional [5] - 52:1, 58:11, 82:21, 124:11, 136:3 address [1] - 41:25 adjacent [4] - 25:11, 29:9, 34:6, 34:23

adjusted [1] - 58:22

administration [2] -

Administration [4] -

administrations [1] -

administrators [1] -

admission[1] -

65.12

3:7, 3:8, 14:17, 28:4

135:13, 137:4

administered [1] -

ADU [1] - 116:4 advance[1] - 53:17 advantage[1] -38:10 advertised [1] -43.23 advertising [1] -15:16 advise [1] - 109:21 advisor [1] - 8:13 advocates [1] -98:18 aerial [2] - 17:15, 18:22 Afghanistan [1] -125:22 afraid [2] - 62:18, 127:18 afternoon [2] -55:25, 67:16 **AGBEKO**[1] - 2:21 agencies [4] - 110:6, 110:13, 135:6, 135:11 agency [2] - 110:6, 110:13 aging [1] - 53:11 ago [4] - 14:14, 54:19, 106:19 agree [8] - 71:5, 93:5, 101:20, 105:4, 106:1, 109:12, 124:15, 127:6 agreed [2] - 14:11, 91:23 agreement [1] - 19:9 ahead [3] - 78:10, 78:13, 82:18 ain't [1] - 109:17 aircraft [1] - 10:12 airplane [1] - 8:24 airport [2] - 10:2, 10.4 aka [1] - 65:3 al [2] - 1:6, 83:12 Alameda [2] - 8:2, 17:7 alive [1] - 10:9 allay [1] - 42:7 allow [2] - 60:7, 101:24 allowed [2] - 75:18, almost [4] - 51:22, 86:17, 122:19, 133:9 alone [2] - 49:21, 136:16 ALSO [1] - 3:7 AltaSea[1] - 108:8 alternate [2] - 32:16,

alternative [1] - 25:5 AMANDA[2] - 2:9, 2:15 **AMELIA**[1] - 2:8 amenities [1] - 94:22 America [5] - 17:12, 26:10, 29:17, 58:6 American [3] - 15:19, 15:22, 16:9 amount [1] - 96:25 analogy [1] - 91:4 analysis [2] - 71:5, 71:17 Angeles [20] - 2:6, 2:10, 2:16, 3:5, 7:22, 7:24, 8:23, 14:10, 18:9, 21:6, 32:8, 34:1, 35:1, 48:17, 59:16, 60:10, 67:19, 86:18, 87:3, 87:6 **ANGELES** [4] - 1:15, 1:23, 6:1, 140:3 answer [17] - 12:1, 35:21, 43:25, 76:16, 76:18, 92:2, 93:10, 93:11, 97:25, 98:9, 107:9, 107:15, 112:7, 114:5, 129:24, 136:1, 138:20 **ANSWER** [10] -76:13, 76:19, 76:25, 77:3, 78:16, 78:21, 80:3, 80:13, 81:6, 127:1 answers [1] - 130:1 anticipate [1] - 73:7 anytime [1] - 89:8 anyway [3] - 6:21, 18:6, 77:19 apartment [6] -86:17, 95:18, 95:20, 96:5, 100:16, 117:17 apartments [4] -95:16, 95:17, 96:5, 103:9 apologies [4] - 38:2, 96:15, 96:17, 96:19 apologize [3] - 6:6, 35:24, 101:15 appeal [2] - 110:2, 110:12 appear [2] - 129:2, 134:5 APPEARANCES[2] -2:1, 3:1 **Apple** [2] - 20:17 apples [4] - 56:25, 57:1, 57:7 applies [1] - 52:17

appointed [1] - 8:3

appreciate [2] -17:25, 88:9 approach [6] - 75:2, 75:18, 92:20, 92:22, 93:7, 129:4 appropriate [2] -111:16, 132:19 appropriation [1] appropriations [1] -61:16 approximate [1] -56:13 April [3] - 50:8, 50:17, 73:25 arbitrary [3] - 94:4, 119:25, 132:23 architect [1] - 119:18 architects [1] - 55:3 architectural [3] -63:23, 78:4, 81:8 architecture [1] -35:18 Ardmore [2] - 2:10, 2:16 area [26] - 24:24, 25:8, 25:11, 25:17, 27:7, 28:23, 28:25, 33:8, 84:13, 84:24, 84:25, 85:4, 92:15, 93:6, 99:11, 101:17, 101:18, 118:11, 118:13, 122:15, 124:8, 125:9, 125:15 Area [1] - 26:6 areas [6] - 38:20, 52:5, 52:6, 61:10, 61:11, 127:8 argue [1] - 124:4 argued [2] - 113:24, 129:4 arguing [2] - 83:20, 106:8 arguments [2] armed [1] - 15:14 Armed [1] - 49:13 Army[1] - 110:18 arrived [2] - 23:1, 72:18 **arrow** [1] - 90:1 aside [2] - 86:23, 102.17 aspirational [1] -135:19 assembled [3] -10:10, 10:11, 44:21 assume [18] - 22:17, 22:19, 22:20, 94:10, 94:17, 94:21, 94:23,

85:14

103:12, 103:14, 109:2, 110:5, 124:12, 125:20, 126:12, 130:7, 130:11, 130:12 assumed [2] - 35:4, 51:13 assumes [1] -103:18 assuming [2] -111:22, 130:12 assumption [4] -50:22, 58:19, 91:22, 100:1 atmosphere[1] -89:17 attached [1] - 98:20 attack [2] - 98:23, 99:2 attempting [1] -136:1 attention [2] - 33:6, 109.16 attorney [1] - 70:15 Attorney [2] - 2:12, 2:15 Attorneys [4] - 2:5, 2:9, 2:23, 3:4 AUGUST [1] - 6:1 August [2] - 1:14, 140.16 authority [2] - 61:21, 62:17 authorization [1] -60:22 availability [2] -66:16, 69:10 available [1] - 85:14 Avenue [3] - 2:6, 2:10, 2:16 average [1] - 116:4 avoid [1] - 139:3 aware [4] - 27:18, 28:4, 28:5, 58:13 awesome [1] - 40:1 awfully [1] - 132:19

В

baby [2] - 51:12, 63:10 bad [4] - 32:11, 32:12, 60:4, 108:11 Baltimore [2] - 2:13, 2:13 bank [3] - 99:18, 99:24, 100:11 bare [1] - 36:3 Barrington [12] -31:21, 32:10, 33:10, 85:17, 101:14, 102:4,

127:15. 131:14 based [16] - 17:24, 18:1, 36:23, 37:5, 51:15, 51:25, 55:8, 56:12, 56:13, 60:12, 68:2, 79:8, 79:12, 82:24, 87:13, 94:14 basic [3] - 50:6, 50:15, 91:5 bathrooms [2] -40:2, 40:18 Batina [1] - 3:7 battlefield [1] - 49:19 bear [1] - 98:8 beat [2] - 19:21, 61:13 beating [1] - 134:7 beautiful [5] - 32:2, 53:2, 96:8, 104:21 beautifully [1] -63:22 beauty [1] - 64:5 became [2] - 10:18, 26:18 become [1] - 59:2 becomes [1] - 49:24 bedrooms [1] -40:18 beginning [2] -51:12, 70:22 behalf [3] - 6:10, 56:6, 98:18 behind [6] - 23:14, 24:15, 24:25, 54:25, 94:3, 100:25 belongs [1] - 103:15 below [3] - 22:12, 34:18, 44:8 benefits [1] - 86:6 Berkshire [1] - 46:7 Berra [2] - 15:7, 63:1 best [4] - 90:23, 91:2, 97:2, 107:22 better [12] - 21:14, 31:9, 42:20, 44:7, 45:10, 54:23, 65:1, 68:24, 89:17, 103:23, 107:5, 133:8 between [25] - 16:25, 17:2, 22:3, 25:6, 33:8, 37:24, 38:1, 41:22, 41:23, 48:4, 49:7, 58:4, 63:15, 77:12, 78:19, 84:13, 84:18,

103:9, 104:24, 113:4,

113:5, 113:17, 122:22

baseball [11] - 29:3,

33:15, 34:6, 61:14,

84:17, 84:18, 86:3,

104:13, 111:9,

87:18, 87:21, 91:9, 107:18, 124:8, 126:5, 129:11 beyond [3] - 53:7, 62:13, 63:18 Big [2] - 12:17 big [13] - 10:18, 42:13, 45:19, 47:14, 52:23, 59:7, 59:9, 96:2, 122:2, 122:3, 123:15 **bigger** [1] - 26:2 biggie [1] - 96:2 **bill** [1] - 106:24 **billion** [7] - 8:5, 17:5, 47:8, 60:15, 60:17, 93:23 bingo [1] - 49:23 birthday [3] - 13:23, 82:6, 97:16 bit [10] - 9:22, 30:22, 30:23, 39:13, 42:19, 55:9, 57:21, 101:9, 110:3, 111:11 black [1] - 23:8 blacklist [1] - 11:1 blank [1] - 89:2 blazing [1] - 77:25 block [1] - 23:23 blue [2] - 36:20, 36:21 board [6] - 110:13, 115:19, 130:19, 130:22, 133:19, 136:21 **Bobby** [2] - 14:15, 105:11 **body** [1] - 47:5 bond [3] - 12:5, 60:15, 64:1 Bonsall [2] - 126:5, **book** [1] - 43:3 **booth** [2] - 40:4, 42:13 booths [2] - 18:16, 30:11 bottom [3] - 36:21, 40:11, 100:8 bought [1] - 100:24 Boulevard [1] - 3:5 boundaries [2] -56:19, 56:20 **box** [3] - 6:18, 105:18, 105:19 Brad [1] - 17:19 **BRAD**[1] - 2:20

101:23, 109:6 breathe [1] - 133:8 Brentwood [21] -29:11, 32:5, 32:12, 85:8, 111:12, 111:13, 112:17, 113:11, 113:15, 127:8, 127:15, 128:23, 129:4, 130:4, 130:14, 131:4, 131:10, 131:14, 131:20, 132:9 briefly [1] - 57:21 bring [7] - 8:22, 19:20, 38:24, 61:13, 89:3, 136:16, 136:18 bringing [1] - 110:17 broadening [1] - 9:9 broader [1] - 49:4 brochure [3] - 15:11, 15:14 brochures [1] -42:21 **broken** [1] - 63:10 Brothers [1] - 12:17 brought [6] - 9:23, 13:19, 42:5, 73:17, 74:12, 138:7 brown [2] - 101:17, 101:18 BROWN [1] - 2:11 buck [1] - 41:8 **buddy** [1] - 49:19 budget [4] - 64:9, 133:20, 135:15, 135:23 budgeted [1] -135:16 build [25] - 10:14, 11:14, 12:1, 37:9, 46:4, 46:23, 47:1, 47:23, 47:25, 48:25, 49:7, 52:10, 52:13, 55:4, 57:18, 61:18, 72:11, 74:15, 92:18, 105:12, 118:8, 121:21, 129:8, 129:10 builders [1] - 126:21 Building [2] - 41:25, 125:11 building [28] - 10:9, 15:12, 16:20, 21:16, 41:22, 44:17, 44:21, 47:22, 53:19, 53:22, 53:23, 54:10, 61:7,

62:3, 62:5, 64:22,

85:20, 86:7, 86:12,

122:18, 125:8

buildings [32] -

10:10, 37:17, 52:6,

86:18, 95:13, 110:14,

53:7, 54:2, 73:12, 77:8, 77:12, 77:15, 77:16, 77:18, 77:19, 77:24, 78:1, 78:8, 78:14, 78:25, 79:1, 79:3, 79:5, 79:10, 79:17, 80:21, 86:1, 116:1, 117:17, 120:19, 124:1, 126:7, 126:8, 126:10 built [24] - 10:5, 10:10, 12:8, 12:11, 13:5, 19:6, 21:13, 25:15, 32:1, 37:17, 41:5, 43:24, 44:20, 54:2, 57:16, 59:17, 62:8, 77:22, 87:19, 104:21, 127:13 bunch [2] - 14:15, 95.16 bungalows [1] - 40:8 Burbank [2] - 40:7, 40:8 bureaucracies [1] bureaucracy [1] -60:20 burn [1] - 125:23 **bus** [15] - 16:2, 16:3, 17:9, 19:18, 29:24, 54:15, 54:22, 54:25, 73:3, 74:19, 92:1, 94:15, 101:2, 101:11, 105:21 busy [1] - 46:11 buy [1] - 12:4 BY [31] - 2:4, 2:8, 2:12, 2:15, 2:20, 3:3, 7:11, 14:5, 16:23, 17:22, 18:3, 19:22, 20:4, 22:15, 23:11, 24:8, 34:5, 36:11, 37:19, 38:6, 42:4, 50:14, 56:7, 58:8, 67:13, 75:22, 82:20, 83:4, 84:12, 85:3,

C

88:11

Calgary [1] - 41:14
CALIFORNIA [5] 1:2, 1:15, 1:23, 6:1,
140:4
California [15] - 2:6,
2:10, 2:16, 3:5, 8:21,
8:23, 12:3, 12:4, 40:8,
44:23, 45:3, 50:24,
53:15, 99:4, 140:8
cameras [1] - 47:5

BRANCH [1] - 2:20

breach [1] - 73:16

break [3] - 55:20,

campus [42] - 13:2, 13:4, 19:2, 23:14, 26:16, 29:21, 31:3, 32:21, 40:9, 41:5, 43:5, 43:21, 45:23, 49:3, 51:19, 52:1, 60:1. 62:11. 72:4. 72:6, 72:22, 73:2, 77:8, 77:12, 77:24, 78:8, 79:1, 79:18, 79:19, 80:15, 80:22, 80:23, 82:25, 86:24, 87:14, 88:14, 91:18, 91:21, 91:24, 116:16, 122:25, 133:21 Campus [10] - 18:9, 20:5, 47:20, 52:17, 59:21, 79:5, 79:18, 80:2, 80:12, 82:22 capable [1] - 19:8 capacity [2] - 46:4, 46.5 car [1] - 98:25 card [2] - 13:23, 82:6 care [6] - 15:15, 50:3, 52:24, 100:7, 107:9, 117:25 cares [1] - 49:18 caring [2] - 84:24, 85:1 CARLOTTA[1] -2:23 carryover[1] - 92:25 cars [6] - 25:4, 31:6, 97:1, 97:20, 97:21, 121:24 **CARTER** [1] - 1:3 Carter [1] - 139:1 Case [1] - 1:8 case [11] - 13:13, 15:16, 26:19, 32:20, 48:14, 50:7, 50:16, 98:23, 100:7, 107:22, 136:22 cases [5] - 52:8, 60:7, 69:5 category [2] - 77:17 CCRR [1] - 1:21 ceilings [1] - 40:17 celebrated [1] -80:17 cemetery [1] - 53:1 Cemetery [1] - 28:4 Center [2] - 8:21, 8:24 center [3] - 29:1, 43:7, 91:20 **cENTRAL**[1] - 1:2 Central [1] - 140:8 **CENTRAL**[1] - 1:2

Case 2:22-cv-08357-DOC-KS

Century [2] - 108:4, 108:11 **CEO**[1] - 12:10 certain [5] - 41:12, 63:3, 77:16, 114:22 certainly [4] - 31:1, 48:12, 75:4, 101:8 CERTIFICATE[1] -140:1 certified [1] - 76:3 certify [1] - 140:8 cetera [6] - 23:3, 41:14, 55:2, 63:13, 122:24, 127:25 chair [1] - 61:4 chance [2] - 44:4, 81:15 change [6] - 20:18, 59:25, 62:12, 63:2, 109:20, 109:22 **changed** [2] - 60:7, 99:1 changes [1] - 70:19 chapel [1] - 121:12 characteristics [1] characterized [1] -43:5 charge [1] - 62:2 **chart** [4] - 68:5, 69:8, 69:15, 125:1 charts [1] - 60:21 chat [1] - 70:13 cheaper [1] - 39:13 chess [1] - 49:24 chief [1] - 12:9 children [2] - 9:8, **choose** [1] - 127:14 chosen [1] - 108:22 chuckholes [1] -101:22 circle [3] - 34:10, 34:13, 36:6 circled [3] - 33:13, 34:7, 34:9 cities [1] - 17:8 citing [1] - 25:19 City [15] - 7:22, 16:4, 33:16, 33:25, 34:22, 84:24, 85:1, 95:22, 95:23, 98:18, 99:5, 101:19, 105:16, 106:14, 106:23 city [7] - 10:9, 10:14, 26:10, 57:25, 87:3, 87.4 **CIVIL** [1] - 2:19

clarification [2] -

56:24, 71:16

Clarification [1] -9.25 clarity [1] - 80:8 clashing [1] - 135:11 clear [7] - 40:21, 58:9, 58:16, 69:6, 73:20, 104:19, 128:15 close [3] - 104:5, 113:10, 126:12 closer [1] - 106:4 closest [1] - 91:24 cluck [1] - 41:8 coach [1] - 9:17 Code [1] - 140:9 code [2] - 95:23, 100:1 **CODY** [1] - 2:22 coffee [3] - 57:23, 57:24, 57:25 colleagues [1] -81:17 collect [1] - 70:9 college [1] - 31:5 columbarium [5] -27:17, 28:6, 28:22, 99:11, 105:12 Columbian [1] - 99:3 comfort [1] - 108:23 comfortable [1] -6:22 comfortably [1] coming [6] - 53:10, 54:3, 55:13, 73:4, 103:7, 106:5 Commission [2] -7:21, 75:17 commission [1] -75:18 Commissioner [1] commissioner [8] -7:22, 8:2, 8:6, 32:8, 61:22, 102:9, 105:9, 108:13 committee [4] -60:24, 60:25, 61:4, 62:21 common [3] - 38:9, 38:17, 40:22 communities [2] -16:20, 55:5 community [52] -11:10, 11:14, 12:12, 15:11, 15:12, 26:9, 29:1, 29:13, 29:16, 29:17, 29:19, 29:20, 29:21, 29:22, 29:25, 30:14, 30:23, 31:5, 36:10, 39:20, 42:25,

43:10, 43:12, 47:21, 47:24, 47:25, 49:4, 49:8, 49:17, 49:23, 49:24, 50:2, 51:8, 54:6, 54:9, 54:10, 58:4, 60:12, 62:14, 63:5, 63:20, 63:23, 63:24, 63:25, 89:17, 96:9, 102:3, 109:6, 109:10, 110:15, 110:17, 130:5 community-based [1] - 60:12 company [2] - 84:7, 124:10 compared [2] - 40:2, 57:3 competing [1] -135:5 complained [1] -105:10 complaining [1] -109:17 complete [10] - 8:6, 15:12, 51:22, 51:23, 53:9, 53:11, 63:3, 71:7, 135:16 completed [3] - 28:6, 54:2, 58:14 completely [1] -125:19 **completion** [1] - 9:12 complex [2] - 9:1, 9:4 complexity [1] -109:3 compliance [1] -112:14 comply [3] - 73:5, 74:8, 76:11 comprise [1] - 46:18 compromising [1] -117:10 computer [1] - 20:17 concept [2] - 86:12, 122:21 concern [2] - 95:17, concerned [4] - 35:2, 99:9, 122:23, 125:21 concerning [2] -66:8, 66:11 concerns [2] - 73:9, 74:12 concluded [1] -139:6 concurrently [1] -63:11

conditions [4] -

73:15, 76:22, 81:9,

108:24 condo [1] - 86:18 conducted [1] -68.23 confer [3] - 81:17, 82:3, 138:1 conference[1] -140:13 conferring[1] -138:21 configuration [1] conformance [1] -140:13 confused [1] - 38:2 congratulations [1] -6:20 Congress [12] -92:20, 92:22, 93:1, 95:7, 105:3, 107:10, 133:11, 133:13, 133:14, 133:17, 133:25, 134:12 Congressman [1] -127:24 connection [3] -16:25, 94:24 connective [8] -12:12, 29:14, 43:12, 48:2, 48:7, 49:8, 62:14, 93:21 Consent [1] - 60:10 consent [1] - 62:21 consequences [3] -53:22, 53:25, 54:1 conservative [2] -117:4, 117:5 consider [3] - 7:24, 33:18, 43:19 consideration [2] -14:25, 100:2 considered [2] -73:19, 85:7 considering [2] -121:8, 131:8 consistently [1] consisting [1] - 7:24 Constitution [2] -52:25, 124:8 construct [1] -102:24 construction [8] -9:1, 43:24, 51:3, 57:3, 61:5, 73:14, 96:6, 99:6 consultants [1] **cONT**[1] - 3:1 contacted [1] - 46:3

contacts [1] - 35:4 contend [1] - 104:16 contiguous [3] -27:19, 99:22 continual [1] - 59:7 **continued** [1] - 56:5 contractors [1] contracts [1] - 63:13 control [3] - 28:2, 28:5, 60:14 controversial [3] -10:19. 11:24. 12:6 convenient [2] -55:20, 137:23 **converting** [1] - 97:2 **convince** [1] - 123:2 cool [5] - 11:25, 12:6, 40:1, 45:17, 55:10 copies [2] - 81:23, 84:11 cops [1] - 12:20 **copy** [2] - 75:7, 76:3 Cordova [1] - 45:6 corner [5] - 31:19, 39:6, 40:6, 52:25, 84:14 Corp [1] - 110:18 Corporation [2] -10:24, 40:7 correct [46] - 13:13, 18:24, 21:1, 34:19, 35:12, 36:6, 48:6, 51:1, 51:17, 58:23, 58:24, 66:18, 68:21, 69:16, 70:7, 71:6, 71:9, 73:6, 73:22, 74:22, 75:12, 76:1, 78:20, 79:1, 79:7, 79:8, 79:20, 80:24, 83:19, 89:1, 89:8, 89:11, 89:18, 91:4, 94:21, 113:18, 113:20, 115:15, 116:23, 125:12, 125:14, 127:20, 128:8, 135:9, 136:25, 140:10 correctly [10] -48:24, 51:6, 51:7, 51:8, 60:17, 77:5, 78:22, 80:19, 81:13 Corridor [2] - 8:2, **corridors** [1] - 87:6 cost [4] - 41:24, 53:24, 71:12, 107:1 costing [1] - 41:17 costly [2] - 51:10,

Case 2:22-cv-08357-DOC-KS

123:4 costs [6] - 41:6, 41:19, 41:20, 53:25 council [1] - 105:3 Counsel [1] - 3:9 COUNSEL [3] - 2:1, 2:7. 2:14 counsel [49] - 6:5, 6:7, 6:9, 13:25, 14:9, 14:11, 24:6, 34:4, 34:13, 35:24, 55:21, 56:1, 56:3, 56:5, 65:17, 66:21, 67:6, 71:25, 73:24, 75:5, 81:23, 82:3, 83:3, 83:14, 88:21, 90:19, 95:11, 97:18, 104:11, 106:8, 112:10, 117:4, 117:5, 118:11, 120:13, 124:22, 125:1, 129:3, 129:6, 132:8, 133:5, 136:3, 136:5, 137:15, 137:25, 138:1, 138:2, 138:9, 138:14 count [3] - 23:2, 25:18, 84:4 country [2] - 48:25, 70:3 County [5] - 16:5, 21:6, 44:23, 95:23, 98:18 **COUNTY** [1] - 140:3 couple [9] - 19:4, 19:16, 54:19, 67:8, 70:20, 71:19, 84:8, 102:8, 127:2 course [3] - 32:19, 41:2, 86:11 COURT [336] - 1:1, 1:22, 6:5, 6:13, 6:17, 6:21, 7:6, 13:17, 13:21, 13:24, 14:4, 16:21, 17:25, 19:10, 19:13, 23:9, 24:3, 24:6, 34:3, 34:13, 34:16, 34:20, 35:24, 36:2, 36:5, 37:13, 37:15, 38:1, 38:5, 41:11, 41:16, 41:24, 50:10, 55:21, 55:23, 56:1, 57:13, 57:19, 65:13, 66:1, 66:4, 66:7, 66:10, 66:13, 66:15, 66:20, 66:24, 67:6, 67:8, 67:11, 75:4. 75:16. 75:20. 82:4. 82:11. 82:18. 83:2, 83:8, 83:11, 83:20, 83:23, 84:5,

84:22, 85:2, 88:8, 88:19, 89:2, 89:16, 89:20, 89:25, 90:7, 90:11, 90:16, 90:19, 90:22, 91:4, 91:7, 91:10, 91:13, 91:17, 92:3, 92:7, 92:9, 92:19, 93:11, 93:13, 93:16, 94:1, 94:8, 94:10, 94:17, 94:20, 95:2, 95:5, 95:8, 95:15, 95:24, 96:1, 96:4, 96:9, 96:13, 96:17, 96:21, 97:5, 97:7, 97:9, 97:11, 97:14, 97:17, 97:25, 98:3, 98:8, 98:11, 98:14, 98:17, 99:4, 99:12, 99:15, 99:23, 99:25, 100:10, 100:13, 100:22, 101:4, 101:8, 101:12, 101:14, 102:1, 102:14, 102:22, 103:4, 103:14, 103:18, 103:21, 103:23, 103:25, 104:3, 104:6, 104:8, 104:14, 104:23, 105:4, 105:6, 105:13, 105:16, 106:1, 106:4, 106:12, 106:16, 106:18, 107:6, 107:11, 107:14, 108:10, 108:15, 108:17, 108:19, 109:10, 109:12, 109:19, 110:1, 110:5, 110:8, 110:12, 110:23, 111:3, 111:7, 111:19, 111:22, 111:25, 112:5, 112:9, 112:15, 112:20, 112:22, 112:25, 113:3, 113:6, 113:8, 113:15, 113:19, 113:21, 114:3, 114:6, 114:9, 114:12, 114:19, 114:22, 114:25, 115:3, 115:5, 115:7, 115:12, 115:16, 115:21, 115:24, 116:2, 116:7, 116:10, 116:13, 116:15, 116:18, 116:23, 116:25, 117:2, 117:9, 117:14, 117:18, 117:21, 117:23, 118:3, 118:6, 118:11, 118:16,

118:24, 119:3, 119:6, 119:8, 119:12, 119:13, 119:20, 119:24, 120:3, 120:5, 120:8, 120:10, 120:12, 120:15, 120:20, 121:1, 121:4, 121:11, 121:14, 121:16, 121:19, 121:25, 122:6, 122:10, 122:14, 122:21, 123:7, 123:10, 123:13, 123:17, 123:19, 123:21, 123:24, 124:2, 124:12, 124:16, 124:19, 124:22, 125:1, 125:5, 125:10, 125:13, 125:17, 125:20, 126:2, 126:12, 126:16, 126:18, 126:24, 127:7, 127:10, 127:20, 127:22, 127:25, 128:3, 128:6, 128:9, 128:11, 128:14, 128:21, 129:1, 129:8, 129:10, 129:13, 129:15, 129:19, 129:24, 130:2, 130:7, 130:10, 131:2, 131:10, 131:24, 132:1, 132:6, 132:8, 132:10, 132:12, 132:14, 132:22, 133:2, 133:4, 133:7, 133:9, 133:12, 133:14, 133:22, 133:24, 134:2, 134:4, 134:9, 134:12, 134:15, 134:17, 134:20, 134:22, 134:24, 135:3, 135:5, 135:8, 135:18, 135:25, 136:5, 136:7, 136:18, 136:22, 136:25, 137:3, 137:7, 137:14, 137:19, 137:23, 137:25, 138:2, 138:5, 138:7, 138:12, 138:19, 138:23, 139:3 Court [26] - 7:16, 9:22, 28:18, 36:6, 72:8, 82:9, 82:16, 83:24, 91:22, 92:10, 95:11, 100:18, 106:1, 107:17, 107:19, 107:24, 109:21, 125:21, 128:4,

129:20, 133:15, 133:24, 137:4, 140:7, 140:20 Court's [1] - 110:8 courteous [1] -82:12 courtesy [3] - 56:2, 75:5, 137:16 cover [1] - 50:6 create [5] - 11:15, 23:25, 30:5, 33:22, 61:1 created [3] - 18:19, 21:15, 61:18 creates [1] - 85:19 creating [3] - 49:3, 50:1, 103:2 credit [1] - 63:17 Credits [1] - 64:17 **crime** [1] - 64:10 **criminal** [2] - 138:7, 138:9 crises [1] - 45:9 criteria [1] - 99:5 critical [1] - 26:9 criticized [1] - 125:7 criticizing [2] - 9:5, 63:21 cross [2] - 66:21, 67:11 Cross [1] - 4:5 **CROSS** [1] - 67:12 **Cross-Examination** [1] - 4:5 cross-examination [2] - 66:21, 67:11 **CROSS-**EXAMINATION[1] -67:12 crossed [1] - 120:14 CRR [1] - 140:20 cruise [1] - 12:12 crunch [1] - 132:15 CSR [2] - 1:21, 140:20 curiosity [1] - 66:24 curious [1] - 83:13 cute [1] - 27:5 cutout [1] - 21:10

D

D.C [1] - 2:24

Dale [1] - 3:8

damn [1] - 128:20

Dan [1] - 14:15

dancing [1] - 111:11

dangerous [1] 58:25

darker [1] - 118:13

118:19, 118:21,

dash [1] - 9:18 data [4] - 68:5, 68:7, 68:20, 69:15 Date [1] - 140:16 daughter's [3] -13:23, 82:6, 97:16 **Davenport** [1] - 3:9 **DAVID**[1] - 1:3 **DAY**[1] - 1:14 days [2] - 70:18, dead [1] - 53:4 deal [4] - 35:4, 52:12, 63:8, 96:3 dealing [1] - 107:25 dealt [1] - 119:2 **Dean** [1] - 108:16 death [1] - 98:22 decades [1] - 70:17 Decathlon [2] -45:16, 45:20 decide [3] - 88:23, 110:6, 135:8 decision [6] -119:20, 124:3, 128:17, 128:19, 133:16, 137:4 decisions [3] -60:14, 132:23, 136:20 decrease [1] - 98:20 Decree [1] - 60:10 decree [1] - 62:21 dedicated [1] - 25:14 deed [5] - 14:24, 14:25, 15:4, 43:8, 135:24 deep [1] - 31:22 default [3] - 111:21, 112:3, 112:4 DEFENDANT[1] -2:18 Defendants [1] defendants [1] -67:15 defense [1] - 136:11 defer [1] - 82:16 define [2] - 44:19, 52:16 definition [2] - 13:3, degrees [1] - 91:18 del [1] - 93:8 delay [1] - 107:11 demolished [12] -52:6, 77:8, 77:12, 77:24, 78:8, 78:15, 79:4, 79:6, 79:18, 80:22, 85:23, 86:1 demolishing [1] -

Case 2:22-cv-08357-DOC-KS

78:19

114.18

60:12, 60:14

83:12, 126:24

95:11, 120:25

75:24

20:3

94.15

107:22

64:13

136:15

43:10

121:19

- 31:19

84:17, 84:18

48:18, 108:18

43:12, 46:15, 46:17,

9:1, 16:19

49:17, 80:16

2:19

55:4, 74:18

46:22, 62:1, 63:13, demolition [3] - 52:5, 69:4, 69:22, 70:12, 70:15, 77:15, 77:25, **DENIS** [2] - 1:9, 2:18 89:15, 136:14 dense [1] - 113:2 difficult [3] - 24:19, densities [2] - 69:4, 92:14, 126:6 dignified [1] - 25:7 dilapidated [4] density [4] - 85:20, 17:6, 43:6, 47:9, 85:25, 89:14, 126:20 60.18 Department [1] -Direct [1] - 4:4 direct [8] - 7:6, 7:10, department [5] -28:3, 60:10, 60:11, 33:6, 56:5, 70:24, 72:17, 81:1, 81:19 **DIRECT** [1] - 7:9 **DEPARTMENT**[1] direction [2] - 53:5, deposition [11] -50:20, 50:25, 69:19, **Directions** [1] - 40:7 74:3, 74:21, 74:24, directly [1] - 24:9 75:7, 78:7, 79:23, disagree [4] - 103:4, 103:6, 103:11, 104:19 Deposition [1] disagreed [1] - 14:12 disclaimer [2] depth [1] - 102:5 15:17, 17:10 describe [2] - 9:22, disclose [3] - 68:20, 70:6, 71:17 described [2] disclosed [1] - 88:14 discount [1] - 12:22 describing [1] discouraged [1] -62:18 desegregation [1] discriminatory [2] -64:24, 64:25 deserve [4] - 49:14, **discussing** [1] - 71:1 discussion [1] detail [1] - 16:11 89:13 details [2] - 64:11, discussions [1] -72:8 **developed** [1] - 28:9 disorder [1] - 106:5 developer [4] dispersed [1] - 29:20 43:13, 52:14, 62:16, disrepair [1] - 8:1 disrespectful [1] developers [1] -52:21 disrupting [1] developing [1] -86:25 distinguished [1] development [2] -56:11 **DISTRICT** [3] - 1:1, diamond [1] - 31:19 1:2, 1:3 diamond-shaped [1] District [2] - 140:7, diamonds [2] district [7] - 79:20, 80:2, 80:12, 80:15, died [3] - 10:23, 80:24, 81:5, 106:21 distrustful [1] -**Diego** [1] - 10:16 109.2 disturbing [2] - 86:8, difference [3] - 58:3, 107:17, 129:20 different [19] - 8:8, divided [1] - 63:16 16:13, 28:2, 43:11, **DIVISION** [2] - 1:2,

63:15 document [4] -43:14, 75:24, 79:12 documents [3] -81:18, 81:20, 131:6 dodging [2] - 111:10 dog [20] - 33:24, 33:25, 34:3, 34:6, 34:9, 34:13, 34:18, 34:22, 34:25, 36:5, 36:9, 84:18, 85:1, 101:16, 102:14, 102:17, 102:18, 118:16, 118:18, 118:22 dogs [4] - 13:7, 54:8, 102:15 dollar [1] - 102:8 dollars [4] - 11:22, 40:25, 56:24, 93:23 done [47] - 9:6, 9:7, 15:24, 17:21, 18:13, 18:14, 33:3, 35:5, 39:24, 40:9, 42:22, 42:25, 43:1, 47:3, 47:10, 48:20, 51:6, 51:7, 51:8, 53:19, 53:20, 56:23, 61:1, 62:4, 62:14, 62:24, 63:10, 63:14, 63:22, 64:3, 64:22, 70:17, 70:24, 82:14, 86:20, 104:25, 109:17, 114:3, 115:1, 128:19, 133:9, 135:18, 135:20 door [1] - 134:7 double [3] - 37:15, 89:18, 115:4 double-story [2] -37:15, 89:18 doubt [1] - 77:10 down [43] - 11:21, 23:3. 23:12. 24:20. 30:13, 34:22, 39:10, 42:16, 56:14, 56:15, 71:11, 78:5, 78:24, 89:3, 89:14, 95:3, 95:6, 96:22, 99:24, 104:8, 104:12, 108:3, 114:23, 115:7, 117:10, 117:16, 117:21, 117:23, 119:13, 119:25, 120:1, 120:13, 120:19, 122:6, 123:7, 126:10, 129:15, 133:7, 134:4, 134:7, 134:10, 137:14 downside [1] -

division [2] - 46:7,

112:21 downward [1] -58:23 dozen [1] - 26:20 dozens [1] - 17:8 Dr [3] - 48:9, 49:2, 136:10 drawing [1] - 130:22 drawings [1] - 71:7 drawn [1] - 34:17 dream [1] - 92:19 **Dreams** [1] - 92:17 drive [1] - 52:22 driven [1] - 26:20 driver [1] - 54:25 driving [1] - 31:3 **drop** [4] - 59:7, 59:9 **DU**[1] - 2:5 due [1] - 128:4 dug [1] - 53:14 duly [1] - 7:4 duplex [15] - 36:15, 37:4, 37:23, 37:24, 38:2, 38:7, 38:16, 38:21, 38:25, 40:12, 40:22, 45:12, 45:13, 68:16 duplexes [1] - 22:2 during [6] - 74:21, 78:7, 81:19, 92:1, 109:6, 110:20 dwellers [1] - 95:21 dwelling [6] - 37:22, 39:11, 68:8, 68:15, 68:16 dwellings [1] - 36:15 **DWP** [1] - 53:14 dying [1] - 18:15 déjà [2] - 15:8, 62:25 Е

easel [2] - 88:22, 89.2 easier [3] - 23:4, 51:5, 51:9 easiest [2] - 16:6, 104:18 easily [5] - 21:12, 21:13, 23:25, 27:12, 27:13 East [1] - 2:13 easy [2] - 16:3, 103:3 Edison [1] - 53:15 education [1] - 11:15 efficient [4] - 51:9, 103:17, 122:12, 129:17 **effort** [1] - 106:19 eight [20] - 8:5, 17:5,

2:19

18:24, 22:19, 35:14, 36:16, 37:5, 38:13, 38:14, 38:17, 42:17, 46:6, 47:8, 60:15, 62:1, 62:3, 62:5, 68:7, 68:11, 68:17 **EIS** [4] - 56:16, 56:18, 56:23, 73:9 either [6] - 33:19, 39:17, 89:5, 90:19, 91:19, 92:6 election [3] - 11:6, 13:11, 47:15 electrical [1] - 45:19 electricity [1] - 107:3 elephant [1] - 111:9 elicit [1] - 64:4 eliminate [2] - 25:25, 37:25 eliminated [1] -19:15 **ELKINS** [1] - 3:3 **elsewhere** [1] - 30:7 embarrass[1] -135:1 emergency [2] -45:9, 110:21 emotion [1] - 15:22 emotional [1] - 16:8 enabled [1] - 8:23 end [5] - 13:11, 23:14, 69:10, 70:22, 87:20 endeavor [1] - 8:22 ended [1] - 130:20 enforce [1] - 129:21 Engineers [1] -110:18 enhanced [1] -132:19 Enhanced [1] - 64:12 enjoy [1] - 42:19 enjoyable [1] - 9:9 enjoying [1] - 84:6 **ensue** [1] - 100:3 enter [1] - 113:15 entice [1] - 108:19 entices [1] - 109:4 entire [5] - 8:14, 25:7, 36:9, 44:21, 76:16 entitled [1] - 140:12 entrance [4] - 25:7, 53:2, 87:22, 113:11 entrances [1] - 52:21 entry [2] - 26:10, 45:8 environment [1] -11:14 environmental [10] -

Case 2:22-cv-08357-DOC-KS

10:25, 21:11, 69:13, 73:8, 73:15, 73:16, 74:12, 76:21, 119:1, Environmental [7] -56:19, 73:6, 74:9, 130:24 76:11, 76:14, 76:20, 77:2 93:19 envision [3] - 42:6, 45:23, 86:5 envisioned [3] -10:8, 10:9, 22:24 envisioning [2] -23:24, 37:18 envisions [1] - 42:8 equate [1] - 41:14 equipment [2] -53:17, 74:15 equity [2] - 92:10, 107:19 82:9 erecting [1] - 47:20 **ERNEST** [1] - 3:3 **error** [1] - 75:12 especially [3] -20:11, 44:9, 125:22 established [1] -39:7 63:3 estate [6] - 7:13, 9:10, 15:2, 16:19, 42:24, 87:10 esteem [2] - 11:10, 99:11 estimate [1] - 37:13 100:15 **estimated** [1] - 59:11 et [8] - 1:6, 23:3, 107:7 41:14, 55:2, 63:13, 83:12, 122:23, 127:25 evaluation [1] - 36:7 EVE [1] - 2:12 evening [1] - 138:12 events [1] - 110:22 35:19 eventually [4] -61:12, 85:11, 88:23, 95:18 evidence [4] - 65:7, 65:18, 84:3 evolving [1] - 70:16 exact [1] - 61:9 exactly [4] - 13:10, 29:13, 99:23, 121:16 Examination [4] -4:4, 4:5, 4:6, 4:7 examination [5] -7:7, 7:10, 56:5, 66:21, 67:11 **EXAMINATION**[4] -111:18 7:9. 67:12. 82:19.

example [8] - 39:11,

40:8, 40:11, 41:13,

42:5, 60:9, 70:2 examples [7] - 7:17, 17:15, 38:25, 44:14, 57:15, 69:22, 87:11 excellent [1] except [2] - 42:14, **excluded** [1] - 21:9 **excuse** [1] - 69:12 **excuses** [1] - 65:3 **EXHIBIT** [2] - 5:1, 5:2 exhibit [5] - 38:24, 65:9, 71:11, 120:22 Exhibit [14] - 17:18, 19:24, 33:7, 35:23, 36:13, 36:14, 42:9, 45:14, 65:6, 65:18, 67:25, 69:21, 75:15, exist [1] - 44:15 existing [10] - 25:16, 27:16, 29:25, 35:8, 56:23, 62:15, 86:13, 90:4, 122:15, 135:22 exists [2] - 16:25, expanded [2] -26:13, 77:21 expansion [1] expect [2] - 100:14, expectancy [1] expensive [7] - 52:8, 54:12, 57:2, 57:5, 57:10, 118:4, 126:22 **experience** [3] - 9:9, 9:19, 66:23 experienced [1] experiences [1] expert [22] - 13:12, 13:15, 14:6, 16:19, 26:19, 27:6, 68:20, 69:16, 70:6, 71:18, 71:21, 71:23, 71:24, 73:22, 74:11, 88:14, 93:7, 108:19, 112:11, 115:9, 123:21, 129:21 **expertise** [1] - 61:5 experts [4] - 60:25, 119:21, 124:4, 136:10 expiration [1] **explicitly** [1] - 67:4 **explore** [1] - 8:19 exploring [1] - 112:6

expressed [1] -37:21 extended [1] -130:16 extraordinary [1] -110:16 F fabric [1] - 51:8 face [1] - 63:20 facilities [2] -125:16, 131:11 fact [6] - 10:5, 18:8, 63:21, 93:17, 109:13, 117:23 factored [2] - 73:10, 74:18 failure [2] - 50:4, fair [5] - 57:13, 62:23, 87:16, 95:5, fairly [1] - 130:16 familiar [7] - 14:14, 14:19, 28:23, 45:15, 45:17, 77:1, 86:14 families [1] - 38:11 family [1] - 86:8 famous [1] - 10:11 far [8] - 6:19, 30:21, 66:7, 95:20, 99:6, 100:4, 108:1, 109:7 faster [1] - 51:9 fault [1] - 127:13 favorite [1] - 39:19 fear [2] - 10:20 feasible [1] - 88:25 federal [2] - 8:5, 67:14 FEDERAL [2] - 1:22, 2.19 Federal [3] - 16:5, 140:6, 140:20 feed [2] - 130:8, 130:12 fees [1] - 41:20 feet [20] - 22:3, 39:17, 40:16, 41:3, 41:12, 94:18, 96:2, 96:6, 99:7, 99:9, 100:21, 100:22, 102:7, 106:23, 114:24, 115:5, 115:7, 116:6, 116:10, 124:14 **felons** [2] - 12:15,

fence [3] - 52:19, 100:3, 129:5 Fentanyl [1] - 99:1 few [6] - 24:22, 26:12, 35:20, 48:14, 70:21, 84:4 Field [1] - 92:17 field [10] - 32:5, 32:7, 53:6, 89:24, 101:19, 104:10, 124:10, 124:13, 124:23, 129:4 fields [5] - 33:15, 34:6, 104:13, 111:15, 131:14 fight [3] - 110:6, 110:11, 132:25 fighting [1] - 132:25 figure [6] - 31:19, 37:3, 64:22, 72:3, 100:17 figures [1] - 89:7 file [1] - 82:8 final [1] - 81:16 finance [1] - 11:18 financed [1] - 64:12 financial [1] - 21:15 financing [5] - 41:5, 57:8, 64:16, 64:20, 64:21 findings [1] - 36:23fine [2] - 13:24, 75:16 finger [1] - 90:3 finish [3] - 9:13, 9:16 finished [8] - 8:7, 9:14, 14:3, 15:15, 15:17, 58:7, 80:6, 130:5 fire [1] - 110:20 fired [1] - 16:7 firemen [1] - 12:20 firestorm [4] - 103:2, 103:5, 103:7, 103:8 firms [1] - 35:18 FIRST [1] - 1:22 first [23] - 13:14, 13:15, 14:7, 19:23, 25:1, 26:18, 33:6, 46:11, 47:4, 58:18, 75:23, 83:10, 86:19, 93:14, 98:22, 112:19, 112:22, 112:23, 113:3, 132:16, 135:25 Fisher [1] - 24:25 fit [6] - 35:16, 36:15, 38:12, 38:21, 40:24 fits [6] - 35:14, 36:12, 67:25, 68:2, 68:23, 69:7 five [17] - 8:1, 9:8,

12:16

felt [3] - 34:15,

FEMA [1] - 110:18

56:15, 56:18

37:17, 46:13, 46:15, 46:22, 46:24, 114:12, 122:8, 122:9, 123:9, 123:10, 130:3, 131:4, 133:4, 133:6, 133:7 five-level [1] - 37:17 fix [1] - 16:1 fixable [1] - 15:23 fixed [1] - 13:1 fixes [2] - 17:6, 17:7 fixing [1] - 47:5 flat [1] - 101:19 flip [1] - 125:1 flood [1] - 110:20 floors [1] - 86:19 **fluctuates** [1] - 70:19 focus [3] - 42:22, 42:23, 43:4 follow [2] - 82:15, 102:21 following [3] - 69:21, 86:6, 108:2 follows [1] - 7:5 fool [1] - 115:11 foot [11] - 40:25, 41:3, 41:7, 41:14, 41:18, 41:24, 56:25, 57:6, 71:13, 71:14, 100.23 footage [1] - 116:5 football [1] - 101:25 footprint [1] - 85:21 FOR [3] - 2:3, 2:18, forbid [2] - 40:18, Forces [1] - 49:13 forces [1] - 15:14 foregoing [1] -140:10 forget [3] - 92:21, 106:20, 129:16 form [1] - 56:9 format [1] - 140:12 formed [2] - 50:15, forming [4] - 74:6, 79:3, 79:17, 80:21 15:6 forth [1] - 36:19 forward [1] - 6:14 four [23] - 22:20, 24:20, 28:21, 29:5, 30:17, 41:17, 51:4, 57:10, 63:13, 116:14, 116:15, 116:19, 117:6, 117:17, 117:22, 119:15, 122:12, 122:20, 122:21, 128:23, 130:3, 131:14, 133:4

four-acre [1] - 28:21 four-story [1] -122:21 Frank [1] - 43:23 frankly [3] - 110:2, 110:3, 132:2 free [1] - 55:7 Freeway [2] - 10:16, 98.15 freeway [3] - 98:14, 99:7, 124:14 freight [1] - 8:6 front [2] - 18:21, 54:25 full [4] - 6:24, 7:1, 101:21 fumes [1] - 125:23 funded [1] - 109:15 funny [1] - 135:4 furniture [1] - 44:17 future [8] - 19:6, 30:16, 48:24, 51:20, 59:7, 119:16, 126:21, 131:21

G

game [1] - 43:11 gang [1] - 61:12 gangs [1] - 61:11 Garcetti [1] - 8:9 Garcia [1] - 14:15 garden [6] - 28:25, 29:16, 29:20, 29:22, 29:25, 49:23 gardens [7] - 29:18, 29:20, 29:22, 30:5, 30:14, 41:22, 118:19 **GARTSIDE** [1] - 3:3 gate [1] - 32:5 generation [1] -49:15 Gensler [4] - 35:17, 37:1, 69:10, 70:5 Gensler's [1] - 89:13 gentleman [2] - 84:1, 137:8 George [2] - 15:5, Gerry [1] - 43:23 given [8] - 14:25, 21:6, 51:14, 53:11, 70:5, 72:7, 79:9, 131:4 Glen [1] - 29:11 **goal** [2] - 63:4, 82:25 goals [2] - 11:12, 11:17 God [2] - 27:11, 40:18

GOLDSTEIN [1] -Google [1] - 39:24 Goose [1] - 10:11 gotta [1] - 15:8 governance [7] -60:6, 60:13, 62:12, 63:2, 109:19, 109:22 Government [3] -9:5, 50:8, 52:12 grades [2] - 77:15, 79:9 grass [1] - 84:24 grassy [1] - 84:25 great [17] - 11:15, 20:11, 20:12, 20:21, 27:9, 27:12, 28:13, 43:11, 44:4, 45:21, 64:18, 85:23, 86:11, 87:24, 118:5 greater [1] - 122:8 green [6] - 25:21, 36:3, 101:10, 118:11, 118:13 greenery [1] - 29:21 gross [2] - 120:6 Grotecloss [1] - 3:7 ground [3] - 50:15, 73:13, 107:25 groundwater [1] -119.5 group [11] - 11:3, 11:4, 11:5, 43:5, 52:12, 52:14, 64:21, 96:5, 109:3, 123:19, 124:6

guidelines [2] -56:16, 81:9 guy [1] - 130:9 guys [4] - 46:11, 61:12, 98:1, 137:11 Н half [11] - 12:2,

groups [4] - 42:22,

GUADIANA[1] - 3:3

42:23, 51:3, 125:6

guard [2] - 29:13,

guess [5] - 17:2,

guide [1] - 19:4

21:22, 32:10, 138:14

guided [2] - 42:24,

guessing [1] - 92:24

113:16

42:25

124:11

10:11 124:3 12:21, 23:8, 25:18, 28:12, 31:24, 53:6, 125:23 61:2, 69:2, 113:22, **High** [1] - 9:17 **higher** [3] - 92:11,

halfway [1] - 46:24 hall [1] - 57:25 hand [9] - 6:14, 25:24, 31:19, 39:6, 40:6, 44:22, 45:5, 75:7, 84:14 handle [1] - 60:20 handles [1] - 7:23 happy [1] - 82:16 harbor [3] - 8:2, 8:6, 108:13 hard [4] - 35:6, 41:6, 41:20, 44:9 hardly [3] - 25:4, 32:12, 126:11 harm [1] - 130:8 **Harris** [1] - 3:8 Harry [1] - 108:17 hassles [1] - 131:5 hate [1] - 66:18 Hathaway [1] - 46:7 head [3] - 13:9, 48:19, 134:4 heal [8] - 29:15, 40:4, 48:7, 54:5, 58:2, 61:10, 64:8 healing [2] - 26:10, 53:3 health [2] - 54:1, 98:21 healthier [1] - 30:15 healthy [9] - 13:7, 19:1, 38:22, 40:3, 42:15, 54:10, 58:2, 93:15, 126:16 hear [1] - 112:10 heard [9] - 15:5, 15:6, 92:16, 114:6, 119:9. 130:20. 132:6. 132:9, 132:12 heart [3] - 43:7, 98:23, 99:2 held [1] - 140:11 helicopter [4] - 21:3, 21:5. 21:7 helicopters [1] help [11] - 11:15, 23:25, 48:20, 48:22, 62:5, 74:20, 89:25, 90:20, 115:12, 122:3, helpful [3] - 55:12, 109:22, 117:3 hereby [1] - 140:8 high [5] - 40:17, 48:15, 64:15, 122:19,

117:15, 117:19 highest [2] - 97:1, 98:22 highly [1] - 10:18 HILL [1] - 2:12 hill [1] - 32:2 hillside [1] - 118:9 hilly [1] - 29:7 hire [1] - 61:15 hired [3] - 11:23, 12:15, 13:10 hiring [2] - 47:6, 61:19 historic [4] - 78:4, 80:2, 80:12, 80:15 historical [5] - 79:6, 79:10, 79:19, 80:24, 81:5 **history** [1] - 52:9 **hit** [5] - 15:20, 32:17, 47:16, 98:25, 103:1 hobbies [1] - 29:15 hold [6] - 83:25, 116:1, 116:7, 116:18, 127:18, 129:3 Hold [1] - 130:10 holding [1] - 123:13 home [10] - 32:17, 42:10, 43:7, 62:2, 67:20, 95:18, 102:8, 107:1, 107:2, 109:5 homeless [6] -50:23, 51:13, 51:25, 58:19, 98:19, 98:20 homeowner [1] homeowners [1] homes [10] - 26:12, 29:9, 59:16, 98:6, 99:16, 103:8, 106:20, 106:24 Honor [18] - 6:11, 7:8, 16:18, 18:6, 20:7, 55:19, 56:8, 65:6, 65:8, 75:3, 76:17, 82:2, 82:7, 82:10, 88:5, 88:6, 132:13, 136.6 HONORABLE [1] hope [6] - 9:8, 34:21, 57:15, 106:3, 109:25, 137:6 hopefully [1] - 67:22 hopping [1] - 55:1 horizontal [1] - 87:3 horrible [2] - 52:19,

52:20

horror [2] - 106:13,

96:4, 101:21

107:16

immense [1] -

Impact [1] - 56:19

impacting [1] - 86:20

106:16 horse [3] - 106:15, 106:17, 106:18 hospital [14] - 20:11, 21:8, 21:14, 23:22, 25:16, 27:10, 87:22, 91:20, 91:25, 93:3, 94:16, 105:22, 106:4, 106:6 hotels [1] - 44:17 **hour** [1] **-** 54:5 HOURIGAN [4] -1:21, 140:6, 140:19, 140:20 hours [1] - 138:22 house [2] - 100:11, 131:18 House [5] - 23:15, 24:9, 24:16, 24:25, 95:14 houses [3] - 99:22, 100:13, 100:24 housing [144] -11:11, 15:12, 17:15, 18:6, 18:10, 18:11, 19:5, 19:11, 20:10, 21:18, 21:24, 23:18, 25:19, 26:15, 27:4, 28:9, 30:1, 31:2, 31:4, 31:11, 31:12, 31:13, 31:23, 32:1, 32:20, 33:20, 35:9, 35:12, 35:19, 37:10, 38:25, 40:12, 40:22, 41:4, 41:17, 43:9, 43:10, 43:11, 43:20, 43:23, 45:8, 45:22, 46:4, 46:17, 46:20, 47:20, 47:22, 47:23, 47:25, 48:1, 48:8, 49:1, 49:7, 51:2, 51:3, 51:19, 52:2, 56:10, 56:11, 56:14, 57:18, 57:23, 58:4, 58:7, 59:10, 59:22, 62:11, 63:4, 66:2, 66:8, 66:11, 66:25, 68:1, 68:2, 69:22, 70:3, 70:14, 71:13, 71:14, 72:2, 72:3, 72:4, 72:6, 72:12, 72:22, 73:1, 73:21, 77:22, 82:22, 83:6, 83:7, 83:9, 83:16, 83:21, 85:5, 85:10, 85:13, 85:24, 86:13, 86:25, 87:9, 87:10, 87:13, 87:25, 88:13, 88:20, 88:24, 90:23, 90:24, 91:2, 92:13, 92:14, 92:23,

Case 2:22-cv-08357-DOC-KS

93:4, 93:19, 93:20, 93:22, 97:3, 99:15, 99:20, 99:22, 100:20, 102:24, 102:25, 108:9, 108:10, 110:25, 111:15, 113:2, 114:14, 115:1, 117:13, 117:14, 117:18, 120:25, 121:7, 121:9, 121:21, 121:22, 123:16, 126:21 Housing [3] - 40:7, 64:17, 108:10 Howard [4] - 10:2, 10:8, 10:21, 78:5 **HUD** [2] - 3:7, 94:2 HUD's [1] - 134:6 huge [2] - 8:1, 121:10 Hughes [4] - 10:8, 10:12, 10:21, 78:6 Hughes' [1] - 10:2 hundreds [4] -11:21, 17:7, 47:9, 54:9 hurdles [1] - 101:1 hurricane [1] -110:20 **hybrid** [3] - 38:20, 38:22, 87:5 hypothetically [8] -

idea [4] - 30:9, 58:24,

120:16, 121:2, 121:4,

124:12, 124:19,

124:23, 125:20,

125:25

72:10, 93:5 ideas [1] - 31:11 identification [2] -75:15. 81:22 identified [8] - 18:23, 24:10, 32:19, 68:7, 72:14, 126:21, 127:2, 127:3 identify [2] - 18:8, 81:20 identifying [1] -55:12 **if..** [1] - 128:10 **ignore** [1] - 135:23 ignores [1] - 133:20 illegally [1] - 36:10 illustration [1] imagine [6] - 28:1,

81:7, 81:8, 91:19,

implications [3] -80:23, 81:4, 81:6 important [11] -20:14, 21:7, 36:18, 36:22, 40:13, 51:10, 56:15, 60:16, 69:8, 109:18, 137:12 **impossible** [1] - 60:6 impression [2] -67:2, 110:16 include [3] - 69:16, 84:23, 111:23 includes [2] - 28:25, 41:21 including [5] - 41:19, 46:7, 47:22, 47:23, 52:5 **Income** [1] - 64:16 incomplete [1] - 71:6 incorrect [4] - 79:9, 79:11, 79:14, 79:16 increase [1] - 83:17 increased [1] - 88:24 increasing [1] -126:20 incredible [2] -110:15, 127:3 incredibly [3] - 52:7, 52:8, 52:9 **INDEX** [2] - 4:1, 5:1 indicate [1] - 102:18 indication [2] -83:23, 83:24 industrial [3] - 124:1, 125:15, 126:15 industrial-type [1] -125:15 inefficiencies [2] -23:22, 89:13 inefficiency [1] -85:19 inefficient [9] -24:22, 27:5, 30:21, 52:9, 53:13, 53:21, 125:18, 126:11, 126:23 inexperience [1] -18:5 infested [1] - 61:11 inform [1] - 55:16 informally [1] - 17:17 information [3] -

63:12, 74:16, 93:21, 107:2, 130:6 inherent [2] - 48:1, 98:21 injunction [2] -92:10, 107:24 injunctive [6] -107:17, 107:18, 107:20, 107:23, 111:23, 136:9 input [1] - 55:15 inside [1] - 40:17 install [1] - 46:5 installation [1] -72:22 installed [1] - 73:1 instead [9] - 16:3, 42:12, 44:20, 52:7, 53:12, 61:19, 61:24, 62:17, 63:12 institutional [1] -45:7 intend [1] - 82:8 interest [1] - 14:18 interested [3] - 11:7, 112:15, 112:16 interesting [1] -132:18 interfere [2] - 19:5, 72:12 interference [1] -73:13 intermediate [4] -90:23, 92:23, 97:2, 102:24 Internet [1] - 95:12 interpretation [1] -135:10 INTERVENOR [1] intimate [1] - 57:15 intimately [1] - 108:6 investor [1] - 7:13 invite [2] - 92:3, 92:5 invited [1] - 134:4 inviting [1] - 42:15 involve [1] - 28:10 involved [13] - 7:17, 7:23, 14:16, 16:15, 16:16, 16:24, 43:24, 76:10, 76:20, 76:21, 92:10, 108:7, 108:11 involvement [1] involving [1] - 92:10 iPhone [1] - 20:18

Iraq [1] - 125:22

issue [7] - 29:12,

85:9

51:6, 52:16, 53:12,

53:19, 53:22, 62:13,

59:3, 64:1, 78:5, 119:1, 119:3, 135:15 issues [12] - 9:10, 10:25, 12:23, 19:18, 20:25, 21:2, 21:12, 24:18, 27:24, 73:17, 98:21 it'll [1] - 38:20 items [2] - 36:24, 93:22 itself [3] - 35:9, 86:9, 122:25

. .

Jackie [2] - 86:21, 131:20 **janitors** [1] - 64:2 Japanese [1] -118:19 **JEFFREY** [1] - 1:6 job [3] - 60:5, 60:19, 72.20 Jody [2] - 67:14, 67:17 **JODY** [1] - 2:21 Johnson [24] - 11:8, 21:15, 35:17, 36:25, 37:3, 42:3, 54:14, 54:23, 55:7, 63:15, 64:12, 64:25, 66:13, 67:3, 89:12, 107:4, 107:23, 112:12, 114:16, 115:8, 120:25, 137:15, 137:17, 137:19 JOHNSON [14] -115:14, 115:19, 115:22, 116:1, 116:4, 116:9, 116:12, 116:14, 116:16, 116:21, 116:24, 117:1, 137:22, 137:24 joining [1] - 138:14 joke [1] - 133:20 joking [2] - 130:25, 135:3 Judge [7] - 13:16, 22:24, 56:24, 107:23, 108:4, 122:2, 139:1 JUDGE [1] - 1:3 judge [6] - 18:2, 99:21, 101:6, 102:9, 116:10, 123:20 Judge's [1] - 36:23 judge's [2] - 17:24, judging [1] - 130:16 judgment [2] - 85:4,

50:6, 70:6, 70:9

infrastructure [14] -

11:10, 41:22, 48:3,

judicial [1] - 140:13 June [1] - 74:3 JUSTICE [1] - 2:19 justify [1] - 94:5 JUSTIN [1] - 3:4

Case 2:22-cv-08357-DOC-KS

K

KALT[1] - 3:3 KAPLAN[1] - 2:4 Karlen [1] - 138:7 keep [10] - 45:8, 52:3, 69:11, 78:3, 88:8, 126:15, 126:16, 137:10 Keith [1] - 3:8 kept [2] - 15:9, 19:14 kids [5] - 44:9, 49:15, 61:13, 62:3, 101:24 kill [1] - 19:19 kind [6] - 6:13, 6:23, 95:12, 95:13, 109:22, 127:13 **kinds** [9] - 11:14, 13:8, 54:21, 63:24, 69:14, 70:14, 87:17, 101:3 kitchens [1] - 40:18 KNAPP[1] - 2:22 knowing [2] - 16:12, 78:3 knowledge [1] -107:16 knowledgeable [1] -8:25 **known** [2] - 14:10, knows [3] - 97:19, 97:25, 109:16 Krekorian's [1] -

L

Kristin [1] - 3:7

106:21

LA [15] - 15:18, 18:22, 32:21, 33:16, 40:9, 43:21, 45:23, 47:20, 52:17, 55:17, 59:21, 80:2, 80:12, 82:22, 108:25 labeled [1] - 104:9 labor [1] - 63:15 laborers [1] - 12:18 lack [1] - 131:8 lacking [1] - 43:7 IACV22-8357 [1] laid [1] - 38:19

land [16] - 10:10,

14:25, 19:4, 21:25, 22:23, 24:9, 24:18, 31:23, 42:17, 94:12, 100:5, 105:12, 105:13, 118:22, 124:11, 131:15 landed [1] - 10:7 landscaping [3] -48:6, 53:2, 104:21 languishing [1] - 8:4 **LAPD** [2] - 8:9, 47:5 large [7] - 10:6, 10:14, 27:20, 33:15, 87:19, 115:3, 121:13 larger [2] - 56:20, 115:2 largest [2] - 10:4,

35:18 last [15] - 6:25, 7:2, 8:8, 13:2, 26:18, 33:1, 40:21, 45:14, 48:9, 48:13, 57:5, 57:20, 69:2, 71:19, 84:4 late [1] - 6:6

LAUS [1] - 17:5 LAUSD [1] - 60:21 **Law** [6] - 2:5, 2:9, 2:12, 2:15, 2:23, 3:4 Lawn [2] - 25:11, 26:6

laws [1] - 76:22 lawsuit [5] - 14:20, 14:21. 74:25. 130:20. 134:6

lawsuits [1] - 11:25 lawyer [1] - 15:2 lawyers [1] - 105:2 LAX [1] - 10:7 lay [1] - 28:17 laydown [1] - 26:14 layouts [2] - 35:21,

lead [2] - 11:8, 12:9 leadership [1] -

61.22 leading [1] - 11:7 league [1] - 21:12 lease [14] - 32:13, 85:11, 86:7, 86:21, 102:12, 102:23, 105:16, 111:18, 111:25, 128:4, 128:9, 128:14, 130:14,

132:19 **Lease** [1] - 64:12 leases [1] - 130:15 least [1] - 106:11 leave [8] - 13:22, 13:23, 17:3, 64:11, 84:6, 100:24, 136:15,

137:9 left [8] - 13:11, 21:8, 31:19, 39:6, 44:22, 84:14, 100:5, 100:19 left-hand [4] - 31:19, 39:6, 44:22, 84:14 legal [5] - 70:13, 77:3, 86:22, 111:24 legend [1] - 26:5 lend [1] - 35:9 less [10] - 22:23, 23:5, 24:22, 30:19, 41:8, 51:9, 58:20, 115:18, 117:11, 121:23 level [15] - 19:1, 21:23, 36:15, 37:4,

37:9, 37:17, 37:22, 38:13, 48:15, 64:15, 68:8, 68:15, 100:13, 101:19, 118:10 **LEVY** [1] - 2:11 **LEWIS** [2] - 4:3, 7:3 **Lewis** [1] - 7:2 liaison [1] - 8:22 lie [1] - 21:22 life [10] - 7:14, 14:10,

14:12, 24:1, 26:17, 54:4, 59:11, 59:18, 98:19, 107:7 lifetime [1] - 15:13 light [1] - 40:17

100:3 limited [1] - 84:25 **limits** [1] - 77:21 **Lincoln** [1] - 15:6

likely [2] - 56:23,

line [13] - 9:16, 36:24, 76:8, 78:11, 78:18, 79:24, 79:25, 80:10, 81:2, 90:21, 93:22, 96:6

Line [1] - 76:15 linear [1] - 90:8 lines [2] - 76:8, 90:8 liquefaction [1] -69:13

list [1] - 46:6 listed [2] - 79:20, 96:24

listen [4] - 63:20, 64:1, 114:4, 124:2 listened [2] - 64:2, 114.4

live [10] - 11:15, 13:5, 26:15, 31:6, 40:10, 44:5, 49:25, 93:6, 119:23, 129:18

lived [1] - 44:8 lives [1] - 87:16

living [10] - 7:12, 7:13, 18:16, 38:23, 40:18, 41:9, 42:19, 95:4, 98:21, 108:21 **LLP** [3] - 2:4, 2:11, 3.3

lobby [1] - 127:25 located [1] - 36:7 location [11] - 27:9, 27:12, 28:10, 28:13, 44:6, 86:11, 99:20, 118:1, 119:14, 125:25, 126:2

locations [4] - 52:5, 69:23, 70:2, 88:13 lodge [1] - 65:16 lonely [1] - 43:6 look [39] - 14:24, 22:5, 28:17, 33:7,

35:6, 35:23, 38:10, 40:14, 40:17, 42:6, 42:13, 44:12, 45:7, 45:14, 55:10, 57:7, 65:15, 76:6, 78:1, 78:10, 78:11, 78:17,

80:3, 80:13, 86:17, 95:1, 97:10, 97:13, 97:18, 99:8, 99:17, 101:4, 101:12, 102:1,

110:23, 119:18, 125:6, 131:21, 135:15 looked [11] - 16:8,

16:10, 17:8, 19:3, 20:8, 35:11, 59:11, 65:23, 73:8, 121:5, 121:6

looking [13] - 14:1, 29:17, 30:11, 40:21, 52:6, 53:1, 53:7, 55:13, 69:11, 69:13, 70:11, 70:15, 77:14 looks [4] - 36:18, 44:25, 52:19, 52:20 loops [1] - 95:11

Los [20] - 2:6, 2:10, 2:16, 3:5, 7:22, 7:24, 8:23, 14:10, 18:9, 21:6, 32:7, 33:25, 35:1, 48:17, 59:16, 60:10, 67:19, 86:18, 87:3, 87:6

LOS [4] - 1:15, 1:23, 6:1, 140:3

lose [1] - 61:9 losing [1] - 11:5 lost [5] - 11:4, 11:6, 13:10, 21:17, 47:14 Louis [1] - 39:21

love [2] - 26:11 lovely [1] - 32:13

Low [1] - 64:16 LOWENSTEIN [16] -2:21, 65:8, 67:13, 75:2, 75:6, 75:11, 75:14, 75:22, 76:18, 81:24, 82:2, 82:7, 88:6, 88:11, 88:17, 136:6 Lowenstein [3] - 4:5, 4:7. 67:14 luck [1] - 49:1

magnet [1] - 59:4 magnificently [1] -28.6 main [4] - 19:4, 91:20, 99:11, 113:11 maintained [3] -26:6, 34:21, 101:21 maintains [1] -101:20 maintenance [1] -15:1 major [1] - 76:21 MANGASER [2] -2:9, 2:15 manner [2] - 64:16, 86:22 mannerisms [1] -9:15 manufactured [1] -46:17 manufacturer [1] -70:14 manufacturers [4] -46:3, 46:15, 46:22, 70:12 map [8] - 23:7, 25:11, 27:15, 36:17. 83:8, 88:8, 89:5, 110:23 Maps [1] - 39:24 Marcie [1] - 3:9 MARK [1] - 2:8 Mark [4] - 14:8, 14:20, 15:23, 60:2 mark [2] - 14:9, 75:14 marked [2] - 17:17, marks [1] - 84:11 Maryland [1] - 2:13 master [15] - 42:8, 43:1, 43:15, 53:16, 56:21, 62:16, 62:21, 73:10, 81:11, 109:13, 109:15, 120:23,

131:21, 136:15,

136:20 materials [1] - 43:9 math [2] - 90:24, 91.5 matter [8] - 45:24, 45:25, 59:22, 63:5, 89:5, 138:7, 138:10, 140:12 max [3] - 38:2, 68:7, 68:15 maximum [1] - 37:22 Mayor [2] - 8:3, 8:13 mayor [3] - 8:8, 8:15, 47:14 MCDONOUGH [2] -1:9, 2:18 mean [29] - 11:9, 12:25, 13:22, 16:9, 18:16, 22:8, 30:10, 30:14, 31:24, 33:10, 44:16, 46:7, 47:16, 58:17, 63:24, 69:2, 69:6, 69:19, 70:1, 78:4, 78:9, 80:14, 85:11, 86:5, 87:15, 96:11, 122:19, 123:25, 132:4 meaning [1] - 84:3 meaningful [1] -51:10 means [1] - 130:13 measure [1] - 12:5 media [2] - 10:25, 11:1 medical [1] - 43:7 meet [2] - 62:6, 139.4 meeting [2] - 96:9, 138:25 meetings [1] - 63:23 member [1] - 70:13 members [1] - 105:3 memory [1] - 90:9 mental [2] - 53:25, 106:5 mention [1] - 40:25 mentioned [6] - 18:6, 30:19, 52:16, 83:15, 86:12, 92:9 merchants [1] -114:1 mess [1] - 21:5 message [4] - 52:22, 57:2, 57:4 met [3] - 9:19, 10:9, method [2] - 60:13 methods [1] - 73:14 Metro [7] - 25:15, 87:18, 87:20, 90:17,

Case 2:22-cv-08357-DOC-KS

90:21 middle [4] - 7:2, 39:20, 45:2, 75:25 might [25] - 32:20, 34:16, 40:9, 42:6, 52:23, 83:3, 83:11, 89:11, 91:22, 92:11, 93:2, 93:23, 95:25, 97:2, 97:21, 102:6, 106:1, 107:6, 122:21, 125:21, 129:3, 133:14, 135:20, 136:10 miles [1] - 17:2 milestones [1] -135:21 militaristic [1] -60:11 million [4] - 58:6, 93:23, 93:24, 102:8 millions [1] - 11:21 mind [6] - 15:7, 46:10, 47:19, 49:7, 72:10, 88:1 mine [2] - 23:9, 59:19 mini [1] - 25:9 minimum [2] - 94:17, 94:18 minor [1] - 21:12 minus [2] - 96:20, 96:21 minute [7] - 11:17, 24:4, 37:11, 91:15, 96:18, 103:20, 113:6 minutes [2] - 55:21, 55:24 miserable [1] -108:24 missed [1] - 10:6 Missouri [1] - 39:21 mistake [3] - 10:7, 14:22, 50:25 mistreated [1] mitigated [6] - 12:23, 12:25, 13:1, 13:3 **mitigation** [1] - 73:10 mix [1] - 46:17 model [1] - 21:15 modified [1] - 90:25 modify [1] - 70:20 modifying [1] - 69:3 modular [22] - 37:9, 43:20, 43:24, 44:16, 44:17, 44:19, 44:20, 69:22, 70:3, 71:13, 72:2, 72:3, 72:5, 72:22, 73:1, 73:21, 96:6, 106:20, 106:24,

107:1, 107:2, 109:5 modulars [1] -106:22 module [1] - 95:12 moment [25] - 24:3, 34:3, 35:25, 83:14, 84:22, 85:1, 88:20, 88:22, 89:8, 92:21, 96:21, 104:8, 107:12, 107:14, 114:20, 114:22, 115:12, 115:24, 117:2, 118:3, 120:20, 123:21, 125:10, 133:10, 136:25 Monday [1] - 62:6 money [11] - 8:17, 11:4, 11:5, 11:20, 12:4, 60:17, 60:23, 61:2, 61:9, 107:13, 135:14 monkey [1] - 105:24 month [3] - 46:23, 46:25 months [17] - 13:10, 18:14, 26:18, 39:8, 45:25, 47:3, 47:10, 47:12, 48:14, 54:19, 59:22, 61:19, 62:8, 62:11, 63:5, 72:24, 73:20 morning [2] - 17:3, 20:8 most [12] - 7:14, 9:11, 14:11, 35:18, 46:23, 48:4, 51:10, 56:22, 109:18, 117:7, 127:14 motion [4] - 65:14, 65:17, 65:19, 82:9 mouse [1] - 90:1 move [5] - 65:6, 86:11, 113:17, 130:9, 130:17 moved [2] - 59:15, 131:17 moving [2] - 39:10, 126:9 MR [105] - 6:11, 7:8, 7:11, 14:5, 16:18, 16:22, 16:23, 17:19, 17:22, 18:3, 19:22, 20:2, 20:4, 20:7, 22:12, 22:15, 23:11, 24:8, 34:5, 34:14, 36:1, 36:4, 36:11, 37:19, 38:6, 42:4, 50:12, 50:14, 55:19, 55:22, 56:7, 58:8, 65:6, 65:8, 65:22,

65:25, 66:5, 66:9, 66:12, 66:14, 66:16, 67:4, 67:13, 75:2, 75:6, 75:11, 75:14, 75:22, 76:16, 76:18, 81:24, 81:25, 82:2, 82:7, 82:16, 82:20, 83:4, 83:10, 83:19, 83:22, 84:2, 84:10, 84:12, 84:25, 85:3, 88:4, 88:6, 88:11, 88:17, 89:24, 104:12, 115:14, 115:19, 115:22, 116:1, 116:4, 116:9, 116:12, 116:14, 116:16, 116:21, 116:24, 117:1. 117:22. 118:18, 118:22, 120:14, 125:4, 129:7, 129:16, 132:11, 132:13, 136:4, 136:6, 137:17, 137:22, 137:24, 138:1, 138:3, 138:6, 138:11, 138:17, 138:21, 139:1, 139:4 **MTA**[1] - 25:22 multi [5] - 43:20, 44:14, 85:17, 86:8, 118:9 multi-family [1] -86:8 multi-story [4] -43:20, 44:14, 85:17, 118:9 munitions [1] -125:23 museums [1] - 7:24 Ν N.W [1] - 2:24 name [7] - 6:24, 6:25, 7:1, 7:2, 54:21, 83:5 names [2] - 54:20, 54:21 naming [1] - 54:20 narcotics [1] - 98:24 NASA[1] - 8:22 National [7] - 28:4, 73:5, 74:9, 76:11, 76:13, 76:19, 77:2 national [2] - 79:20, 110:21 natural [1] - 40:17

105:22, 121:14 necessarily [2] -54:20, 130:8 necessary [3] -33:21, 33:22, 132:24 necessity [1] -132:16 need [37] - 22:2, 23:5, 23:6, 31:25, 35:21, 36:23, 38:11, 48:22, 56:10, 56:13, 56:24, 58:23, 58:24, 60:8, 60:17, 60:18, 62:5, 64:6, 64:7, 64:8, 72:13, 77:8, 78:5, 85:12, 92:8, 92:12, 92:22, 93:2, 93:12, 93:17, 94:24, 109:10, 112:18, 119:16, 126:10, 132:15, 132:25 needed [8] - 48:20, 61:10, 62:12, 62:22, 64:3, 68:22, 87:1, 111:17 needing [1] - 106:6 needs [12] - 17:21, 29:13, 43:12, 48:5, 51:4, 60:7, 63:3, 80:16, 100:4, 121:22, 121:23, 133:21 negative [3] -107:18, 109:23, 110:15 negotiate [5] -128:22, 131:9, 132:3, 132:5, 134:5 negotiating [2] -131:23, 132:8 negotiator [1] -130:24 neighbor [1] - 40:19 neighborhood [4] -10:25, 25:6, 25:9, 32:14 neighborhoods [2] -19:2, 22:5 neighbors [1] - 35:3 network [2] - 108:20, 108:21 never [5] - 10:9, 11:20, 29:22, 59:24, 75:17 new [8] - 17:20, 27:16, 27:19, 47:7, 53:9, 57:3, 60:13,

61:20

New [2] - 40:7, 87:3

newspaper [1] - 9:14

next [24] - 6:9, 28:8,

near (9) - 15:18.

45:6, 57:5, 90:21,

93:3, 98:21, 100:13,

35:23, 36:3, 36:12, 39:2, 39:10, 42:12, 44:12, 69:25, 100:24, 118:1, 119:24, 120:17, 123:19, 124:6, 125:24, 126:2, 129:22, 129:24, 129:25, 130:2, 135:16 nice [14] - 24:1, 25:8, 27:7, 30:23, 37:10, 44:5, 44:25, 54:3, 67:18, 94:25, 99:16, 129:18 night [4] - 95:9, 97:1, 97:21, 97:22 **NIMBYs** [1] - 96:12 **nine** [21] - 12:17, 18:23, 22:23, 34:17, 34:21, 36:16, 42:18, 46:6, 62:1, 101:19, 102:2, 102:5, 103:10, 103:13, 103:14, 103:21, 103:22, 104:23, 105:6, 105:8, 129:17 **NO** [3] - 1:21, 5:2, 140:20 noble [1] - 25:2 nobody [6] - 97:19, 105:7, 109:15, 109:16, 109:17, 110:10 noise [1] - 104:21 noisy [1] - 44:10 non [1] - 27:10 non-hospital [1] -27:10 nooks [1] - 23:22 normal [1] - 121:23 North [2] - 79:5, 79:18 north [7] - 27:16, 28:8, 28:22, 35:7, 101:10, 106:7, 113:14 notes [2] - 13:19, 13:24 **nothing** [7] - 13:3, 22:21, 38:22, 43:2, 65:25, 106:13, 128:19 notice [1] - 130:15 November [1] - 12:7 nowhere [1] - 90:21 noxious [1] - 125:23 number [46] - 18:9, 19:16, 22:25, 23:1, 23:2, 31:6, 36:22, 37:20, 38:14, 46:3, 51:14, 52:1, 54:13, 56:14, 58:9, 61:10, 66:7, 72:17, 77:17,

79:3, 82:11, 85:22, 86:20, 89:13, 92:11, 93:22, 94:4, 94:6, 94:12, 95:2, 98:17, 103:1, 104:9, 110:24, 110:25, 112:11, 119:25, 122:7, 124:5, 124:17, 124:20, 134:18 Number [49] - 20:1, 20:9, 20:13, 20:22, 21:9, 22:11, 23:7, 23:12, 24:10, 24:20, 24:24, 25:10, 26:21, 27:15, 28:21, 29:2, 29:5, 30:17, 30:24, 31:15, 31:18, 32:4, 89:20, 89:22, 90:1, 94:13, 95:6, 95:10, 95:19, 96:14, 96:16, 96:18, 96:19, 96:23, 98:11, 99:8, 99:13, 100:15, 100:16, 101:4, 102:6, 102:7, 103:8, 103:9, 104:9, 104:16, 104:17, 121:6 **numbers** [9] - 36:21, 57:7, 58:17, 58:18, 58:22, 59:1, 66:5, 105:25 numerous [1] - 51:1 nurses [1] - 12:20 nuts [1] - 102:11 0 o'clock [4] - 138:16, 138:17, 139:5 oath [3] - 6:15,

77:19, 77:22, 77:23,

14:16, 74:21 object [1] - 65:11 objection [2] - 65:8, 65:16 obtaining [1] - 92:14 obviously [2] - 19:3, 109:10 occupancy [1] - 73:2 occur [1] - 135:20 occurred [1] - 60:10 Ocean [1] - 10:17 116.5 **OF** [7] - 1:2, 1:13, 2:1, 2:19, 140:1, 140:3, 140:4 open [4] - 19:3, off-site [1] - 44:20 86:23, 124:22, 134:6 offer [1] - 16:18 opened [1] - 115:18 offers [1] - 91:25 opening [1] - 83:15 office [3] - 35:9, opens [1] - 139:2 113:14, 113:17 operates [1] - 34:1 officer [1] - 12:9 operating [2] - 12:9,

Official [1] - 140:6 50:22 operations [1] -OFFICIAL [2] - 1:22, 140:1 25:15 OIG [1] - 135:9 oil [10] - 53:6, 45:24, 51:15, 51:25, 111:10, 124:10, 56:10, 61:8, 64:15, 124:13, 124:23, 72:5, 72:7, 74:6, 77:11, 78:15, 78:20, 125:10, 125:24, 79:3, 79:17, 80:21, 126:13, 127:3, 127:7 89:16, 92:20, 108:20 **old** [3] - 10:2, 48:4, 48:5 55:15, 55:16, 88:12 Olympic [1] - 3:5 Olympics [1] - 67:21 opportunities [1] on-site [1] - 43:25 72:14 opportunity [5] once [4] - 15:17, 48:22, 48:23, 61:8, 16:8, 71:21, 135:8 85:24, 131:4 one [81] - 8:15, 9:21, 10:5, 10:6, 12:15, 59:23 13:16, 17:20, 18:7, 19:1, 21:3, 22:12, 100:11 22:14, 22:17, 22:24, opposition [3] -23:23, 24:3, 29:22, 33:22, 33:23, 35:2 30:25, 32:25, 33:1, option [4] - 85:12, 35:7, 35:8, 35:17, 35:25, 36:19, 36:24, 40:12, 42:7, 43:22, Orange [1] - 44:23 43:23, 44:7, 44:11, order [7] - 18:2, 47:7, 53:3, 54:1, 54:6, 19:24, 53:16, 59:20, 56:15, 58:25, 61:19, 62:10, 63:4, 110:9 61:24, 63:11, 63:12, ordered [1] - 108:2 65:3, 69:7, 74:12, org [1] - 60:21 75:12, 76:22, 81:16, organizations [1] -82:2, 82:17, 84:22, 63:23 88:7, 88:21, 89:2, oriented [1] - 24:3 89:4, 89:5, 89:22, 90:3, 90:19, 99:15, otherwise [3] -101:7, 102:22, 17:10, 69:8, 137:7 107:25, 108:22, outcry [1] - 100:3 109:7, 113:10, outlined [1] - 33:7 113:12, 113:13, outside [4] - 31:8, 113:22, 113:24, 32:5, 107:5, 129:5 116:25, 119:22, 120:22, 120:24, 121:11, 129:7, 129:8, 131:7, 138:21 one-level [1] - 19:1 60:25, 61:4, 62:21, one-story [3] - 44:7, 136:21 44:11, 116:25 overturned [1] one-year [1] - 102:22 110:2 ones [2] - 104:18, **own** [1] - 50:2 owners [3] - 95:18, **online** [1] - 119:10 100:16, 104:17 **oOo**[1] - 6:3 **ownership** [1] - 28:2

opinion [19] - 18:24, opinions [4] - 50:16, opposed [2] - 45:25, opposite [2] - 13:1, 111:20, 111:23, 112:2 original [1] - 115:23 overnight [2] - 25:3, overseeing [1] - 17:5 oversight [5] - 60:24,

Ρ

p.m [4] - 1:15, 6:2, 139:2, 139:6 Pacific [1] - 10:17 pad [3] - 21:3, 21:5, 21:7 pads [1] - 21:5 Page [2] - 4:2, 5:2 page [34] - 19:23, 33:7, 34:21, 35:23, 36:12, 36:14, 36:17, 36:18, 36:19, 39:2, 39:10, 39:20, 40:6, 40:11, 44:12, 44:22, 45:2, 45:14, 68:1, 75:23, 75:25, 76:4, 76:6, 78:9, 78:10, 78:17, 79:22, 81:1, 83:10, 83:12, 126:25, 140:12 paid [5] - 9:12, 9:13, 9:14 Palmdale [1] - 31:3 Pandora's [2] -105:18, 105:19 panelists [1] - 43:5 panels [3] - 20:16, 90:8, 90:14 paper [2] - 89:3, 132:5 papers [1] - 17:11 par [1] - 99:12 Parcel [57] - 19:14, 19:15, 20:1, 20:22, 21:9, 22:11, 22:14, 23:7, 23:12, 24:10, 24:20, 24:24, 25:6, 25:10, 26:21, 29:2, 31:15, 31:18, 32:4, 33:8, 89:20, 89:22, 90:1, 94:12, 95:6, 95:18, 96:14, 96:16, 96:18, 96:19, 96:22, 98:5, 98:11, 99:8, 99:12, 100:15, 100:16, 101:4, 101:7, 101:12, 102:6, 102:7, 103:7, 103:9, 104:9, 104:10, 104:16, 104:17, 118:2, 120:5, 121:2, 121:4, 121:5, 121:6 parcel [36] - 21:1, 21:3, 23:17, 23:19, 24:10, 24:15, 25:9, 25:14, 26:24, 27:15,

27:16, 27:20, 27:25,

28:14, 28:21, 29:5,

34:9, 87:24, 94:22,

30:17, 30:24, 33:18,

95:10, 96:23, 100:24,

102:1, 104:9, 111:6,

120:4, 121:13, 122:2,

129:16, 129:18,

129:22, 130:2

Parcels [1] - 84:13 parcels [23] - 18:9, 18:23, 19:16, 19:23, 22:23, 31:25, 35:7, 35:15, 35:16, 36:16, 37:5, 38:13, 38:14, 38:17, 42:18, 74:13, 85:18, 90:14, 96:13, 104:20, 106:11, 111:8, 116:2 parents [1] - 49:16 park [48] - 7:23, 11:15, 17:6, 25:3, 26:2, 26:5, 26:11, 26:12, 26:13, 26:15, 27:19, 33:10, 33:17, 33:25, 34:1, 34:3, 34:6, 34:9, 34:13, 34:18, 34:22, 34:25, 36:5, 36:9, 47:11, 48:2, 48:6, 53:9, 62:2, 84:18, 85:1, 101:16, 102:13, 102:14, 102:15, 102:17, 102:18, 103:2, 105:10, 105:13, 118:17, 118:18, 118:23, 128:1, 128:2 Park [1] - 25:11 parking [54] - 20:5, 20:13, 21:13, 21:16, 21:17, 26:24, 27:12, 27:13, 27:22, 28:22, 34:17, 34:19, 35:11, 41:23, 84:23, 85:17, 86:7, 86:8, 86:13, 86:19. 86:23. 86:25. 87:7. 87:8. 87:9. 90:4. 90:13, 96:24, 101:14, 102:5, 103:10, 103:25, 104:2, 104:3, 104:12, 104:24, 113:5, 113:8, 113:10, 113:19, 113:23, 114:9, 120:18, 120:20, 120:23, 121:10, 121:21, 123:3, 138:17, 139:1, 139:4 **Parks** [4] - 7:21, 7:23, 34:1, 47:6 parks [25] - 7:24, 17:7, 25:24, 26:9, 29:21, 30:7, 32:8, 32:9, 47:6, 61:7, 61:10, 61:19, 61:22, 61:25, 62:1, 62:3, 62:5, 62:8, 102:9, 102:10, 102:11, 105:9, 105:11

Case 2:22-cv-08357-DOC-KS

parkways [1] - 48:5 part [15] - 16:13, 16:24, 17:21, 26:9, 28:7, 30:3, 32:11, 33:6, 33:16, 43:15, 54:6, 64:20, 65:10, partially [2] - 29:7, 29.8 parties [2] - 6:8, 56:4 parts [2] - 16:13, 100:1 party [6] - 63:11, 107:19, 107:25, 108:1, 113:24, 136:17 Party [1] - 3:8 past [1] - 135:13 path [1] - 106:10 patience [1] - 6:6 Patriot [4] - 23:14, 24:9, 24:16, 95:14 Paul [1] - 106:21 Pause [1] - 24:5 paved [3] - 25:21, 27:22, 35:8 paying [1] - 109:16 Peck [1] - 108:11 Pedro [1] - 108:4 pending [1] - 136:22 people [67] - 8:16, 9:10, 9:16, 9:20, 11:1, 11:14, 12:13, 12:15, 12:19, 13:5, 13:6, 13:8, 14:15, 16:12, 16:14, 18:14, 18:15, 19:8, 25:3, 29:14, 29:15, 29:23, 30:16, 31:9, 33:24, 34:24, 37:17, 40:2, 42:3, 43:4, 44:3, 45:9, 46:6, 48:7, 49:12, 49:25, 55:4, 55:7, 57:18, 58:1, 60:4, 60:7, 60:21, 61:5, 62:1, 62:6, 62:18, 62:23, 63:20, 64:18, 93:8, 93:15, 97:23, 100:23, 102:10, 102:20, 103:5, 103:7, 105:1, 106:5, 107:9, 110:17, 121:24, 133:8 people's [1] - 87:16 per [22] - 24:21, 40:25, 41:18, 41:24, 56:25, 57:6, 68:15, 68:16, 69:4, 71:13, 71:14, 73:7, 89:11, 97:1, 97:21, 114:18, 114:23, 115:8, 116:4, 116:11, 116:22

percent [3] - 31:5, 41:8, 127:1 perfect [1] - 116:7 perimeter [2] -52:18, 52:20 period [6] - 18:17, 47:10, 70:18, 74:19, 131:12, 135:21 permanent [59] -15:1, 18:11, 19:5, 32:1, 33:19, 35:9, 41:4, 41:17, 43:22, 44:25, 47:23, 51:2, 51:3, 51:18, 52:2, 56:10, 58:12, 66:1, 66:11, 66:25, 71:13, 72:12, 77:22, 82:22, 83:6, 83:16, 83:21, 85:4, 85:9, 85:13, 85:24, 86:12, 86:25, 87:8, 87:9, 87:13, 87:25, 88:13, 93:18, 93:19, 99:7, 110:25, 111:14, 114:14, 114:25, 117:13, 117:14, 117:18, 118:7, 118:8, 120:24, 121:9, 121:21, 121:22, 126:20, 129:13, 129:14, 131:16 permits [1] - 74:14 permitted [1] - 71:7 person [8] - 17:11, 25:24, 42:24, 47:7, 61:20, 61:24, 61:25, 63:12 person's [1] - 10:5 personal [1] - 137:10 perspective [5] -19:4, 32:3, 36:9, 54:24, 61:22 persuade [1] -108:25 **PETTY**[1] - 2:21 phone [4] - 20:17, 30:11, 40:4, 42:13 photograph [4] -34:25, 39:5, 39:10, 40:21 photographic [1] -57:15 photographs [5] -17:15, 23:24, 37:23, 39:24 physical [1] - 40:14 PIAZZA [1] - 2:8 picking [2] - 50:2, 106:11

70:21, 108:13 picturing [1] - 28:16 pie [2] - 134:12, 134:15 piece [1] - 87:10 piecemeal [2] -93:14, 93:24 pits [1] - 125:23 **PITZ** [1] - 2:22 place [19] - 13:7, 20:12, 21:22, 26:15, 27:3, 31:4, 31:5, 31:7, 32:13, 44:5, 49:17, 49:18, 49:21, 53:20, 58:2, 67:4, 129:18, 136:7 placed [13] - 21:25, 36:16, 37:4, 38:13, 38:17, 38:18, 45:23, 45:24, 83:7, 85:5, 87:13, 99:20, 107:23 placement [3] -47:19, 51:16, 62:10 places [12] - 29:15, 30:14, 32:17, 32:20, 38:23, 49:24, 53:3, 59:4, 59:14, 59:15, 72:11, 86:24 **PLAINTIFF** [1] - 2:3 **plaintiff** [1] - 7:7 plaintiff's [2] - 83:13, 112:10 Plaintiffs [1] - 1:7 plaintiffs [4] - 6:10, 6:11, 56:6, 115:16 **Plaintiffs'** [1] - 7:10 plan [8] - 43:15, 62:16, 81:11, 109:13, 109:15, 115:23, 131:21, 136:15 planned [4] - 44:15, 58:13, 64:10, 137:10 planner [2] - 131:20 planning [3] - 9:1, 61:3, 77:19 plans [7] - 10:18, 42:8, 43:1, 53:16, 56:21, 73:10, 120:23 plausible [1] - 43:20 play [6] - 32:17, 49:24, 61:13, 101:24, 102:16, 120:24 Playa [18] - 9:22, 10:2, 10:7, 10:8, 11:7, 12:6, 13:9, 17:1, 17:2, 29:18, 34:2, 49:25, 55:8, 55:9, 78:6, 93:8, 114:17

playing [1] - 101:22

pleasure [1] - 138:25

plus [5] - 44:7, 87:9, 96:20, 96:21, 111:20 point [11] - 8:15, 40:20. 41:16. 49:2. 55:20, 57:23, 63:9, 70:23, 84:4, 89:22, 135:5 point-in-time [1] -84.4 pointing [3] - 90:1, 126:19, 126:20 **police** [3] - 60:11, 60:12, 75:17 Police [1] - 8:9 policing [1] - 60:9 policy [5] - 7:14, 7:16, 9:10, 9:19, 16:19 Policy [6] - 73:6, 74:9, 76:12, 76:14, 76:20, 77:2 polite [1] - 136:2 political [4] - 10:24, 35:2, 35:4, 105:18 politically [1] - 10:21 Pomona [1] - 31:3 pool [3] - 49:23, 131:16, 131:18 poop [1] - 102:18 poorly [1] - 101:21 pop [3] - 87:12, 87:15, 88:2 porches [1] - 22:3 portion [17] - 27:19, 27:20, 28:5, 28:12, 31:23, 34:16, 34:20, 44:22, 45:19, 61:21, 79:19, 80:1, 80:11, 80:23, 85:7, 119:2, 125:14 portions [1] - 127:16 position [2] - 91:23, 100:18 positions [2] - 7:19, positive [2] - 9:3, 9:6 possible [8] - 16:2, 22:21, 25:19, 31:12, 43:19, 45:18, 78:2, 88:13 possibly [3] - 31:24, 78:9, 127:8 post [3] - 35:8, 113:14, 113:17 potential [2] - 21:11, 38:10 power [6] - 20:15, 109:22, 109:23, 109:24, 110:1, 110:10 POWERS [1] - 1:6

pictures [3] - 70:1,

practical [1] - 36:8 prefer [4] - 8:17, 44:1, 103:2, 106:2 Pregerson [2] -108:4, 108:16 premised [1] - 58:18 preparation [1] -74:17 PRESENT[1] - 3:7 present [9] - 6:7, 6:8, 30:15, 33:3, 48:9, 56:4, 124:13 presentation [1] -94:2 preservation [2] -79:7, 122:23 Preservation [1] -92:21 preserved [1] - 80:16 president [6] - 11:9, 12:9, 61:23, 134:1, 134:2, 134:15 pressing [1] - 134:6 pretty [4] - 17:4, 39:13, 104:7, 132:18 price [3] - 12:21, 40:19, 46:9 prime [1] - 99:3 principally [1] -113:25 private [2] - 10:4, 29.9 privileged [4] -105:1, 105:2, 105:3 problem [7] - 9:11, 10:23, 31:18, 53:3, 81:25, 119:9, 127:12 problems [8] - 44:10, 44:11, 48:1, 50:1, 55:13, 55:14, 62:7, 131:9 proceed [1] - 16:21 proceedings [3] -24:5, 139:6, 140:11 PROCEEDINGS [1] process [5] - 36:25, 51:18, 51:21, 51:23, 110:13 product [1] - 135:20 professionally [1] professionals [3] -54:14, 54:21, 55:15 program [1] - 12:19 programs [2] -61:11. 91:18 PROGRAMS[1] -2:20 **Project** [5] - 8:3,

Case 2:22-cv-08357-DOC-KS

project [21] - 8:4, 8:5, 12:16, 13:5, 32:1, 35:3, 39:21, 39:22, 44:23, 45:2, 46:12, 47:25, 53:12, 57:23, 58:4, 108:9, 108:10, 123:16 projects [11] - 9:2, 9:21, 41:4, 41:5, 48:1, 58:7, 59:25, 64:12, 76:11, 76:21, 135:15 promise [1] - 46:25 promised [2] - 43:9, 58.5 promises [2] - 15:1, 15:9 promoted [1] - 15:10 properties [2] -57:18, 78:6 property [20] - 10:15, 11:2, 11:3, 12:3, 15:4, 16:25, 18:22, 23:5, 30:15, 31:13, 39:14, 57:16, 66:17, 82:24, 85:8, 86:3, 86:23, 87:20, 87:21, 127:3 proposed [1] - 65:9 prospective [3] -35:10, 35:21, 42:11 **provide** [2] - 45:19, 84:11 provided [9] - 15:19, 27:11, 50:8, 65:9, 68:5, 72:23, 73:24, 81:23 providing [1] - 20:16 proximate [3] -27:10, 27:14, 94:16 proximity [2] - 23:21 psychiatric [1] -91:19 psychological [1] -91:20 PTSD[1] - 49:15 public [13] - 7:14, 7:16, 9:10, 9:18, 11:15, 14:9, 14:10, 14:11, 16:19, 33:16, 33:17, 102:15 **PUBLIC** [2] - 2:7, publicly [1] - 47:4 pumping [1] - 127:7 **purchase** [1] - 107:2 **purpose** [2] - 8:3, 72:4 purposes [3] - 31:16, 75:15, 81:23

pursuant [1] - 140:9

47:11, 61:18, 108:4

pursuing [1] - 32:3 pushback [7] - 96:4, 100:14, 100:15, 102:3, 102:4, 102:6, 131:8 put [55] - 8:4, 8:7, 17:10, 17:14, 20:13, 26:5, 27:3, 27:13, 29:18, 30:10, 31:13, 32:20, 35:25, 43:20, 52:23, 53:10, 60:24, 66:7, 67:5, 68:22, 69:24, 77:15, 82:8, 83:8, 84:10, 90:3, 93:8, 96:14, 102:25, 103:16, 104:22, 106:19, 108:4, 108:6, 108:11, 111:3, 111:4, 111:6, 112:16, 114:14, 116:10, 117:10, 117:21, 117:23, 118:1, 118:25, 119:25, 120:13, 120:17, 122:6, 123:7, 125:22, 129:15, 130:15 putting [6] - 42:12, 48:19, 107:1, 111:14, 130:24, 132:25 Q

qualified [1] - 11:8 quality [4] - 20:10, 20:19, 41:9, 118:5 quarter [1] - 24:16 QUESTION [6] -76:10, 76:24, 77:1, 80:1, 80:11, 81:4 questions [16] -67:8, 81:17, 82:10, 82:11, 84:5, 84:8, 88:4, 88:18, 91:14, 98:9, 107:15, 128:16, 133:10, 136:1, 136:3, 137.7 quibble [2] - 91:5, 91:7 quibbling [1] -113:21 quickly [3] - 62:17, 69:9, 106:8 quite [3] - 110:2, 110:3, 132:2 quiz [3] - 87:12, 87:15, 88:2 quote [3] - 70:24, 72:17, 77:7

R raise [1] - 6:14 ran [1] - 8:15 Rancho [1] - 45:6 Randy [6] - 11:8, 12:8, 21:19, 42:2, 54:23, 119:22 range [2] - 46:9, 51:21 rate [1] - 12:18 rather [3] - 99:15, 99:17, 128:2 rattiest [2] - 29:16, 32:7 raw [1] - 118:22 re [1] - 26:10 re-entry [1] - 26:10 reach [1] - 105:24 reached [1] - 51:15 react [2] - 93:2, 93:4 read [20] - 13:18, 43:14, 56:12, 64:4, 69:19, 72:7, 76:8, 76:16, 77:5, 78:13, 78:18, 78:22, 79:15, 79:24, 80:19, 81:2, 81:13, 81:19, 131:6, 132:4 reading [3] - 79:8, 79:12, 79:13 ready [1] - 73:2 real [8] - 7:13, 9:9, 15:2, 16:19, 39:25, 42:24, 87:10, 105:24 reality [2] - 38:19, reallocation [2] -134:3, 135:22 really [10] - 10:15, 12:3, 27:5, 30:23, 39:25, 40:13, 97:19, 115:25, 132:1, 132:3 **Realtime** [1] - 140:6 reason [8] - 16:24, 22:18, 58:3, 60:2, 92:11, 105:23, 112:11, 136:8 reasonable [5] -43:20, 88:25, 100:1, 100:18, 129:21 reasons [3] - 65:3, 124:18, 124:21 receive [1] - 65:13 received [1] - 65:18

recently [1] - 70:11

recess [2] - 55:23,

recidivism [1] -

55:25

12:18

recirculate [1] -56:16 recognize [2] -23:12. 24:25 recollection [1] -84.20 recommend [3] -45:10, 99:19, 111:17 record [12] - 36:6, 56:3, 58:16, 67:14, 76:9, 78:13, 78:18, 79:25, 80:8, 81:3, 82:8, 82:9 records [2] - 72:8, 97:20 recreation [1] - 32:9 Recreation [4] -7:21, 7:23, 34:1, 47:6 recreational [1] -54:7 RECROSS [1] -88:10 recross [2] - 82:13, 88:6 Recross [1] - 4:7 recruitment [1] -15:13 red [1] - 53:8 red-tagged [1] - 53:8 redirect [1] - 82:13 Redirect [1] - 4:6 REDIRECT [1] -82.19 redo [1] - 53:11 reduce [1] - 103:19 reduced [1] - 96:19 reenter [1] - 42:20 refer [2] - 13:24, 83:11 referring [5] - 26:6, 72:17, 118:14, 127:10, 139:2 regard [5] - 8:25, 20:22, 20:25, 59:10, 82:21 regarding [3] -67:24, 88:12, 104:19 register [2] - 77:16, 79:20 regular [1] - 34:25 regulations [1] -140:13 rehab [1] - 122:24 reinforcement [2] -9:3. 9:6 reintegration [1] -49.3 reinvigorated [1] -128:7 reject [1] - 125:25

rejected [3] - 112:2, 124:24, 127:5 relate [1] - 48:16 relation [3] - 20:11, 36:22, 81:11 relationship [1] -35.17 relatively [1] - 27:16 relief [5] - 107:18, 107:19, 107:21, 111:23, 136:9 reluctant [1] - 125:22 reluctantly [1] - 85:6 remarkable [1] -12:11 remediated [1] -119:7 remember [6] -48:11, 49:3, 54:19, 109:22, 114:20, 122:14 reminded [1] - 89:12 remodelled [1] -80:17 remove[1] - 52:9 removed [1] - 77:18 removing [1] - 77:19 renegotiate [1] -130:14 renegotiating [1] -130.13 renewed [1] - 128:14 renters [1] - 104:17 repeat [2] - 41:11, 116:8 replace [5] - 20:15, 21:16, 29:19, 87:7 replaced [3] - 21:13, 48:5. 78:3 report [13] - 50:7, 50:17, 65:11, 68:21, 69:16, 70:7, 71:18, 71:22, 71:23, 71:24, 73:22, 81:12, 88:14 reported [1] - 140:11 **Reporter** [3] - 9:25, 140:7, 140:20 REPORTER [2] -1:22, 140:1 REPORTER'S [1] reports [8] - 9:13, 48:3, 53:11, 61:3, 63:23, 69:13, 73:17 Representative [1] represents [1] -37:20 request [4] - 17:14, 35:14, 56:9, 94:3

Case 2:22-cv-08357-DOC-KS

require [1] - 73:12 required [2] - 52:8, requirements [4] -73:6, 74:8, 79:7 residential [3] -23:21, 25:5, 127:4 residents [2] - 30:16, 100:2 resistance [1] -106:11 resistant [1] - 104:23 resolve [1] - 135:12 respect [4] - 11:13, 48:15, 55:9, 59:21 respectful [2] - 25:7, 49:12 respectfully [1] -103:11 respond [2] - 80:5, 81:15 response [3] - 53:18, 134:24, 135:1 rest [5] - 52:20, 69:10, 84:2, 95:8, 116:16 restart [1] - 80:8 restate [1] - 76:18 restrictions [2] -81:6, 81:10 result [1] - 69:10 retail [3] - 35:10, 54:7, 57:21 **REUBEN** [1] - 3:3 reuse [5] - 52:7, 57:2, 85:19, 126:22 reuses [1] - 31:12 revisiting [2] - 69:12 revocable [2] -102:23, 105:16 Rey [1] - 93:8 RFP [1] - 136:14 rich [1] - 12:13 RICHARD [2] - 1:9, 2:18 ridiculous [3] -29:23, 53:13, 136:24 rift [1] - 127:13 right-hand [2] - 40:6, ring [6] - 87:19, 90:14, 91:11, 94:23, 94:25, 124:9 Riordan [2] - 8:3, 8.13 risk [1] - 110:2

risky [1] - 110:3

road [12] - 8:5,

30:21, 53:6, 53:9,

Riverside [1] - 45:3

87:19, 90:15, 91:11, 94:23, 94:25, 113:16, roads [4] - 41:23, 51:7, 61:24, 63:13 roadways [1] - 98:21 Robert [1] - 3:9 **ROBINS** [1] - 2:4 Robinson [2] -86:21, 131:21 **Roman** [1] - 70:15 **ROMAN**[3] - 2:4, 2:9, 2:15 roof [1] - 48:19 roofing [1] - 90:9 **ROOM** [1] - 1:22 room [4] - 44:17, 82:25, 97:24, 111:9 **Rosa** [1] - 39:8 ROSENBAUM [1] -2:8 ROSENBERG [8] -2:20, 132:11, 138:1, 138:3, 138:17, 138:21, 139:1, 139:4 roughly [9] - 20:22, 24:21, 28:15, 30:17, 32:4, 51:16, 59:12, 78:25 round [1] - 81:16 rounded [1] - 24:20 route [1] - 95:16 row [1] - 54:25 RPR [1] - 140:20 rules [4] - 50:15, 61:15, 86:6, 102:21 ruling [4] - 112:16, 112:17, 125:21, 129:20 run [5] - 19:23, 35:14, 60:1, 119:8, 127:11 run's [1] - 32:17 running [2] - 10:24, 40:3 runs [1] - 111:25 runway [2] - 10:6

S

S-O-B-O-R-O-F-F [1]
- 7:2
Sacramento [1] 45:6
sad [1] - 31:17
safe [1] - 120:1
safety [1] - 108:22
San [4] - 10:16,
30:10, 52:18, 108:4
Santa [1] - 39:8

satisfy [1] - 79:6 **SAVAGE**[2] - 2:9, 2:15 savant [1] - 64:22 saw [1] - 16:24 schedule [3] - 47:11, 47:12, 62:9 schizophrenic [1] -48:19 school [5] - 60:15, 64:1, 130:8, 132:20, 132:23 School [13] - 9:17, 32:12, 111:12, 111:13, 113:11, 113:15, 127:8, 127:15, 129:4, 130:5, 130:14, 131:10, 131:20 schools [5] - 17:6, 47:9, 60:16, 60:18, 64:3 Science [2] - 8:21, 8:24 **scope** [1] - 31:8 screen [3] - 18:21, 23:8, 68:9 seat [2] - 6:21, 56:1 seated [2] - 6:18, second [11] - 38:3, 41:1, 49:14, 82:2, 98:24. 127:18. 128:12, 129:1, 130:12, 130:18, 136:8 seconds [1] - 63:6 Section [1] - 140:9 see [55] - 23:25, 25:12, 26:2, 26:22, 33:9, 33:13, 35:15, 36:3, 37:23, 44:23, 48:23, 53:1, 53:5, 53:6, 55:23, 59:6, 59:8, 67:18, 68:9, 68:13, 76:3, 77:18, 77:21, 77:23, 77:24, 78:8, 79:4, 80:4, 80:14, 84:15, 85:12, 86:5, 86:18, 89:3, 89:5, 91:11, 91:20, 95:16, 96:10, 97:18, 98:12, 99:13, 101:15, 101:17, 101:18, 109:7, 113:17, 113:19, 119:16, 127:17, 134:7, 135:12, 135:15, 135:20, 138:19

seeing [1] - 96:5

seismologically [1] -

127:12 seldom [1] - 21:7 selected [2] - 64:18, self [2] - 11:10, 50:2 self-esteem [2] -11:10, 50:2 sell [1] - 102:11 selling [1] - 11:3 Senator [1] - 127:24 Senators [1] - 105:2 send [1] - 15:25 senior [1] - 8:13 sense [5] - 49:8, 62:14, 63:5, 109:23, 135:8 sensitive [2] -123:12, 123:14 sent [2] - 17:19, 18:2 separate [2] - 40:15 Sepulveda [1] - 53:1 sequence [1] - 48:24 series [3] - 17:14, 29:20, 81:18 servant [3] - 7:14, 7:15, 7:16 serve [4] - 21:14, 31:7, 113:24, 113:25 served [1] - 49:12 service [3] - 17:12, 54:8, 121:20 services [6] - 21:7, 27:10, 30:16, 44:5, 91:25, 121:18 session [1] - 6:7 sessions [1] - 54:5 set [2] - 65:22, 102:17 setback [10] - 95:20, 99:19, 100:4, 100:7, 100:9, 100:23, 103:7, 103:10, 104:16, 104:20 setbacks [3] - 37:24, 100:19, 122:4 settlement [1] -124:10 settlements [2] -98:17, 99:5 seven [1] - 131:13 sewer [1] - 107:3 shack [1] - 113:16 shall [1] - 19:24 **shame** [1] - 41:8 **shape** [1] - 37:5 shaped [1] - 31:19 share [3] - 22:2, 40:14, 40:22 sharing [3] - 38:4, 38:9, 38:16

sheet [2] - 93:17, 93.18 shelf [1] - 43:3 shelters [1] - 30:12 Sherin [4] - 48:9, 49:2, 49:22, 136:10 **ship** [2] - 12:13, 46:5 Shiver [1] - 105:11 shock [1] - 37:7 shoes [1] - 44:9 shop [3] - 57:23, 57:24, 57:25 short [2] - 55:20, 82:17 shortfall [1] - 22:22 **shot** [1] - 45:10 show [9] - 17:17, 19:21, 23:23, 23:24, 28:18, 37:22, 90:8, 120:20, 126:6 **showed** [1] - 70:15 showing [2] - 41:13, shown [2] - 25:10, 36:17 shows [3] - 18:5, 84:3, 120:23 shrinking [1] - 56:20 Shriver [1] - 14:15 shuttle [1] - 8:22 side [17] - 35:7, 35:8, 37:24, 38:7, 38:9, 45:5, 76:3, 84:10, 90:14, 99:15, 99:17, 100:11, 115:9, 126:4, 136:11 side-by-side [1] sides [1] - 53:2 sign [3] - 17:11, 29:12, 52:23 significance [1] -79:10 significant [2] -81:10, 102:4 SILBERFELD [70] -2:4, 6:11, 7:8, 7:11, 14:5, 16:18, 16:22, 16:23, 17:19, 17:22, 18:3, 19:22, 20:2, 20:4, 20:7, 22:12, 22:15, 23:11, 24:8, 34:5, 34:14, 36:1, 36:4, 36:11, 37:19, 38:6, 42:4, 50:12, 50:14, 55:19, 55:22, 56:7, 58:8, 65:6, 65:22, 65:25, 66:5, 66:9, 66:12, 66:14, 66:16, 67:4, 76:16,

Case 2:22-cv-08357-DOC-KS

81:25, 82:16, 82:20, 83:4, 83:10, 83:19, 83:22, 84:2, 84:10, 84:12, 84:25, 85:3, 88:4, 89:24, 104:12, 117:22, 118:18, 118:22, 120:14, 125:4, 129:7, 129:16, 132:13, 136:4, 137:17, 138:6, 138:11 Silberfeld [2] - 4:4, **silly** [1] - 129:20 similar [1] - 42:7 **simple** [2] - 9:4, 115:25 simply [2] - 47:19, 98:25 simultaneously [1] -46:14 single [19] - 21:23, 36:15, 37:4, 37:13, 37:22, 38:4, 38:9, 38:13, 38:25, 39:6, 39:11, 45:11, 68:8, 68:15, 89:18, 114:20, 114:23. 116:13. 117:12 single-level [6] -21:23, 37:4, 37:22, 38:13, 68:8, 68:15 single-story [9] -37:13, 38:4, 38:9, 39:6, 39:11, 89:18, 114:20, 114:23, 116:13 sister [2] - 48:18, 95:4 Sisters [1] - 12:17 site [14] - 20:21, 36:19, 36:20, 43:25, 44:18, 44:20, 44:21, 54:13, 54:18, 73:7, 90:16, 127:3, 131:20 sites [17] - 35:11, 55:12, 66:7, 66:10, 68:7, 68:11, 68:17, 69:12, 70:20, 71:1, 71:5, 83:5, 85:14, 85:22, 89:14, 89:15 sitting [1] - 54:24 **situations** [2] **-** 60:6, **six** [7] - 13:10, 24:16, 26:18, 28:14, 46:13, 46:15, 46:22 size [2] - 69:7, 115:4 skills [2] - 9:15, 9:18 skip [1] - 76:15

sky [2] - 134:13,

134:15 sleep [1] - 25:4 slide [2] - 36:2, 70:10 slides [3] - 39:19, 65:22, 69:21 **slightly** [1] - 28:22 slope [4] - 31:22, 100:6, 100:8, 100:10 slow [3] - 10:1, 52:7, 65.4 slowly [1] - 64:19 small [3] - 31:22, 64:20, 119:2 smaller [3] - 30:5, 30:7. 39:17 **smarter** [1] - 16:13 Soboroff [25] - 6:12, 7:2, 7:12, 16:18, 18:22, 27:15, 36:14, 37:20, 40:6, 44:12, 56:9, 58:9, 64:15, 67:2, 67:16, 75:25, 76:10, 77:7, 80:6, 81:16, 82:21, 88:12, 88:24, 89:7, 104:14 SOBOROFF [2] -4:3, 7:3 Soboroff's [1] -65:11 soft [3] - 41:6, 41:20, 47:16 softball [3] - 32:5, 32:7. 32:17 soil [3] - 21:12, 74:17, 119:4 solar [13] - 20:5, 20:14, 20:15, 20:16, 20:21, 21:17, 45:17, 45:18, 89:24, 90:8, 90:12, 90:13 **Solar** [2] - 45:16, 45:20 sold [2] - 11:4, 12:2 solutions [1] - 55:13 solve [4] - 22:22, 23:4, 53:21, 115:14 solved [1] - 23:3 solving [3] - 9:1, 59:3. 59:8 someone [4] - 8:25, 24:1, 122:3, 134:19 sometimes [3] -44:10, 54:8, 109:23 somewhat [1] - 99:1 somewhere [2] -27:14, 77:11 sophisticated [1] -35:18 sorry [6] - 34:14, 43:18, 47:17, 87:12,

96:14, 100:10 sort [5] - 8:21, 12:17, 31:19, 37:6, 55:8 sound [1] - 74:1 South [5] - 2:10, 2:16, 20:5, 25:11, 26.6 south [9] - 23:14, 35:8, 105:21, 105:23, 106:2, 107:22, 113:17, 118:18, 118:22 southern [2] - 91:21, 91:24 Southern [2] - 50:23, 53:15 space [4] - 8:22, 38:11, 41:23, 131:20 spaces [4] - 21:17, 40:18, 86:20, 104:15 span [2] - 59:11, 59:18 **spare** [1] - 95:8 special [2] - 62:21, 136:20 specific [5] - 63:3, 63:8, 65:15, 87:11, 100:7 specifically [6] -76:22, 77:11, 80:3, 80:13, 81:7, 83:25 **specifics** [1] - 78:1 spell [1] - 6:25 spend [3] - 45:15, 60:17, 61:2 spending [1] - 47:8 **spent** [1] - 63:21 **spot** [2] - 36:3, 47:16 spots [1] - 25:5 spotted [1] - 20:25 spread [2] - 42:18, sprinklers [1] - 61:25 Spruce [1] - 10:11 square [24] - 23:23, 24:23, 39:16, 40:15, 40:25, 41:3, 41:7, 41:12, 41:14, 41:18, 41:24, 56:25, 57:6, 71:13, 71:14, 94:18, 106:23, 114:24, 115:5, 115:7, 116:5, 116:6, 116:10 St [1] - 39:21 stack [2] - 41:5, 64:20

stacks [1] - 57:8

131:21

Stadium [2] - 86:21,

stadium [5] - 29:3,

86:9, 86:10, 111:10, 127:15 staff [2] - 92:14, 93:5 staffing [1] - 92:25 stage [2] - 106:2, 136.8 stages [1] - 51:19 staging [1] - 25:17 stand [1] - 13:15 standalone [3] -38:13, 39:6, 39:11 Stars [1] - 2:6 start [18] - 7:21, 20:1, 50:1. 50:2. 50:3. 52:18. 59:8. 79:24. 79:25, 81:2, 85:18, 126:9, 126:19, 130:16, 137:17, 137:18, 137:20, 137:25 started [3] - 10:24, 66:20, 137:16 **starting** [4] - 39:5, 76:8, 78:18, 84:13 state [2] - 6:24 **STATE**[1] - 140:4 State [4] - 12:3, 12:4, 16:5, 99:4 Statement [1] -56:20 statement [3] -83:15, 101:6, 101:7 states [1] - 107:19 States [3] - 140:7, 140:9, 140:14 **STATES**[1] - 1:1 station [1] - 87:18 stay [2] - 67:21, 109:9 steep [1] - 99:18 stenographically [1] 140:11 step [2] - 6:14, 137:14 steps [5] - 6:20, 51:12, 63:4, 63:10, 92:8 **Steve** [1] - 6:12 **STEVEN**[3] - 4:3, 7:1, 7:3 Steven [2] - 7:1, 75:24 stick [2] - 44:18, 114:19 still [3] - 47:14, 124:22. 126:12 stock [1] - 46:18 **stop** [1] - 25:15 **stories** [20] - 9:14, 116:14, 116:15,

116:17, 116:19, 116:20, 116:21, 117:6, 117:7, 117:12, 117:17, 117:22, 119:15, 122:13, 122:15, 122:20, 122:24, 123:1, 123:4 story [27] - 37:13, 37:15, 38:3, 38:4, 38:9, 39:6, 39:11, 43:20, 44:7, 44:11, 44:14, 45:11, 85:17, 89:18, 106:13, 106:15, 106:16, 106:17, 106:18, 114:20, 114:23, 116:13, 116:25, 118:9, 122:16, 122:21 straight [1] - 138:20 STREET[1] - 1:22 street [7] - 24:9, 53:3, 87:21, 103:9, 108:21, 117:16, 125:13 Street [2] - 2:13, 2:24 streets [2] - 18:14, strength [1] - 16:12 stressing [1] - 18:13 strike [4] - 65:14, 65:17, 65:19, 82:9 structure [3] - 21:14, 21:16, 62:15 structures [2] - 39:7, 122:15 struggling [1] - 94:5 student [1] - 31:12 students [1] - 31:6 studied [1] - 33:2 studies [1] - 63:24 studios [1] - 116:5 study [1] - 82:24 stuff [6] - 13:19, 35:5, 40:2, 70:17, 84:9, 131:22 stupid [1] - 91:5 stymieing [1] - 35:2 subcommunities [1] - 23:25 subject [8] - 65:13, 65:17, 65:19, 82:17, 82:21, 92:1, 125:23 subneighborhoods [1] - 23:25 substance [2] -91:17, 106:5 substantial [3] -12:21, 73:13, 85:24 substantially [1] -57:12

substitute [1] - 57:12 subterranean [1] -123:3 **subway's** [1] - 53:14 successors [1] -10:23 sue [2] - 127:22, 127:23 suggested [1] -78:19 **suing** [1] - 127:20 suitable [9] - 18:10, 23:17, 27:3, 31:23, 33:19, 85:9, 118:6, 118:7, 120:5 Suite [2] - 2:6, 2:13 suited [1] - 107:5 Summa [2] - 10:24, 11:3 summarized [1] -43:4 super [3] - 25:9, 26:15, 57:2 supplement [4] -69:15, 71:21, 71:23, 71:24 supplemented [1] -65:10 **support** [2] - 15:13, 109:3 supporting [1] -41:17 supportive [68] -21:24, 23:18, 25:19, 27:4, 28:9, 31:13, 32:1, 33:19, 35:9, 35:12, 37:9, 41:4, 43:22, 45:22, 46:20, 47:20, 47:22, 47:23, 51:2, 51:3, 51:16, 51:19, 52:2, 56:10, 56:11, 59:10, 59:22, 62:11, 66:2, 66:11, 66:25, 68:1, 71:14, 72:6, 72:12, 77:22, 82:22, 83:6, 83:7, 83:16, 83:21, 85:5, 85:9, 85:13, 85:24, 86:13, 86:25, 87:9, 87:10, 87:13, 87:25, 88:13, 93:19, 93:22, 108:20, 108:21, 110:25, 111:14, 114:14, 115:1, 117:13, 117:14, 117:18, 120:25, 121:21, 121:22,

126:20

supposed [4] -

11:17, 42:21, 102:15,

119:10 supposedly [3] -84:24, 99:7, 101:19 surface [1] - 87:1 surrounded [4] -12:17, 44:4, 44:5, 49.17 swimming [3] -49:23, 131:16, 131:18 sworn [1] - 7:4 system [17] - 7:23, 11:16, 17:6, 33:17, 37:7, 47:11, 48:2, 49:19, 53:9, 53:10, 60:20, 60:24, 60:25, 61:7, 62:23, 64:20 systems [1] - 48:6

Т

table [1] - 136:9 Taft [1] - 9:17 tagged [1] - 53:8 talks [1] - 83:12 taller [1] - 122:18 Tax [1] - 64:17 **TAYLOR** [2] - 2:22, 2:22 teachers [1] - 12:20 teaches [1] - 38:12 team [3] - 36:25, 37:3, 70:13 tear [1] - 77:10 teeth [6] - 14:23, 15:2, 15:8, 15:9, 61:1 **telephone** [1] - 18:15 temple [1] - 121:17 temporary [71] -18:6, 18:10, 18:11, 19:1, 19:11, 20:10, 21:18, 21:24, 23:17, 25:19, 26:15, 27:4, 28:9, 28:11, 30:1, 31:13, 31:23, 32:2, 32:20, 33:19, 35:12, 35:19, 37:9, 45:1, 45:22, 46:20, 47:19, 47:22, 51:16, 52:4, 56:11, 56:14, 57:4, 58:11, 59:10, 59:22, 62:10, 63:4, 66:8, 68:1, 71:13, 72:2, 72:4, 72:6, 72:22, 73:1, 73:21, 83:6, 83:8, 83:17, 88:19, 89:10, 90:23, 90:24, 92:13, 93:21, 96:6, 96:14, 97:2, 99:6, 99:19, 100:19, 102:25, 104:15,

111:8, 115:1, 118:6, 118:10, 121:6, 129:9, 129.11 ten [5] - 8:8, 12:8, 12:15, 130:13, 132:18 ten-year [1] - 130:13 term [4] - 8:14, 10:12, 44:19, 77:4 terminated [1] -132:2 terms [6] - 43:6, 62:22, 100:18, 107:3, 111:14, 111:24 TERRI [4] - 1:21, 140:6, 140:19, 140:20 terrific [2] - 28:16, 29:22 test [8] - 35:14, 36:12, 36:15, 38:12, 40:24, 67:25, 68:1, 68:23 testified [9] - 7:5, 48:10, 67:24, 70:23, 71:12, 72:21, 74:21, 79:13, 88:12 testifying [8] - 68:18, 70:4, 71:3, 72:16, 72:19, 77:7, 77:9, 78:7 testimony [6] -48:11, 49:2, 66:6, 74:6, 81:19, 102:17 testing [1] - 106:7 THE [611] - 1:3, 2:3, 2:18, 3:2, 6:5, 6:13, 6:16, 6:17, 6:19, 6:21, 7:1, 7:6, 13:17, 13:18, 13:21, 13:22, 13:24, 14:2, 14:4, 16:21, 17:25, 18:1, 19:10, 19:12, 19:13, 19:14, 23:9, 23:10, 24:3, 24:6, 24:7, 34:3, 34:13, 34:15, 34:16, 34:19, 34:20, 34:24, 35:24, 36:2, 36:5, 36:8, 37:13, 37:14, 37:15, 37:16, 38:1, 38:4, 38:5, 41:11, 41:15, 41:16, 41:19, 41:24, 42:2, 50:10, 50:13, 55:21, 55:23, 56:1, 57:13, 57:14, 57:19, 57:20, 65:13, 65:20, 65:24, 66:1, 66:3, 66:4, 66:7, 66:10, 66:13, 66:15, 66:18, 66:20, 66:22,

66:24, 67:6, 67:7,

67:8, 67:9, 67:11,

75:4, 75:9, 75:12, 75:16, 75:17, 75:20, 75:21, 82:4, 82:5, 82:11, 82:18, 83:2, 83:8, 83:11, 83:20, 83:23, 84:5, 84:9, 84:22, 85:2, 88:8, 88:19, 89:1, 89:2, 89:12, 89:16, 89:19, 89:20, 89:25, 90:6, 90:7, 90:10, 90:11, 90:12, 90:16, 90:18, 90:19, 90:21, 90:22, 91:1, 91:4, 91:6, 91:7, 91:9, 91:10, 91:11, 91:13, 91:16, 91:17, 92:1, 92:3, 92:5, 92:7, 92:8, 92:9, 92:17, 92:19, 93:10, 93:11, 93:12, 93:13, 93:14, 93:16, 93:17, 94:1, 94:7, 94:8, 94:9, 94:10, 94:14, 94:17, 94:19, 94:20, 94:21, 95:2, 95:4, 95:5, 95:7, 95:8, 95:14, 95:15, 95:22, 95:24, 95:25, 96:1, 96:2, 96:4, 96:7, 96:9, 96:11, 96:13, 96:16, 96:17, 96:20, 96:21, 97:4, 97:5, 97:6, 97:7, 97:8, 97:9, 97:10, 97:11, 97:12, 97:14, 97:16, 97:17, 97:23, 97:25, 98:1, 98:3, 98:6, 98:8, 98:10, 98:11, 98:13, 98:14, 98:16, 98:17, 99:3, 99:4, 99:10, 99:12, 99:14, 99:15, 99:21, 99:23, 99:24, 99:25, 100:6, 100:10, 100:12, 100:13, 100:21, 100:22, 100:23, 101:4, 101:6, 101:8, 101:9, 101:12, 101:13, 101:14, 101:24, 102:1, 102:9, 102:14, 102:20, 102:22, 103:1, 103:4, 103:13, 103:14, 103:17, 103:18, 103:20, 103:21, 103:22, 103:23, 103:24, 103:25, 104:2, 104:3, 104:5, 104:6, 104:7, 104:8, 104:14, 104:18, 104:23, 104:25, 105:4, 105:5, 105:6, 105:9, 105:13,

105:15, 105:16,
105:17, 106:1, 106:3,
106:4, 106:10, 106:12, 106:15
106:12, 106:15, 106:16, 106:17,
106:18, 107:4, 107:6,
107:8, 107:11,
107:13, 107:14, 108:8, 108:10,
108:0, 108:10,
108:16, 108:17,
108:18, 108:19,
109:6, 109:10,
109:11, 109:12, 109:14, 109:19,
109:25, 110:1, 110:4,
110:5, 110:7, 110:8,
110:10, 110:12,
110:23, 111:2, 111:3,
111:5, 111:7, 111:16, 111:19, 111:20,
111:22, 111:24,
111:25, 112:1, 112:5,
112:7, 112:9, 112:13,
112:15, 112:18,
112:20, 112:21, 112:22, 112:23,
112:25, 113:1, 113:3,
113:4, 113:6, 113:7,
113:8, 113:13,
113:15, 113:18,
113:19, 113:20, 113:21, 114:2, 114:3,
114:5, 114:6, 114:8,
114:9, 114:11,
114:12, 114:16,
114:19, 114:21,
114:22, 114:24, 114:25, 115:2, 115:3,
115:4, 115:5, 115:6,
115:7, 115:10,
115:12, 115:16,
115:21, 115:24,
116:2, 116:7, 116:10, 116:13, 116:15,
116:18, 116:23,
116:25, 117:2, 117:8,
117:9, 117:13,
117:14, 117:16,
117:18, 117:20, 117:21, 117:23,
118:2, 118:3, 118:4,
118:6, 118:8, 118:11,
118:15, 118:16,
118:19, 118:20,
118:21, 118:24, 119:1, 119:3, 119:4,
119:6, 119:7, 119:8,
119:11, 119:12,
119:13, 119:17, 119:20, 119:22,
119:20, 119:22,

Case 2:22-cv-08357-DOC-KS

```
119:24, 120:2, 120:3,
120:4, 120:5, 120:6,
120:8, 120:9, 120:10,
120:11, 120:12,
120:15, 120:18,
120:20, 120:22,
121:1, 121:3, 121:4,
121:10, 121:11,
121:12, 121:14,
121:15, 121:16,
121:17, 121:19,
121:20, 121:25,
122:1, 122:6, 122:8,
122:10, 122:11,
122:14, 122:17,
122:21, 123:2, 123:4,
123:6, 123:7, 123:8,
123:10, 123:11,
123:13, 123:14,
123:17, 123:18,
123:19, 123:20,
123:21, 123:23,
123:24, 123:25,
124:2, 124:7, 124:12,
124:15, 124:16,
124:17, 124:19,
124:20, 124:22,
124:25, 125:1, 125:5,
125:6, 125:10,
125:12, 125:13,
125:14, 125:17,
125:18, 125:20,
126:1, 126:2, 126:3,
126:12, 126:14,
126:16, 126:17,
126:18, 126:19,
126:24, 127:6, 127:7,
127:9, 127:10,
127:17, 127:20,
127:21, 127:22,
127:23, 127:25,
128:1, 128:3, 128:5,
128:6, 128:8, 128:9,
128:10, 128:11,
128:13, 128:14,
128:18, 128:21,
128:22, 129:1, 129:8,
129:9, 129:10,
129:11, 129:13,
129:14, 129:15,
129:17, 129:19,
129:23, 129:24,
130:1, 130:2, 130:3,
130:7, 130:9, 130:10,
131:1, 131:2, 131:3,
131:10, 131:17,
131:24, 131:25,
132:1, 132:4, 132:6,
132:7, 132:8, 132:9,
132:10, 132:12,
```

132:14, 132:21,

```
132:22, 132:24,
133:2, 133:3, 133:4,
133:6, 133:7, 133:8,
133:9, 133:11,
133:12, 133:13,
133:14, 133:20,
133:22, 133:23,
133:24, 134:1, 134:2,
134:3, 134:4, 134:8,
134:9, 134:11,
134:12, 134:14,
134:15, 134:16,
134:17, 134:18,
134:20, 134:21,
134:22, 134:23,
134:24, 134:25,
135:3, 135:4, 135:5,
135:7, 135:8, 135:14,
135:18, 135:22,
135:25, 136:5, 136:7,
136:12, 136:18,
136:19, 136:22,
136:24, 136:25,
137:2, 137:3, 137:6,
137:7, 137:11,
137:14, 137:19,
137:23, 137:25,
138:2, 138:5, 138:7,
138:12, 138:19,
138:23, 139:3
 the.. [1] - 89:23
 theater [2] - 121:13,
121:14
 themselves [2] -
50:3
 therapy [2] - 54:5,
 they've [1] - 98:20
 third [3] - 8:20,
28:12, 98:25
 thirds [1] - 78:25
 thousand [1] - 106:8
 thousands [1] -
12:19
 thread [2] - 78:4
 threads [1] - 81:8
 threat [2] - 132:1,
132:3
 three [14] - 10:15,
12:18, 25:18, 33:5,
51:4, 57:10, 97:1,
97:20, 113:22,
116:16, 117:17.
123:2, 131:14, 135:17
 throughout [2] -
29:21, 127:12
 throw [2] - 43:2,
101.1
 throws [1] - 105:24
 tie [1] - 95:2
```

tier [1] - 119:19 timeline [9] - 63:3, 63:8, 64:9, 72:21, 72:23, 72:25, 73:4, 73:20, 74:7 timing [2] - 74:14, 74:15 tiny [6] - 30:12, 40:4, 42:10, 59:16, 106:20 tissue [8] - 12:12, 29:14, 43:12, 48:2, 48:7, 49:8, 62:14, 93:21 Title [1] - 140:9 **Tobin** [1] - 3:8 today [9] - 13:5, 25:14, 32:24, 41:4, 44:15, 67:24, 72:23, 74:6, 138:13 toe [1] - 101:23 together [17] - 7:20, 8:4, 8:7, 17:14, 49:20, 49:22, 58:1, 58:2, 68:22, 69:9, 69:11, 93:8, 108:5, 108:6, 108:11, 110:17 toilets [2] - 42:14 toll [1] - 8:5 **TOMMY** [1] - 2:5 **Tommy** [1] - 22:12 tomorrow [7] - 39:8, 42:2, 54:23, 55:7, 137:18. 137:20. 137:21 tonight [5] - 62:2, 97:10, 137:16, 138:14, 138:18 took [3] - 36:19, 60:14, 74:10 top [5] - 75:24, 86:7, 90:8, 98:12, 113:23 torn [3] - 53:6, 78:5, 120:19 tornado [1] - 110:20 tossed [1] - 86:11 total [2] - 68:12, 68:17 touch [1] - 48:13 tough [4] - 124:3, 128:16, 128:17, 128.18 tougher [2] - 30:22, 30:23 tour [3] - 54:22, 92:2, 92:4 towards [3] - 89:3, 100:9, 126:9 traded [1] - 90:16

traditional [1] -

107:18

traffic [3] - 11:13, 12:23, 139:3 tragedy [3] - 15:20, 15:22, 16:9 training [1] - 49:19 trains [1] - 8:6 tranche [9] - 112:19, 112:22, 112:23, 113:3, 128:12, 129:2, 130:18, 131:24, 132:17 tranches [1] - 127:18 TRANSCRIPT[1] -1:13 transcript [4] - 75:8, 79:23, 140:10, 140:12 Transcript[1] -75:24 transfer [1] - 44:10 transparency [1] -132:10 transportation[1] -87:6 trash [1] - 50:3 trauma [1] - 91:24 treated [1] - 93:2 treatment [1] - 106:6 TRIAL [2] - 1:13, 1.14 triangle [1] - 26:22 tricky [1] - 107:25 tried [4] - 41:16, 51:1, 63:20, 63:21 trouble [1] - 77:25 true [1] - 140:10 TRUJILLO [1] - 3:4 **Trump** [1] - 14:17 truth [1] - 15:16 **try** [4] - 8:7, 18:25, 62:24, 134:5 trying [19] - 8:4, 9:3, 9:4, 10:1, 17:11, 19:19, 37:12, 47:1, 54:25, 99:25, 100:14, 100:17, 101:1, 105:24, 115:14, 115:20, 122:24, 123:11, 123:14 turn [7] - 39:2, 41:10, 53:5, 78:10, 78:17, 79:22, 89:3 two [39] - 20:9, 27:7, 32:25, 33:1, 33:15, 34:6, 35:7, 35:11, 37:9, 38:1, 38:16, 38:21, 40:15, 40:22, 54:5, 61:7, 68:2, 69:2, 78:25, 84:17, 85:17, 86:19, 113:4, 113:22, 116:2, 116:20,

116:21, 117:7,
119:15, 122:15,
122:16, 122:24,
123:1, 123:4, 133:4,
135:16

two-hour [1] - 54:5

two-level [1] - 37:9

two-story [1] 122:16

two-thirds [1] 78:25

type [4] - 46:3,
88:24, 94:2, 125:15

types [4] - 35:20,
68:2, 68:5, 69:22

U

U.S [1] - 1:3 UCLA [9] - 29:3, 86:3, 86:22, 86:23, 111:9, 127:15, 130:4, 130:15, 131:3 **ULI**[1] - 81:11 ultimate [1] - 36:23 unaware [2] - 79:19, 80:22 unbelievable [1] -119:11 uncared [1] - 43:6 uncaring [1] - 43:6 under [8] - 8:8, 14:16, 19:8, 20:23, 28:1, 28:2, 62:15, 74:21 underground [1] -86:19 underneath [1] -35:10 underserved[1] -12:14 understood [4] -51:18, 74:24, 93:16, 102:23 underutilized [2] -97:6, 97:8 union [1] - 12:17 unit [5] - 37:24, 38:9, 38:21, 39:9, 107:5 United [3] - 140:7, 140:9, 140:14 **UNITED**[1] - 1:1 units [84] - 12:20, 19:1, 19:16, 21:23, 22:24, 24:21, 27:8, 28:15, 28:16, 28:17, 30:18, 35:15, 35:20, 36:15, 37:4, 37:10, 37:22, 38:13, 38:14, 38:16, 38:18, 38:21,

40:15, 40:22, 40:24, 42:12, 43:23, 45:18, 45:22, 46:12, 51:16, 51:19, 52:2, 52:4, 52:10, 56:13, 56:15, 57:4, 58:10, 58:11, 58:12, 58:13, 58:22, 59:10, 59:12, 67:1, 68:8, 68:15, 68:16, 69:22, 70:3, 72:3, 72:6, 72:11, 72:13, 72:18, 73:1, 73:21, 77:22, 82:22, 83:16, 83:21, 89:10, 90:24, 92:24, 94:19, 96:14, 103:16, 111:1, 115:15, 119:10, 119:13, 120:10, 120:15, 121:25, 123:5, 124:5, 124:8, 130:21 unless [3] - 101:1, 110:13, 111:20 unreasonable [1] -117:9 **up** [55] - 11:3, 17:11, 19:20, 22:13, 31:19, 32:9, 33:10, 35:25, 36:20, 37:6, 43:16, 45:6, 48:4, 50:2, 53:6, 54:9, 55:13, 56:14, 56:15, 61:13, 63:16, 66:7, 67:23, 69:24, 73:4, 73:17, 74:12, 81:18, 82:7, 82:15, 83:8, 85:17, 88:8, 89:5, 92:1, 94:4, 100:3, 101:1, 101:3, 106:25, 107:8, 110:2, 110:10, 111:7, 113:4, 115:12, 115:18, 122:7, 125:2, 125:3, 126:6, 127:19, 128:1, 138:8 updates [1] - 73:10 upper [4] - 31:19, 39:5, 40:6, 84:14

utilities [1] - 74:16 utility [3] - 30:22, 53:10, 55:3 utilization [2] -26:11, 98:4 utilize [1] - 33:25 utilized [2] - 97:7, 97:19

V VA [38] - 10:16, 13:2,

13:4, 14:19, 15:18,

16:25, 18:9, 18:22,

29:13, 32:21, 39:14,

47:20, 48:23, 52:17,

55:1, 55:17, 59:21,

62:11, 73:5, 74:8,

40:9, 43:1, 45:23,

80:14, 86:22, 86:24, 92:20, 92:22, 94:1, 105:13, 109:1, 109:2, 112:2, 120:23, 127:22, 134:4, 135:9, 135:15 vacation [1] - 137:13 vacations [1] -137:10 valid [1] - 92:11 validated [2] - 55:18, 56:12 value [2] - 97:22, 132.22 various [4] - 51:19, 68:5, 71:1, 91:17 **varying** [1] - 91:18 Vega [1] - 3:9 verified [1] - 56:12 verify [1] - 55:6 versus [5] - 57:11, 71:13, 102:6, 107:20, 127:7 vertical [1] - 87:4 veteran [16] - 28:25, 31:12, 35:10, 38:25, 40:7, 42:5, 42:7, 44:14, 57:16, 57:18, 58:5, 108:20, 108:22 veterans [31] - 31:2, 31:6, 31:7, 39:20, 48:22, 48:23, 48:25, 49:14, 50:23, 51:13, 52:1, 57:17, 58:5, 58:19, 63:25, 80:16, 91:23, 92:12, 93:2, 98:1, 108:23, 109:3, 109:4, 109:7, 113:25, 125:22, 126:16, 132:22, 135:23, 135:24, 137:12

Veterans [3] - 3:7, 3:8, 45:4 vets [3] - 55:1, 64:5, 74:20 viable [1] - 111:14 vice [1] - 11:9 Vicente [2] - 30:10, 52:19 video [1] - 70:13 viewed [1] - 96:23 Village [1] - 45:4 village [8] - 39:7, 39:21, 42:6, 42:7, 42:11, 54:7, 57:22, 57:25 villages [2] - 44:14, 57:16 visit [3] - 40:19, 54:13, 54:18 visited [1] - 26:16 visits [1] - 36:19 Vista [17] - 9:22, 9:23, 10:2, 10:7, 10:8, 11:7, 12:6, 13:9, 17:1, 17:2, 29:18, 34:2, 49:25, 55:8, 55:10, 78:6, 114:17 vote [1] - 60:19 voters [2] - 60:18, 60:23 **vs** [1] - 1:8

W

vu [2] - 15:8, 62:25

Wadsworth [5] -121:10, 121:12, 121:14, 121:20, 122:18 wait [3] - 91:13, 103:20, 123:8 Wait [1] - 11:17 waiting [3] - 115:16, 133:25, 137:16 walk [9] - 6:19, 18:19, 29:23, 34:17, 92:5, 95:16, 101:15, 101:18, 101:20 walked [4] - 31:21, 32:24, 34:22, 104:10 wall [7] - 22:2, 38:4, 38:9, 38:17, 40:14, 40:22, 87:19 walls [1] - 104:21 **Wally** [1] - 49:1 wants [1] - 110:10 war [1] - 49:13 Washington [4] -2:24, 3:7, 15:5, 15:6 watched [1] - 8:24

water [3] - 40:3, 50:9, 50:11 ways [2] - 63:14, 130:23 weakness [1] - 16:12 weather [1] - 110:22 WEDNESDAY [1] -Wednesday [1] -1:14 week [3] - 35:1, 35:22, 48:9 weeks [6] - 33:5, 36:19, 69:2, 70:18, 84:4 WEINTRAUB[1] -3:3 welcome [2] - 54:21, 67:19 **WELLS** [1] - 2:23 west [1] - 28:21 West [16] - 3:5, 15:18, 18:9, 18:22, 32:21, 40:9, 43:21, 45:23, 47:20, 52:17, 55:16, 59:21, 80:2, 80:12, 82:22, 108:25 WEST [1] - 1:22 wetlands [2] - 12:1, 12:2 what'd [1] - 45:11 wheels [1] - 22:4 white [1] - 39:6 whole [5] - 14:15, 28:14, 62:2, 80:14 wide [3] - 51:21, 94:25, 134:6 wife [1] - 131:18 willing [4] - 27:11, 55:10, 124:10, 135:12 Wilshire [4] - 105:21, 105:23, 106:2, 123:15 Wisconsin [1] -39.12 wisdom [2] - 110:14, 128:3 witness [9] - 6:10, 6:18, 13:12, 13:15, 14:6, 27:6, 56:4, 75:2, 82:12 WITNESS [275] - 4:1, 4:2, 6:16, 6:19, 7:1, 13:18, 13:22, 14:2, 18:1, 19:12, 19:14, 23:10, 24:7, 34:15,

34:19, 34:24, 36:8,

37:14, 37:16, 38:4,

41:15, 41:19, 42:2,

65:20, 65:24, 66:3,

50:13, 57:14, 57:20,

66:18, 66:22, 67:7, 67:9, 75:9, 75:12, 75:17, 75:21, 82:5, 84:9, 89:1, 89:12, 89:19, 90:6, 90:10, 90:12, 90:18, 90:21, 91:1, 91:6, 91:9, 91:11, 91:16, 92:1, 92:5, 92:8, 92:17, 93:10, 93:12, 93:14, 93:17, 94:7, 94:9, 94:14, 94:19, 94:21, 95:4, 95:7, 95:14, 95:22, 95:25, 96:2, 96:7, 96:11, 96:16, 96:20, 97:4, 97:6, 97:8, 97:10, 97:12, 97:16, 97:23, 98:1, 98:6, 98:10, 98:13, 98:16, 99:3, 99:10, 99:14, 99:21, 99:24, 100:6, 100:12, 100:21, 100:23, 101:6, 101:9, 101:13, 101:24, 102:9, 102:20, 103:1, 103:13, 103:17, 103:20, 103:22, 103:24, 104:2, 104:5, 104:7, 104:18, $104{:}25,\,105{:}5,\,105{:}9,$ 105:15, 105:17, 106:3, 106:10, 106:15, 106:17, 107:4, 107:8, 107:13, 108:8, 108:12, 108:16, 108:18, 109:6, 109:11, 109:14, 109:25, 110:4, 110:7, 110:10, 111:2, 111:5, 111:16, 111:20, 111:24, 112:1, 112:7, 112:13, 112:18, 112:21, 112:23, 113:1, 113:4, 113:7, 113:13, 113:18, 113:20, 114:2, 114:5, 114:8, 114:11, 114:16, 114:21, 114:24, 115:2, 115:4, 115:6, 115:10, 117:8, 117:13, 117:16, 117:20, 118:2, 118:4, 118:8, 118:15, 118:20, 119:1, 119:4, 119:7, 119:11, 119:17, 119:22, 120:2, 120:4, 120:6, 120:9, 120:11,

121:3, 121:10, 121:12, 121:15, 121:17, 121:20, 122:1, 122:8, 122:11, 122:17, 123:2, 123:4, 123:6, 123:8, 123:11, 123:14, 123:18, 123:20, 123:23, 123:25, 124:7, 124:15, 124:17, 124:20, 124:25, 125:6, 125:12, 125:14, 125:18, 126:1, 126:3, 126:14, 126:17, 126:19, 127:6, 127:9, 127:17, 127:21, 127:23, 128:1, 128:5, 128:8, 128:10, 128:13, 128:18, 128:22, 129:9, 129:11, 129:14, 129:17, 129:23, 130:1, 130:3, 130:9, 131:1, 131:3, 131:17, 131:25, 132:4, 132:7, 132:9, 132:21, 132:24, 133:3, 133:6, 133:8, 133:11, 133:13, 133:20, 133:23, 134:1, 134:3, 134:8, 134:11, 134:14, 134:16, 134:18, 134:21, 134:23, 134:25, 135:4, 135:7, 135:14, 135:22, 136:12, 136:19, 136:24, 137:2, 137:6, 137:11 won [1] - 14:22 wonderful [12] -9:20, 12:11, 12:12,

23:19, 26:12, 28:10,

31:4, 31:5, 31:7,

word [4] - 27:6,

91:5, 97:1, 100:8,

127:11, 128:6,

128:11, 129:3,

129:19, 132:1,

132:15, 133:5

31:11

64:17

35:19

120:18, 120:22,

57:12, 91:1, 108:11

words [15] - 38:16,

101:2, 121:8, 126:5,

workforce [2] - 31:4,

works [2] - 59:5,

world [2] - 8:24,

40:19, 42:25

worry [1] - 113:23 worse [1] - 73:14 worth [4] - 17:6, 19:15, 32:3, 110:4 wound [1] - 11:3 wrap [1] - 82:7 wraps [1] - 96:18 wrench [1] - 105:24 write [8] - 89:4, 95:6, 96:22, 104:8, 114:23, 115:7, 119:13, 133:7 wrongfully [1] -131:11 wrote [3] - 50:7, 50:17, 104:12

Υ

yard [2] - 26:14, 37:24 yards [2] - 9:17, 22:4 **ye** [1] - 27:2 year [7] - 18:13, 47:2, 50:18, 61:8, 98:19, 102:22, 130:13 years [38] - 8:1, 8:5, 8:8, 12:8, 12:19, 12:24, 13:2, 13:9, 14:14, 28:8, 33:4, 45:25, 47:10, 47:12, 48:4, 48:5, 51:23, 51:24, 52:18, 53:17, 59:13, 59:23, 61:19, 62:11, 63:5, 106:19, 110:12, 128:20, 128:23, 130:3, 131:4, 132:18, 133:4, 135:17 yesterday [1] - 65:9 Yogi [2] - 15:7, 62:25 York [1] - 87:3 yourself [1] - 8:25

Ζ

zero [3] - 120:5, 122:6, 122:11 **zoo** [1] - 7:25