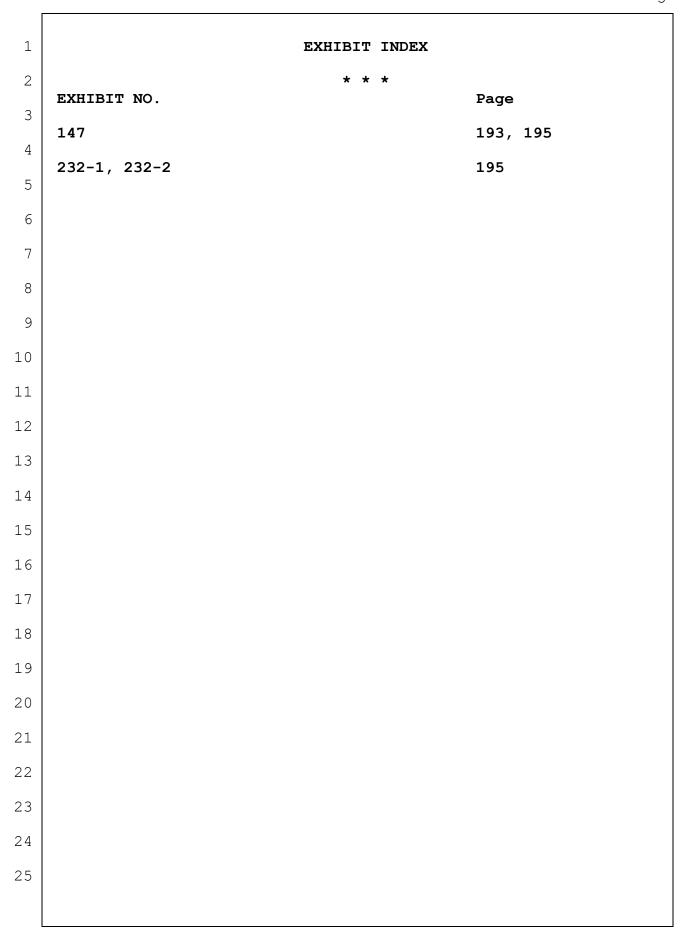


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## 1 LOS ANGELES, CALIFORNIA; THURSDAY, AUGUST 22, 2024 2 8:00 a.m. 3 --000--4 THE COURT: We're on the record. All counsel are 5 present, the parties are present. 6 7 Counsel, if you would like to call your next 8 witness please. 9 MR. ROSENBAUM: Good morning, Your Honor, thank you, 10 plaintiffs call Anthony DeFrancesco. 11 THE COURT: Step forward and face the clerk, she'll 12 administer the oath. 13 THE COURTROOM DEPUTY: Please raise your right hand. 14 Do you solemnly swear that the testimony you are about to give 15 in the cause now pending before this Court shall be the truth the whole truth nothing but the truth so help you God? 16 17 THE WITNESS: I do. 18 THE COURT: Thank you, sir, you may be seated, the 19 witness box is just to my right, the steps are closest to the wall. 20 21 Sir, would you be kind enough to state your full name, 22 please. 23 THE WITNESS: Anthony DeFrancesco. 24 THE COURT: And move your mic just a little closer 25 to you. Once again, sir, your name?

```
1
                THE WITNESS: Anthony DeFrancesco.
 2
                THE COURT: Would you spell your last name, sir.
                THE WITNESS: D-E capital F-R-A-N-C-E-S-C-O.
 3
                THE COURT: C?
 4
 5
                THE WITNESS: C-E-S-C-O.
                           ANTHONY DEFRANCESCO,
 6
 7
                          having been duly sworn,
                           testified as follows:
 8
 9
                THE COURT:
                            Thank you very much.
                   Direct examination by plaintiffs' counsel.
10
11
                           DIRECT EXAMINATION
12
    BY MR. ROSENBAUM:
13
          Good morning, Mr. DeFrancesco, how are you?
14
          Good. Good morning.
15
          Very nice to see you again. Could you state what your
16
    position is, please?
          I'm the executive director and chief liaison for Veterans
17
18
    Initiatives and Partnerships at UCLA.
          You have had that position for just under four years,
19
20
    something like that?
21
          Yeah, four years next weekend.
22
          Prior to that, am I correct, sir, you had no duties or
23
    responsibilities with respect to the UCLA VA lease?
24
          Correct.
25
          You are a registered dietician in terms of your healthcare
```

```
1
    background?
 2
          Yes.
 3
          And you were employed by the Veterans Health
 4
    Administration prior to your current position for something
    like 22 years starting in September -- starting in 1992?
 5
 6
          Correct.
 7
          And that was at the Sepulveda VA?
 8
    Α
          Yes.
          Then you retired from that position in December of 2014;
10
    is that right?
11
          Yes.
12
          And, Mr. DeFrancesco, you're aware that you had been
13
    designated or were designated as a 30(b)(6) witness in this
14
    case?
15
          I believe so. I'm not -- yes.
16
          You were the person most knowledgeable with respect to
17
    UCLA and the lease?
18
          Yes.
19
          You are aware of the Valentini case; isn't that correct?
20
    Α
          Yes.
21
          You did not have any involvement with respect to the
22
    settlement?
23
          No.
24
          And am I correct, sir, you did not -- you are not familiar
    with any of the specific terms of the settlement; is that
25
```

```
1
    correct?
 2
          Yes.
 3
          Going back to the UCLA lease, your job is to act as a
 4
    conduit or liaison between the University and the VA with
 5
    respect to all affiliations and agreements; is that right?
 6
          Correct.
 7
          And primarily your job is to oversee the 2016 lease?
 8
    Α
          Correct.
          And that expires in 2026?
10
          Yes.
11
          And you yourself are not a veteran; is that right?
12
    Α
          No.
13
          "No" you are not a veteran?
14
          Correct, yes.
15
          You are familiar with the West LA Leasing Act of 2016?
16
          Yes.
17
          You've read the statute?
18
          Yes.
19
          You have not had any specific training with respect to
20
    that statute; is that correct?
21
    Α
          Yes.
22
          And other than reading the statute and associated
23
    amendments and the lease, you haven't received any materials or
24
    training that you understand to relate to the statute?
25
          Yes.
    Α
```

```
1
          You have had nothing to do with the negotiation of the
 2
    amendment to the lease; is that correct?
 3
          Correct.
          Let's talk a little bit about your responsibilities
 4
 5
    regarding the lease.
 6
            You have one specific responsibility relating to the
 7
    subject matter of compliance with the lease?
 8
    Α
          Yes.
          And that primarily relates to yearly expenditure
    requirements?
10
11
          Yes.
12
          So, you connect from time to time and try to be a
13
    facilitator between the two institutions, but your main job as
    you understand it is to deal with the financial matters?
14
15
          Yes.
          And other than that, you haven't had any other duties or
16
17
    responsibilities with respect to compliance?
18
          Correct.
          You don't consider yourself an expert on the terms and the
19
20
    phrases in the lease; is that right?
21
    Α
          Yes.
          You told me that you hadn't had any training, for example,
22
23
    with respect to the terms of the lease?
24
          Correct.
25
          The -- you have never received any writings that described
```

```
1
    or analyzed or explained any of the terms or the phrases in the
 2
    lease; is that right?
 3
          Correct.
          And to your knowledge, nobody at UCLA has; is that
 4
 5
    correct?
 6
          To my knowledge, yes.
 7
          To your knowledge, veterans were never surveyed prior to
 8
    the lease agreement as to what they would like to see UCLA do
    under the VA campus; isn't that right?
10
          Could you restate that, please?
11
          Sure. To your knowledge, veterans were never surveyed as
12
    to what they would like UCLA to do on the VA campus?
13
    Α
          Correct.
14
          Or UCLA to do on behalf of veterans, generally?
15
          Correct.
16
          There is, as part of the financial paperwork with respect
    to compliance, a question asking veterans what additional
17
18
    activities would you like to see UCLA engage in; isn't that
19
    right?
20
    Α
          Yes.
21
          But so far as you know, nothing has ever been done with
22
    respect to those responses; isn't that right?
23
          Yes.
24
          You were recently -- I'll come back to that in a minute.
```

You are aware of the UCLA baseball program on the VA

```
1
    campus?
 2
          Yes.
 3
          You have been many times in the area where the UCLA
 4
    baseball program exists; isn't that right?
 5
          Yes.
 6
          You have been inside the stadium, you have been around the
 7
    stadium, you have been in the parking lot?
 8
    Α
          Yes.
          And the acreage that was defined with respect to that
    complex, that is 10.03 acres, do I have that right?
10
11
          Yes.
12
          And in all of that 10-plus acres, the only time you
    remember seeing the word "veteran" is on the ticket booth;
13
14
    isn't that right?
15
          Yes.
    Α
          Ticket booth says, "Free tickets for veterans," but that's
16
17
    it?
18
    Α
          Yes.
          Other than that, there isn't anything on this land that
19
20
    you are aware of that says, for example, that this land belongs
21
    to veterans, correct?
22
          Correct.
23
          Or anything in sum or substance about this land having
24
    been deeded to veterans early on, correct?
25
          Correct. Yes.
    Α
```

```
1
          And you are not aware of any discussions ever taking place
 2
    about displaying such information anywhere on the complex;
 3
    isn't that right?
 4
          Yes.
 5
          Regarding the UCLA baseball program, you are certainly
 6
    aware that UCLA fields an athletic team to compete within the
 7
    NCAA?
 8
    Α
          Correct.
          And for years and years UCLA was in the PAC-12, that's a
    league, right?
10
11
          Yes.
12
          P-A-C hyphen 12?
13
    Α
          Yes.
14
          And beginning next season UCLA athletic teams are going to
15
    be part of the Big Ten?
16
          Correct.
17
          So with that there actually will be 18 teams in the Big
18
    Ten and UCLA will be one of them?
19
    Α
          Yes.
20
          And that extends to its baseball program as well, right?
21
          Yes.
22
          You know who John Savage is, do you not?
23
    Α
          Yes.
24
          You have spoken with him on multiple occasions?
25
          Yes.
    Α
```

```
1
          He's the coach of the UCLA baseball team?
    Q
 2
          Yes.
 3
          He's the head coach?
 4
    Α
          Yes.
 5
          He's been the head coach for something like 20 years?
 6
          I believe so, yes.
 7
          And Coach Savage has told you that, and I'm quoting here:
 8
    "It is important to the University and to the students at the
    university to have a baseball team that represents the school";
    isn't that right?
10
11
          Yes.
12
          It doesn't surprise you to learn that Coach Savage makes
13
    in the neighborhood of $1 million a year based on his salary,
14
    and his bonuses and summary camps under his name, "Coach
15
    Savage, Baseball Summer Camps, " right?
16
          Yes, I believe so.
17
          Do you know the number of student athletes who are in the
18
    baseball program each year?
19
          No.
20
          But there are baseball players, student athletes every
21
    year who try out and then who are part of the program and who
22
    are recruited to be part of that baseball program?
23
          Yes.
24
          And we will get to that in a little detail later, but you
```

know what "OIG" is, right?

```
1 A Yes.
```

- 2 Q That is the Office of Inspector General for the VA?
- 3 A Yes.
- 4 | Q And you have spoken with respect to the second visit by --
- 5 | second reports of OIG, do I have that right?
- 6 A Yes.
- 7 | Q When you were searching for records, as part of your
- 8 | 30(b)(6) responsibilities, you couldn't find any evidence that
- 9 OIG spoke to anybody in the baseball program, isn't that right,
- 10 | the first time?
- 11 | A Yes.
- 12 Q The -- so you spoke to OIG in May of 2022, right?
- 13 A 2021, I believe.
- 14 | Q All right. Thank you. Not any earlier, say, 2018?
- 15 A No.
- 16 Q Or any time between 2016 and 2021?
- 17 A Did not, no.
- 18 | Q And again, sir, you are not aware of any conversations
- 19 | between your predecessor or predecessors and OIG in 2018; isn't
- 20 | that right?
- 21 A Correct.
- 22 | Q And you are not aware of any communications between OIG
- 23 and UCLA or the Regents for purposes of the 2018 report; is
- 24 | that correct?
- 25 A Yes.

```
1
          You have never had any request from OIG for written
 2
    documents about anything relating to the lease; isn't that
 3
    right?
 4
          Could you restate that, please?
          Of course. You have never had any request from anybody
 5
    from OIG for written documents about anything relating to the
 6
 7
    lease?
          No, other than the 2018 -- I mean the 2021.
 8
          In 2021 you were asked for some financial documents; is
10
    that right?
11
          Financial documents and other supporting documents.
12
          Okay. And you had two conversations with someone from
13
    OIG, maybe each of them took about an hour, no more than an
14
    hour each?
15
          Yes.
16
          They were both over Zoom?
17
    Α
          Yes.
18
          Returning to the UCLA baseball program, it's correct, is
    it not, that you don't recall OIG asking you anything about the
19
20
    importance of the baseball program to UCLA?
21
          Correct.
22
          Or, in fact, anything about the substance of the baseball
23
    program at all?
24
          Yes.
25
          So far as you know, no one at UCLA or from the Regents
```

```
1
    talked about the value of the baseball program to UCLA or to
 2
    the Regents; isn't that right?
          Correct.
 3
    Α
          You don't know the number of students or student athletes
 4
    or coaches or staff who participate in the baseball program;
 5
 6
    isn't that right?
 7
          Yes.
          And OIG never asked you anything about finding out that
 8
    number or what that number is; isn't that also right?
10
          Correct.
11
          You have attended UCLA baseball games at the complex, have
12
    you not?
13
          Yes.
14
          Maybe a dozen or so over the years?
15
          Yes.
          And helping me to understand the complex there, there is
16
17
    the baseball field, and then there are some stands that abut
18
    the baseball park itself, the field itself; isn't that right?
19
    Α
          Yes.
20
          Then there is an infield for practice?
21
    Α
          Yes.
22
          And then there is a parking lot?
23
          Yes.
```

the USC game, they have never been close to capacity filled;

The games that you have attended, with the exception of

24

```
1
    isn't that right?
 2
          Yes.
 3
          Even if we think about the USC game, you have never seen
    that stadium filled?
 4
 5
          Yes.
 6
          And the UCLA stadium has a capacity of over 1,800; isn't
 7
    that right?
 8
    Α
          Yes.
          Now you have, in fact, been to games where there have been
    maybe 600 persons in attendance?
10
11
          Yes.
12
          And, in fact, that is the case for most of the games that
13
    you have attended?
14
          Yes.
15
          And, as I said, when you are there, there are more empty
    seats than filled seats; isn't that right?
16
17
    Α
          Yes.
18
          UCLA plays about seven regular games a year?
          Seven? No. They play about 26 home games.
19
20
          Oh, wow. And that doesn't include -- that doesn't include
    tournament games afterwards, like regionals; is that right?
21
22
          Correct.
23
          We will get to that in a minute.
24
            Now as part of its in-kind consideration for its
25
    compliance with the VA lease, UCLA gives away complimentary
```

```
1
    tickets to veterans; isn't that right?
 2
          Yes.
 3
          And when it makes its reporting, it claims full value of
 4
    those tickets in its submission as to consideration provided
    under the lease?
 5
 6
          Correct.
 7
          But those are tickets to games where there are just plenty
 8
    of empty seats; isn't that right?
          Yes.
    Α
          But the consideration that is claimed is as if it were a
10
11
    full value ticket?
12
    Α
          Yes.
13
          So it's really not giving away anything?
14
            In fact, sir, you are aware that UCLA gives away
15
    complimentary tickets to all of its regular games; isn't that
16
    right? Not just to veterans, but to others as well.
17
          I believe so, yes.
18
          And they don't -- UCLA doesn't charge veterans for hot
19
    dogs and Cokes at the game; isn't that right?
20
    Α
          Correct.
21
          But they put down on their consideration the cost of those
22
    hot dogs and Cokes; isn't that right?
23
          Yes.
24
          And under the label -- and they do that under the label of
```

food and beverages and that's where they put down hot dog costs

```
1
    and Coke costs; is that right?
 2
          Correct.
 3
          At one baseball game, UCLA gave away refrigerator magnets
 4
    with the UCLA baseball schedule to promote attendance at games;
 5
    isn't that right?
 6
          Yes.
 7
          And then UCLA billed as consideration for purposes of
    compliance with their lease $132.36 for the cost of those
 8
    magnets?
10
          Yes.
11
          And at one game there was what UC termed a military theme
12
    pass; is that right?
13
    Α
          Yes.
14
          That's like a hat that's kind of a camouflaged hat?
15
          For that one, yes.
16
          And then UCLA billed $30 a hat for purposes of its
17
    consideration in terms of compliance with the lease; is that
18
    right?
19
          Yes.
20
          And UCLA has a game where they have a veteran of year?
21
          Yes.
22
          They give a trophy to that veteran?
23
          Yes.
24
          And then UCLA bills as part of its consideration for lease
```

\$137 for the cost of that trophy; isn't that right?

```
1
    Α
          Yes.
 2
          Now, in addition to -- how many games did you tell me, 26?
 3
          26 home baseball games.
          In addition to those -- and in addition -- strike that.
 4
 5
            In addition to those 26 or so home games -- let me
 6
    strike that.
 7
            When UCLA has a home game, teams from other schools like
    in the PAC-12 or elsewhere, they bring their team to that game;
 8
    isn't that right, obviously?
10
          Yes.
11
          And they bring their coaches?
12
    Α
          Yes.
13
          And they bring their staff?
14
          Yes.
15
          And if there are fans supporting them they come to those
16
    games as well?
17
    Α
          Yes.
18
          Now, in addition to those 26 games, home games, in the
19
    regular season, the NCAA Regionals are sometimes held at that
20
    UCLA baseball complex?
21
    Α
          Yes.
22
          And sometimes the Super Regionals?
23
          I believe so, yes.
24
          Do you snow what the Super Regionals are?
25
          It's for the winners of the Regionals.
```

```
1
          And when those games take place, either UCLA or the PAC-12
 2
    or both receive revenue from those tournament games; is that
 3
    right?
 4
          I believe so, yes.
          All right. But that revenue isn't reported on any of the
 5
 6
    financial documents; isn't that correct?
 7
          Correct.
 8
          UCLA or PAC-12 just pockets whatever those revenues are;
    isn't that right?
10
          Yes.
11
          And then the OIG has never asked -- the questions I have
12
    been asking you about the regular game, the Regional games, the
13
    Super Regional games, the giveaways, I'm glad to break them
    back down, but if I put them together, OIG had never asked
14
15
    anybody about any of the information I just sought; isn't that
16
    right?
17
          Yes.
18
          The games that we are talking about, Regionals and Super
19
    Regionals, sometimes those games are on ESPN radio, are they
20
    not?
21
          Yes.
22
          Some of those games are televised, are they not?
23
          Yes.
24
          And somebody gets revenues, whether it's UCLA or the
```

Regent to PAC-12; isn't that right?

```
1
    Α
          Yes.
 2
          Do you know how much they get?
 3
    Α
          No.
          Nobody from OIG has ever inquired about that?
 4
 5
          No.
 6
          None of that money goes to the VA or to vets; isn't that
 7
    right?
 8
    Α
          Yes.
          And OIG never inquired about that; isn't that right?
10
          Yes.
11
          Incidentally, there was one point where there was talk
12
    about televising an advertisement for the Super Bowl there that
13
    would have brought some revenues in.
14
                   Do you know what I'm talking about?
15
          Yes.
    Α
          But that didn't happen because it was going to interfere
16
17
    with a baseball game; is that right?
18
          Yes.
19
          As to the baseball complex, you told me that's about
20
    10-plus acres; is that right?
21
    Α
          Yes.
22
          It's pretty convenient to UCLA?
23
          Thereabouts.
24
          It's about a 1.2 mile walk from the UCLA campus?
25
          I believe so.
    Α
```

```
1
          All right. Prior to the lease being signed -- strike
 2
    that.
 3
            Do you know who Mr. Gray is?
 4
          Robert Gray?
    Α
 5
          Yes, sir.
 6
    Α
          Yes.
 7
          Who is Robert Gray?
          He's UCLA's director of real estate.
 8
 9
          And prior to the lease being signed, you had a discussion
    with Mr. Gray about were there alternative sites for it is UCLA
10
11
    baseball complex other than the Jackie Robinson complex; isn't
12
    that right?
13
          Yes.
          And Mr. Gray said, well, at one point UCLA, in fact,
14
15
    looked for other sites in the area; isn't that right?
16
          Yes.
          And Mr. Gray mentioned, for example, that they had looked
17
18
    at a site at West LA College as a possible alternative?
19
    Α
          Yes.
20
          And that is the only alternative site that he ever
21
    mentioned?
22
          I believe so.
23
          West LA College that's in Culver City?
24
    Α
          Yes.
25
          Do you know how far that is from Westwood?
```

```
1 A Not exactly.
```

- 2 Q Not a short walk?
- 3 | A No.
- 4 | Q West LA College, in addition, has its own baseball team,
- 5 | don't they?
- 6 A That's what I was told, yes.
- 7 Q West LA College, the whole college itself, do you know if
- 8 | it's ten acres in area?
- 9 A I don't know.
- 10 Q Okay. Again, no inquiry that you are aware of from OIG
- 11 | regarding the possibility of alternative sites as a way of
- 12 | figuring out what the value of this complex was to the UCLA
- 13 region. Never any such inquiry discussion; isn't that right?
- 14 A Yes.
- 15 | Q You never heard anything more about the subject of
- 16 | alternative sites?
- 17 | A Yes.
- 18 Q To your knowledge, am I not correct, sir, there has never
- 19 been any financial estimate of what it is worth to UCLA to have
- 20 | this baseball complex?
- 21 A Yes.
- 22 Q No one, to your knowledge, has ever undertaken such an
- 23 estimate, so far as you know?
- 24 A Correct.
- 25 Q There has been no specificity in terms of the lack of

```
1
    reasonable alternative sites. Nothing like that, am I correct?
 2
          I believe so.
          And OIG, again, has never asked you any of the questions I
 3
 4
    just got through asking you about the value or the alternative
    sites; isn't that right?
 5
 6
          Correct.
 7
          Do you have a financial estimate of what it's worth to
 8
    UCLA to have this baseball program there?
          No.
    Α
          The subject of the value and the stadium or the program,
10
11
    that has never come up in any of the discussions with OIG;
12
    isn't that right?
13
    Α
          Yes.
14
          In fact, OIG never mentioned the baseball program or the
15
    stadium in the two discussion that you had?
16
          Yes.
17
          And the VA has never inquired about the value of the
18
    baseball program to the Regents; isn't that true?
19
    Α
          Yes.
20
          They never directed you to raise that subject with the
    OIG; isn't that true?
21
22
          Yes.
23
          You know who Ralph Branca is, B-R-A-N-C-A?
```

25

Α

Yes.

Ralph Branca was a teammate of Jackie Robinson?

```
1
    Α
          Yes.
 2
          And he is the gentleman whose family provided a generous
 3
    donation to UCLA to support the construction of a practice
 4
    infield on the complex; isn't that right?
          Yes.
 5
          And that was sometime in the winter or the spring of 2021?
 6
 7
    Α
          Yes.
 8
          And so far as you know, Mr. Branca is not a veteran?
          As far as I know.
    Α
10
          He was just a good baseball player?
11
          Yes.
12
          And a friend of Jackie Robinson?
13
    Α
          Yes.
          There was a ceremony for the dedication of what was named
14
15
    the Ralph Branca practice infield, am I right?
16
          Yes.
17
          And at that ceremony -- were you present at it?
18
    Α
          No.
19
          But you do have an understanding of who was there and what
20
    happened?
21
          Yes.
          And at that ceremony, there were UCLA alumni who had
22
23
    played major league present; isn't that right?
24
    Α
          Yes.
```

You watched the ceremony electronically, is that right, or

- 1 | you saw some electronic depiction of it?
- 2 A Yes, a video story.
- 3 Q Okay. And so far as you remember, as you watched that
- 4 | program, nothing was said about veterans, was it?
- 5 A I don't recall.
- 6 Q You don't recall anything being said about veterans?
- 7 A No. I don't recall it, no.
- 8 Q Okay. And it's your understanding, is it not, sir, that
- 9 | the Branca family made a donation in the neighborhood of
- 10 | \$2 million for the purposes of naming rights for that practice
- 11 | infield, correct?
- 12 A Yes, but for the construction of the field.
- 13 Q Okay. \$2 million went to UCLA or the Regents, and then
- 14 | that was put into the practice infield?
- 15 A Correct.
- 16 Q And that meant \$2 million that UCLA didn't have to take
- 17 out of its pockets, correct?
- 18 A Correct.
- 19 Q So far as you know, none of that \$2 million went to VA or
- 20 to veterans?
- 21 A As far as I know.
- 22 | Q Okay. And we will get to this in a moment, but when you
- 23 | think about the rent that pays, that is a few years' rent, is
- 24 | it not? \$2 million.
- 25 A Oh, yeah.

```
1
          Okay. And so far as you know, nothing about that donation
 2
    was ever communicated to the OIG, correct?
 3
    Α
          Yes.
 4
          During the course of the construction of that practice
 5
    infield, Coach Savage had a conversation with you about its
 6
    importance, did he not?
 7
          Yes.
    Α
 8
          He said to you in sum or substance that the UCLA baseball
    program needed the practice field in order to compete with
10
    other programs that they would otherwise compete with; isn't
11
    that true?
12
    Α
          Yes.
13
          He was really happy to see that practice infield?
14
          Yes.
15
          He had been lobbying for that infield for his baseball
16
    program; isn't that right?
17
    Α
          Yes.
18
          And you have seen student athletes on that field many,
19
    many times; isn't that right?
20
    Α
          Yes.
21
          And you have seen coaches on that field working with the
22
    players; isn't that right?
23
          Yes.
24
          Do you know what the Steele field is? S-T-E-E-L-E,
```

capital S.

```
1
          It's the actual ground surface within the stadium.
    Α
 2
          That was named for someone named Steele?
 3
    Α
          I believe so, yes.
 4
          Do you know anything about the circumstances of that?
 5
          No.
 6
          Did you ever inquire as to whether or not there was a
 7
    donation attached to that?
 8
    Α
          No.
          Did OIG ever inquire about that, so far as you know?
10
          No.
11
          Did the VA inquire about that, so far as you know?
12
    Α
          No.
13
          The UCLA baseball program, in addition to its regular
14
    season, it also runs camps?
15
          Yes.
    Α
16
          And those camps operate over the summer; isn't that right?
17
    Α
          Yes.
18
          They run for four six-week periods; is that correct?
19
          I believe so.
20
          They are full day camps?
21
    Α
          Yes.
22
          Kids come to those camps?
23
          Yes.
          And it's called the Coach Savage Summer Camps?
24
```

Α

I believe so, yes.

```
1
          And some of the counselors in those camps are student
 2
    athletes; isn't that right?
          I believe so, yes.
 3
          Okay. And they run during the months of June and July for
 4
    four days a week; is that right?
 5
 6
          Yes.
 7
          And to your knowledge -- do you know what those camps
 8
    charge?
          No.
    Α
          Do he know if OIG has never inquired about anything about
10
11
    these camps; is that correct?
12
    Α
          Correct.
13
          The value of the camps to UCLA, how much money they
    charge, nothing like that?
14
15
          Correct.
          So far as you know, the revenues from those camps do not
16
17
    go to the VA?
18
          Correct.
19
          And they do not go to vets?
20
    Α
          Correct.
21
          And in all of the materials that are submitted, the value
22
    of those camps to UCLA or Regents, that's not included; isn't
23
    that right?
24
          Correct.
```

Okay. To your knowledge, there has been no analysis as to

- 1 what the value of those camps are to UCLA or to the Regents;
- 2 | isn't that right?
- 3 A Yes.
- 4 | Q Just like everything else in the baseball program?
- 5 A Yes.
- 6 Q The subject of the camps never came up in any of your
- 7 discussions with the OIG?
- 8 A Yes.
- 9 Q It's never been reported to the OIG anything about those
- 10 camps, correct?
- 11 A Could you restate that, please.
- 12 Q Yeah. There hasn't been any reports to the OIG about
- 13 | these camps, so far as you know?
- 14 | A Yes.
- 15 | Q The -- there are also what are called Jackie Robinson
- 16 | Fantasy Camps that take place on that campus; isn't that right?
- 17 | A Yes.
- 18 Q Do you know what a fantasy camp is?
- 19 A It's an opportunity for veterans to come on the field,
- 20 | take batting practice, fielding practice, working -- having an
- 21 | event with the players and the coaches.
- 22 | Q But it's not just veterans, right? Fantasy camps --
- 23 others can come as well; is that right?
- 24 A Not that I'm aware of.
- 25 | Q Okay. Do you know how many veterans actually come to

```
1
    those camps?
 2
          Last year's was about 60 veterans.
 3
          Okay. And the baseball complex itself, that is used by
    the coach and his staff to recruit student athletes; isn't that
 4
 5
    right?
 6
          Yes.
 7
          And that takes place during the course of the year; isn't
    that correct?
 8
          I believe so, yes.
10
          Let me turn to one last area relating to the baseball
11
    complex.
12
            Nobody from UCLA or the Regents has ever engaged in any
13
    discussion to your knowledge about the amenability of those ten
    plus acres or any portion of those ten plus acres for purposes
14
15
    of permanent supportive housing; isn't that right?
            I'm going to get to temporary housing in a moment. But
16
    for permanent supportive housing, so far as you know, there
17
18
    hasn't been any discussion --
19
               MS. PETTY: Objection. Foundation.
20
               THE COURT: Overruled. You can answer the question.
21
               THE WITNESS: Could you restate, please.
22
    BY MR. ROSENBAUM:
          Sure. To your knowledge, there have not been any
23
24
    discussions about the amenability of the ten-plus acres for any
25
    portion or any portion thereof for the purposes of being
```

- permanent supportive housing, or housing permanent supportive 1 2 housing; isn't that right? 3 Α Yes. 4 And no inquiry about the VA -- from the VA about that; isn't that right? 5 6 Correct. 7 Now, what about temporary housing? There was an occasion 8 where portions of that complex were considered for purposes of temporary housing; isn't that true? 10 I believe that there were discussions regarding 11 development of dorms for student veterans. 12 Okay. And in addition to those dorms -- we will get to 13 that in a minute -- there was a discussion, was there not, 14 about assisting unhoused individuals getting off the streets as 15 -- and using part of that land; isn't that right? 16 I believe so, yes. 17 Okay. And you are aware that there was a comment made 18 early on during the pandemic when the CTRS encampment was being 19 started that the VA was looking for places where that could be 20 located; isn't that right? 21 Α Yes.
- 22 And one of the places that was considered was Lot 15 which
- 23 is the parking lot right next to the stadium; isn't that right?
- 24 Α Yes.
- 25 And Lot 15 was rejected as a site because the time and

```
1
    consideration for its usage would encroach upon the baseball
 2
    season; isn't that right?
 3
    Α
          Yes.
 4
          And the baseball season runs from February through May?
 5
          Yes.
 6
          And the precise concern was that if the parking lot was
 7
    used to house unhoused veterans, then it wouldn't be available
 8
    for fans to use when there were home UCLA baseball games; isn't
 9
    that right?
10
          As I understand it, yes.
11
          That is also true regarding the parking lot on Lot 29;
12
    isn't that right?
          I'm not sure about that.
13
          Okay. To your knowledge, the VA never raised any
14
15
    objection to this?
16
          To my knowledge, yes.
          Nor did OIG?
17
18
          Correct.
19
          Nor did the UCLA Regents?
20
    Α
          Correct.
21
          And coming back to what you told me a moment ago, there
22
    was talk at one time that this would be a place for student
23
    veterans. Setting up some housing for student veterans; isn't
24
    that right?
```

Α

Yes.

```
1
          And then that was rejected, also because it would encroach
 2
    upon the baseball season?
 3
          I don't know that for sure. My understanding is that
    there were initial discussions between the institution and VA,
 4
 5
    but they didn't go anywhere.
 6
          Okay.
 7
               THE COURT: Could I ask either one of you to either
 8
    ask the question or tell the Court when those discussions took
    place. What year? I don't have an idea.
    BY MR. ROSENBAUM:
10
11
         Let's do both.
12
            Let's work backwards. The student veteran housing, do
13
    you remember when that took place, sir?
          From what I was told, it took place either in 2015 or '16.
14
15
         Okay. And the --
               THE COURT: Counsel, just a minute. Could I also
16
    ask if there was any discussion about the number at that time
17
18
    in 2015 or 2016 of potential student veterans? I don't know if
19
    I'm dealing with 5 or 500.
20
               THE WITNESS: I don't recall any numbers being
    mentioned.
21
22
    BY MR. ROSENBAUM:
23
          It just never went anywhere past that discussion, right?
24
    Α
          Right.
25
          It was going to interfere with the baseball team?
```

```
1
               THE COURT: Counsel, can I also ask -- and I hate to
 2
    interrupt, but it's fascinating -- you to ask the gentleman
 3
    what the veteran student population is now at UCLA, either
 4
    undergraduate or graduate.
    BY MR. ROSENBAUM:
 5
          That is a great question, Your Honor. Do you know the
 6
 7
    answer to that?
 8
          Last I heard, there were over 800 veterans or military
    associated students.
10
          Okay.
11
               THE COURT: Just a moment, counsel. Thank you.
12
    BY MR. ROSENBAUM:
          The discussions regarding CTRS that you and I talked about
13
    -- you remember we discussed that a couple of minutes ago?
14
15
          Yes.
    Α
16
          Do you know the date for that?
17
          I believe it was early on, mid-2020, in the height of the
18
    pandemic.
          I was going to say one of the reasons you can remember
19
20
    that so clearly it was in the throes of the pandemic; isn't
21
    that right?
22
          It occurred before my arrival in September.
23
          Okay. But when you did research, you discovered this,
24
    right?
25
    Α
          Yes.
```

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
And you aware that there was a Veterans Row during that
period of time where veterans were sleeping on the sidewalk of
San Vicente, isn't that right, around that time?
     I believe so, yes.
     Okay. Let's turn to the legal clinic, Mr. DeFrancesco.
       The first space for the legal clinic opened up on the VA
grounds sometime over the summer of 2017; isn't that right?
     Yes, my understanding.
     And so you don't know if there were any UCLA students
actually on the VA campus at that time; isn't that right?
     I don't know, no.
     Okay. And it's your belief that there may have been a
first few matters in the fall of 2017 that were handled, but
that's about it. Correct?
     Correct.
     And you don't know if the UCLA law clinic was open at all
in 2017; isn't that right?
     Could you restate, please.
     Yeah. You told me in the deposition you don't know if the
UCLA law clinic was open at all during 2017; isn't that right?
Α
     Right.
                                       That is confusing to me.
           THE COURT:
                       Just a moment.
       By being open, does that mean a question about whether a
UCLA law student or students were actually located at the VA,
or that they may have simply had a phone connection over to the
```

```
1
    legal clinic and it's at UCLA itself? There is a huge
 2
    difference about being open.
    BY MR. ROSENBAUM:
 3
 4
          Actually, could I just clarify that.
            You are not aware that the clinic was operating at all
 5
    in 2017 other than what you told me; isn't that right?
 6
 7
          Right. I wasn't here.
          Or that -- but when you searched papers, you didn't find
 8
    any evidence of that; isn't that correct?
          In the review of the reports from that year, there was
10
11
    indication that there were -- handling legal matters.
12
          Handling cases, but not that they necessarily had a
13
    presence on the VA campus?
14
          No, I don't know for sure.
          Okay. You didn't find any evidence that they actually had
15
    a presence on the VA campus during that time; isn't that right?
16
17
          Yes.
    Α
18
          Okay. For 2018, you do believe that there was an office
    for the UCLA clinic on the campus, right?
19
20
    Α
          Yes.
21
          But you couldn't find any evidence as to what its hours
22
    were?
23
          Correct.
24
          Or if it accepted walk-ins for veterans?
```

Α

Correct.

```
1
          And again, the set of questions I just got through asking
 2
    you, I'm going to break them down. But OIG never inquired
 3
    about any of the subjects I just went through with you; isn't
 4
    that right, so far as you know?
          Correct.
 5
 6
          Or anybody from the VA?
 7
          Correct.
    Α
          In 2019, you are aware that there was an office of the VA
 8
    on the campus for purposes of the legal clinic; isn't that
10
    right?
11
          Could you restate that, please.
12
          Sure. In 2019, you are aware that there was an office on
13
    the VA campus for the legal clinic?
14
          Correct.
15
          And that was in Building 206?
16
          Yes.
17
          But you don't know what, if any, its hours were; isn't
18
    that right?
19
          Right.
20
          Couldn't find any record of that?
21
          Correct.
22
          And you don't know how many days, if any, it was even open
23
    back then; isn't that right?
24
          Correct.
```

Or if there were any students ever in the office at that

```
1
    point?
 2
          Correct.
 3
          Or if there were any professors in the office at that
 4
    point; isn't that correct?
 5
          Yes.
 6
          You never made any inquiry, correct?
 7
          Other than the review of the reports.
          Okay. And so far as you know, OIG or the VA never made
 8
    any inquiries; isn't that right?
10
          Correct.
11
          In fact, the OIG has never asked you or anyone at UCLA, to
12
    your knowledge, about the hours of work of the clinic for that
13
    year; isn't that right?
14
          Correct.
15
          Or for any year; isn't that right?
16
          Yes.
17
          Same regarding the VA?
18
    Α
          Yes.
19
          Now, in 2020, the UCLA legal clinic was still housed in
20
    Building 206; isn't that right?
21
    Α
          Yes.
22
          And when you arrived in your position, you had a meeting
23
    with community stakeholders, including veterans, to hear about
24
    how they felt regarding the clinic?
25
          Yes.
    Α
```

```
1
          You regarded that as an important part of your duties and
 2
    responsibilities?
 3
          Yes.
    Α
          And once you started doing this, you received a lot of
 4
 5
    complaints and a lot of concerns regarding the accessibility to
 6
    the law clinic; isn't that right?
 7
          Yes.
    Α
          At least two dozen?
 8
          Yes.
    Α
          That may be conservative?
10
11
          Yes.
12
          And the complaints you heard were quoting that people with
13
    accessibility issues could not get into the building, there was
14
    no clear marked path or a door that was marked as handicap
15
    accessible. That is part of the complaints you heard; isn't
16
    that right?
17
          Right.
18
                THE COURT:
                            Just a moment.
                                            I need to slow you down
19
    just a little bit. Terri, rest your hands.
20
                When we come back, I want you to refresh my memory
21
    of Building 206.
22
                          Counsel.
                   Okay.
23
    BY MR. ROSENBAUM:
24
          Mr. DeFrancesco, if you could help the judge and show us
25
    where you understand 206 to be?
```

```
1
          The building right here.
    Α
 2
               THE COURT: Just a moment. Thank you very much.
                                                                   Ι
 3
    appreciate it.
               MR. ROSENBAUM: Record can reflect that he
 4
 5
    accurately pointed that out, Your Honor.
 6
                THE COURT:
                            Thank you very much. He's identified
 7
    206, counsel.
    BY MR. ROSENBAUM:
 8
 9
          Getting back to the complaints that you heard, you also
    heard that if there was ever access, the hallway to that 206
10
11
    office was abandoned, and there was debris strewn all around.
12
    And there was no way to get to the ground level to the second
13
    floor unless somebody had access to an elevator; isn't that
14
    right?
15
          Yes.
          And you also heard that the exterior door to the south of
16
    the building was not open during normal building hours. Didn't
17
18
    you also hear that?
19
          Correct.
20
          And so you investigated, and you found that all of these
21
    complaints were accurate; isn't that right?
22
          Yes.
23
          And prior to that, so far as you know, nobody from the VA
24
    had ever inquired about the issue of accessibility to that
25
    clinic; isn't that right?
```

```
1
    Α
          To my knowledge, yes.
 2
          Nobody from OIG ever inquired about that?
 3
          Correct.
    Α
          And it took, did it not, sir, about a year of constant
 4
    discussion with the VA to get that lock changed on the south
 5
 6
    building so that it could be accessible during business hours;
 7
    isn't that true?
 8
    Α
          Yes.
          And nobody, to your knowledge, from UCLA ever looked into
    any of these concerns before you got on the scene?
10
11
          To my knowledge, yes.
12
          Or ever even checked those doors; isn't that right?
13
          Other than the staff, the legal clinic staff.
          Okay. Now, quantifying this a bit, you had bi-weekly
14
15
    operational meetings with the VA during this period of time?
16
          Yes.
17
          And you would come into those meetings with an agenda or a
18
    discussion list of matters that you thought were priority;
19
    isn't that right?
20
    Α
          Yes.
21
          And you did that for at least a year; isn't that right?
22
    Let me strike that.
23
            For at least a year, on the top of that list was making
24
    improvements to accessibility for the building; isn't that
25
    right?
```

```
1
    Α
          Yes.
 2
          And the way you thought about it was everybody was
 3
    complaining vociferously to us, but the VA that was the
 4
    landlord that was providing the space, so that was that.
            Am I correct?
 5
 6
    Α
          Yes.
 7
          And the individual at the VA whom you primarily dealt
 8
    with, his name was Thomas Payne, P-A-Y-N-E?
 9
                THE COURT: I'm sorry, just a moment. Thomas --
    whom did you say?
10
11
                THE WITNESS: Payne.
12
                THE COURT: And you spell it P-A...
13
                THE WITNESS: P-A-Y-N-E.
14
                THE COURT:
                            Thank you. Counsel, thank you.
15
    BY MR. ROSENBAUM:
          And over this time what Mr. Payne would say to you, was,
16
    "I'm going to have to bring it up to others at the VA to figure
17
18
    out what was going to happen to make this change"; isn't that
19
    right?
20
          Yes, generally so.
21
          But you continued to bring this to their attention; isn't
22
    that right?
23
          Yes.
24
          The clinic, so far as you know, not open in the evenings?
25
          No.
    Α
```

```
1
          Or on weekends?
    Q
 2
          Yes.
 3
          There were no students in the clinic over the summer?
 4
          As I understand it, no.
          Or on school holidays, like Martin Luther King Day?
 5
 6
    Α
          No.
 7
          Or on Veterans Day?
 8
    Α
          No.
          There have been issues, have there not, regarding the
10
    clinic with respect to staff turnover; isn't that right?
11
          Yes.
12
          Staff turnover of attorneys, for example?
13
    Α
          Yes.
          In fact, when you and I spoke during your deposition, the
14
15
    clinic had been recruiting for a staff attorney since the
    spring of 2024; isn't that right?
16
17
    Α
          Yes.
18
          And when you and I were talking that was on June 6th,
19
    2024; isn't that right?
20
    Α
          Yes.
21
          And UCLA had files that included applicants and they got
22
    lost; isn't that right?
23
          I believe so.
24
          And you informed the VA about this?
25
          In generalization, yes.
```

```
1
          And the VA had no comment or response so far as you
 2
    recall?
 3
          Not that I recall.
          Okay. Your understanding about this clinic is that there
 4
 5
    is classroom instruction in the fall where a group of students
 6
    who had signed up for the course as an elective would attend;
 7
    is that right?
 8
    Α
          Yes.
          So in the fall there would be in some lecture sessions,
10
    right?
11
          Yes.
          You don't know the subject of what those lecture sessions
12
13
    were, do you?
14
          No.
15
          You never sat in on any of them?
16
          No.
17
          Nobody from the VA or -- from the VA ever inquired about,
18
    "Hey, what's really going on in these sessions?" Isn't that
19
    right?
20
          Correct.
          The director of that program for UCLA, so far as you know,
21
22
    she didn't have any military law experience; isn't that true?
23
          As far as I know.
24
          Okay. And students get credit for these classes, do they
```

not?

```
1
    Α
          Yes.
 2
          They get credit that they -- that applies to their
 3
    graduations, correct?
 4
          Correct.
          And they can put that they were part of this clinic on
 5
 6
    their resume?
 7
          Correct.
 8
          You don't know anything about the curriculum for these
    classes, do you?
10
          No.
11
          To your knowledge there was never an independent audit
12
    that specifically focused on the content of these classes as to
    how specifically, if at all, it related to military law; isn't
13
14
    that true?
15
          To my knowledge.
          Okay. And we're talking here maybe about six or eight
16
17
    students; is that right?
18
          As I understand it, yes.
          And everything we just talked about that's true for 2020,
19
20
    2021, and into 2022; isn't that right?
21
    Α
          Yes.
22
          Okay. And regarding the -- going back to the issues
23
    regarding the building and accessibility, in your mind, sir, it
24
    seemed to you that it took forever to get that resolved; isn't
25
    that right?
```

```
1
    Α
          Yes.
 2
          Getting back to the students, it's your understanding that
 3
    every fall there is new batch of students?
 4
    Α
          Yes.
          And that first batch of students every fall semester,
 5
 6
    that's first year 1L students; is that right?
 7
                   Do you know what I mean what I say 1L?
          Yes, I understand, but I believe it's second year
 8
    students.
10
          For the first semester?
11
          Yeah.
12
          That's not what you told me at the deposition, did you
    check into that since then?
13
14
          Yes.
          And there is a different -- there is a different
15
    curriculum between the first semester and the second semester;
16
17
    isn't that right?
          Yes. I believe so.
18
          It's very rare for students in the first semester actually
19
20
    to go into the second semester; isn't that right?
21
          Yeah, there is usually maybe one or two.
22
          Okay. And in the second semester, what you told me is
23
    that the students work on projects that are not necessarily
24
    legal matters; isn't that right?
25
    Α
          Yes.
```

```
1
          And, for example, last year's project was about filing a
 2
    brief regarding the Oregon homeless case that was before the
    Supreme Court; isn't that right?
 3
 4
    Α
          Yes.
          Do you know how many amicus briefs were filed that in
 5
 6
    case?
 7
          No, I don't.
          Do you think the Supreme Court Justices put the UCLA
 8
    second year law students' amicus brief at top of the pile?
          I have no idea.
10
11
          Okay. And this structure of project-based semesters in
12
    second semester, that's been the way it's been so long as you
13
    know; isn't that right?
          Yes. As far as I know.
14
15
          Okay. The clinic does not do criminal defense work; isn't
    that right?
16
17
          Correct.
    Α
18
          It may make referrals, say to my colleagues with Inner
19
    City Law Center?
20
    Α
          Correct.
21
          It doesn't do civil rights actions; isn't that right?
22
          Correct.
23
          They might do housing and tenancy issues and benefits
24
    issue cases, but they don't do other civil actions; isn't that
```

right?

- 1 Α Correct. 2 And to your knowledge the VA has never inquired as to veterans as to what sorts of cases they would like to see the 3 4 clinic do; isn't that right? 5 Could you restate, please? 6 Yes. To your knowledge there's never been a survey of 7 veterans as to what sorts of cases you would like to see the 8 clinic doing; isn't that right? Correct, other than the annual report I mentioned earlier. Okay. Perfect. And to your knowledge the VA has never 10 11 inquired as to how many clinic students actually ever go into 12 military law practice; isn't that right? 13 Α Yes. You recall, sir, that during your deposition you and I 14 15 talked about what military law clinics and other law schools 16 do. 17 Do you remember that? 18 Yes. Α We talked in particular about the military law clinic at 19 20 Yale; isn't that right? I believe so, yes.
- 21
- 22 And Yale and UCLA, they are two of the best law schools in
- 23 the country, are they not?
- 24 Α Yes.
- 25 And at the Yale program -- give me one minute, please,

```
1
    excuse me one second.
 2
                   The Yale law program, sir, those students, we
 3
    discovered they're actually in both semesters; isn't that
    right?
 4
 5
          If I remember correctly, yes.
 6
          Okay. They do major civil rights cases involving the
 7
    rights of veterans in courts, including the United States
 8
    Supreme Court; isn't that right?
          As I understand it, yes.
          They do cases in addition on behalf of LGBTQ military
10
11
    veterans?
12
          I believe I recall that, yes.
13
          And their chief professor is a very experienced military
    law expert; isn't that right?
14
15
          I don't know.
          Okay. Since you and I had that discussion, sir, have you
16
17
    checked out law clinics at -- other military law clinics at
18
    other schools?
19
    Α
          No.
20
          Like at Harvard?
21
          No.
22
          Ever any discussion that you're aware of, "We're a top law
23
    school, too, why don't we have a clinic like the clinic at
24
    Yale?" Ever hear any discussion like that?
25
    Α
          No.
```

```
1
          UCLA received grants during your tenure relating to the
 2
    consideration it claims pursuant to the lease; isn't that true?
 3
    Α
          Correct.
 4
          And that's been over the full course of your tenure?
 5
          Yes.
 6
          And, for example, UCLA puts down in terms of a
 7
    consideration meals that it has given to veterans in needs of
 8
    meals; isn't that right?
          Yes.
    Α
10
          But those meals, sir, come -- they have been paid for as
11
    part of a number of grants; isn't that right?
12
    Α
          Yes.
13
          For example, the meals that -- there has been a meal
14
    partnership program from the Bob Woodruff, W-O-O-D-R-U-F-F,
15
    Foundation; isn't that right?
16
          Yes.
17
          And from the Nicholas, N-I-C-H-O-L-A-S Endowment; isn't
18
    that right?
19
          Yes.
20
          The Woodruff Foundation provided $130,000 in two grants to
21
    cover the cost of food that went into the meals provided to the
22
    VA?
23
          Yes.
24
          And UCLA has claimed credit as part of its consideration
25
    for the cost of those meals?
```

```
1
    Α
          Yes.
 2
          But, in fact, they were subsidized by the foundation;
 3
    isn't that right?
 4
          In addition to, yes.
          And that information was never provided to OIG; isn't that
 5
 6
    right?
 7
                   Am I correct, sir?
 8
    Α
          Yeah.
          No one at the VA has ever asked you any questions about
10
    the money that the UCLA gets from these grants; isn't that
11
    right?
12
          No questions. Yeah.
13
          In fact, when I asked you about that at the deposition you
    started laughing, didn't you, sir?
14
15
          I -- yes.
          Okay. And UCLA also received a grant between 200,000 and
16
17
    $300,000 for the wellness clinic that's operated on the
18
    grounds; isn't that right?
          There was -- yes, there's been several grants that total
19
20
    that amount.
          From the Ahmanson Foundation, A-H-M-A-N-S-O-N, the St.
21
22
    Joseph's Foundation, and the Boeing Foundation; isn't that
23
    right?
24
          Yes.
          And that's never been reported to OIG, correct?
25
```

```
1 A Correct.
```

- 2 Q And that is part of the consideration clinic claimed;
- 3 isn't that right?
- 4 A Yes.
- 5 Q Do you know what the UCLA Luskin School of Public Affairs
- 6 is? L-U-S-K-I-N.
- 7 A Yes.
- 8 Q A student can get a master of -- strike that.
- 9 A student can get a master of social welfare from
- 10 | the Luskin school; isn't that right?
- 11 A Yes.
- 12 | Q Luskin school is a very highly regarded school in the area
- 13 of social welfare, highly regarded nationally?
- 14 A Yes.
- 15 | Q U.S. News and World Report says it's, like, number eight
- 16 | in the country; isn't that right?
- 17 | A I believe so.
- 18 Q UCLA doesn't have a school of social work, but social work
- 19 is under the umbrella of the Luskin school; isn't that right?
- 20 A Yes.
- 21 | Q And you have no idea whether UCLA Luskin social work
- 22 | students have ever worked with unhoused veterans in Los
- 23 | Angeles; isn't that right?
- 24 A I don't know specifically.
- 25 | Q To your knowledge, no one from the VA has ever come to

```
1
    UCLA and said, "We have a social work shortage and we would
 2
    love it if the Luskin school could supply some students or some
    faculty to help us out." To your knowledge no such discussion
 3
 4
    has ever taken place?
               MS. PETTY: Objection. Vague.
 5
    BY MR. ROSENBAUM:
 6
 7
          In sum or substance; isn't that right?
 8
               THE COURT: Do you understand the guestion?
 9
               THE WITNESS: Yeah.
               THE COURT: Overruled. You can answer.
10
11
               THE WITNESS: Not to my knowledge. There's been
12
    specific inquiries for additional students to work in the
13
    homeless population, other than the ongoing discussions with
    the Academic Affiliate Patient Agreement for social workers and
14
15
    training who might rotate through the medical center.
16
    BY MR. ROSENBAUM:
          But you are not aware of anything actually happening?
17
18
          No.
19
               MR. ROSENBAUM: Let me ask, Your Honor, for Exhibit
20
    1 to please be placed in front of the witness.
21
                       Is there a switch to turn the monitors on?
22
               THE COURT:
                           I have already got a copy, so don't
23
    worry about the Court.
24
               THE COURTROOM DEPUTY: Are you going to put it on
25
    the Elmo or the computer?
```

```
1
               MR. DU:
                        Computer.
 2
               MR. ROSENBAUM: Are we good?
 3
               MR. DU: It's saying no signal still.
 4
               MR. ROSENBAUM: Oh, I'm sorry, apologies, I meant
 5
    Exhibit 2. My mistake. I'm so tired. Thank you, Tommy.
 6
    Should we...
 7
                (Pause in proceedings.)
 8
               MR. ROSENBAUM: Let me just inquire, do you have
 9
    Exhibit 2 in front of you, Mr. DeFrancesco? And do you, Your
10
    Honor?
11
               THE COURT: I do. Do you want to take a recess
12
    though to get this set up on the screen?
               MR. ROSENBAUM: I don't want to --
13
14
               THE COURT: Let's just take a recess. Terri has
15
    been at it quite a while, so let's take 15 minutes, that way we
16
    can get that set up so everybody can see it, okay?
17
               MR. ROSENBAUM: We're good. Thank you.
18
               THE COURT:
                           Sir, we will see you in 15 minutes.
19
                            (Morning recess.)
20
               THE COURT: All right. We're back on the record.
21
    All counsel and the parties are present, the witness is
22
    present. This will be continued direct examination.
23
    BY MR. ROSENBAUM:
24
          Are you doing okay, Mr. DeFrancesco?
25
          Yeah, the break was good.
```

```
1
          I want to go back to the baseball program for a moment.
 2
            At that ceremony, you told me there were alumni of UCLA
 3
    who either were playing or had played in the major leagues; is
 4
    that right?
 5
          That is my understanding, yes.
 6
          And UCLA has a pretty impressive set of alumni who are in
 7
    the major leagues; isn't that right?
 8
    Α
          Yes.
          Eric Karros, K-A-R-R-O-S?
10
                THE COURT: Just a moment. Disclosure, I believe I
11
    performed Eric Karros' wedding ceremony 35 years ago, I would
12
    like to over-disclose. I believe I performed his wedding
13
    ceremony about 35 years ago, Eric Karros. Okay.
14
                MR. ROSENBAUM: Well, that's one of the most
15
    interesting facts of this trial, isn't it?
16
                   BY MR. ROSENBAUM:
17
    Q
          And there have been -- do you know who Gerrit Cole is?
18
          Not exactly, no.
19
          Do you know who Dave Roberts is?
    Q
20
    Α
          Yes.
21
          He's the manager of the Dodgers?
22
          Yes.
23
          He's a UCLA alumni?
24
    Α
          Yes.
25
          Do you know what the Cy Young Award is?
```

```
1 A Yes.
```

- 2 Q There have been three Cy Young Award winners from UCLA?
- 3 A I don't know for sure, but.
- 4 | Q That wouldn't surprise you?
- 5 A No.
- 6 Q And you told me that your assumption was that those major
- 7 | league players made donations to either UCLA or the UCLA
- 8 baseball program; isn't that right?
- 9 A I would assume that they would have been asked at some
- 10 | point, yes.
- 11 | Q No one has done any inquiry to see how much they've given
- 12 to baseball program or UCLA, correct?
- 13 | A No.
- 14 Q OIG has never inquired, the VA has never inquired, nobody
- 15 | from UCLA has ever inquired; is that right?
- 16 | A No.
- 17 | Q Coming back to what has been marked as Exhibit 2. That is
- 18 | in front of you right now, sir?
- 19 A Yes.
- 20 Q And Exhibit 2 is the first of the two OIG reports? Office
- 21 of Inspector General.
- 22 A Yes.
- 23 Q Dated 2018?
- 24 THE COURT: Well, he's still on the front page,
- 25 | that's what's confusing, counsel. You are going to have to

```
1
    refer him to a different page.
 2
               THE WITNESS: It says -- sorry, I'm confused.
                                                               Ιt
 3
    says that. Yes. Okay. It's dated September 28, 2018.
                   BY MR. ROSENBAUM:
 4
 5
          And you've seen this document before?
    Q
 6
    Α
          Yes.
 7
          And you have read those sections that relate to UCLA?
 8
    Α
          Yes.
          And you read the executive summary?
10
          Yes.
11
          Could I ask you please, sir, to turn to page it's Roman
12
    numeral -- small Roman numerals IX9. Can you get to that,
13
    please.
14
               THE COURT: It's paginated at the bottom, Exhibit 2
15
    pages 1 through whatever, that is going to be a lot easier to
16
    find.
17
               THE WITNESS: Yes.
18
               THE COURT: I think otherwise we're both going to be
19
    thumbing through.
    BY MR. ROSENBAUM:
20
21
          Okay. It's on the screen right now, and it's Exhibit 2
22
    page 11. Do you have that?
23
               THE COURT: Page 11, just a moment. Okay.
24
    make sure we both have the same one.
25
                   Counsel?
```

```
1
    BY MR. ROSENBAUM:
 2
          Are you good, sir?
 3
    Α
          Yes.
          You see the heading, it's in bold, it says, "VA Policy
 4
    Does Not Require Pricing Decisions Be Documented For Out Leases
 5
 6
    and Revocable Licenses."
 7
                   Do you see that?
 8
    Α
          Yes.
          And it says -- it says the OIG -- first paragraph on
 9
    exhibit -- on page -- Exhibit 2, page 11.
10
11
            The first paragraph under that heading, sir. Let me
12
    read it to you:
13
            "The OIG reviewed the enhanced sharing agreements that
14
    were the subject of the Valentini versus Shinseki,
15
    S-H-I-N-S-E-K-I, lawsuit in 2011, and noted several were
16
    initially negotiated at rates far below the property's fair
    market value.
17
18
            After the settlement and during the lease planning phase
19
    for the City of Los Angeles -- Barrington Park, the UCLA
20
    baseball complex, and the Brentwood Schools athletic complex in
21
    fiscal year 2015, VA obtained independent appraisals to
22
    determine annual rent consideration for each parcel of land."
23
            The annual rental appraised values -- let me start over.
24
            "The annual rental appraised values were about
25
    $2 million for Barrington Park and approximately 2.7 million
```

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
each for both the UCLA and Brentwood School athletic
complexes."
       Next paragraph:
       "However, VA accepted consideration below these
appraised amounts for the Land Use Agreements with the City of
LA, UCLA, and the Brentwood School for the renegotiated Land
Use Agreements executed after the WLA Leasing Act became law.
       The OIG interviewed Alan Trinh, T-R-I-N-H, deputy
director of the VISN 22 contracting office, and Cameron Gore,
the former Real Property Law Group's chief counsel, to
determine why consideration received in exchange for each lease
was much lower than the appraised value.
       Neither could provide the OIG with an analysis for the
basis of the negotiated consideration."
       Do you see that, sir?
     Yes.
     Did I read those two paragraphs correctly?
     Yes.
     Could I ask you, sir, to please turn to the next page of
this exhibit so that would be Exhibit 2, page 12.
              Do you have that in front of you, sir?
     Yes.
     And the first paragraph, continuing under the same
section, that says, "VA policy does not require price
negotiations to be documented for out leases and revocable
```

```
1
    licenses.
 2
            VSO, all caps, officials have expressed concern
 3
    regarding fair value compensation for WLA land use by non-VA
 4
    parties.
 5
            In response to public comments received regarding the
 6
    preliminary DMP, all caps, published in October 2015, VA stated
 7
    in the Federal Register in February 2016 that, quote, VA will
 8
    evaluate existing and future Land Use Agreements to ensure they
    are -- and in quotation marks -- veteran focused.
10
            This means the arrangements must provide direct benefits
11
    to veterans and their families, and provide negotiated fair
12
    market rent to VA."
13
            Do you see that?
14
          Yes.
15
          "Without documentation of Land Use Agreement negotiations,
    the OIG was unable to determine if VA received fair value for
16
17
    use of the West Los Angeles Campus."
18
                   Did I read that correctly, sir?
19
    Α
          Yes.
20
          All right. Now, I just focus -- I just want you to focus
21
    on the part that addresses UCLA and the Regents, not Brentwood
22
    or any other entity.
23
                   Are you with me?
24
    Α
          Yes.
25
          No one from the VA, to your knowledge -- well, strike
```

```
1
    that.
 2
            No one from the VA has had any discussion with you about
    that $2.7 million figure; isn't that right?
 3
 4
          Yes.
          And when you search your files, as a 30(b)(6) witness, you
 5
 6
    couldn't find anything about that figure in any context; isn't
 7
    that correct?
 8
          Restate, please.
          Sure. When you looked through your files, you couldn't
    find anything about that figure or that negotiation; isn't that
10
11
    true?
12
          The only thing that I found was a real estate appraisal
    that UCLA conducted I believe in 2015.
13
          All right. But nothing in terms of what the OIG is
14
15
    talking about here; isn't that right?
16
          Correct.
17
          And your understanding is that the amount of consideration
18
    as of December 2016, it was $1.1 million below the appraised
    value; isn't that right?
19
20
          Yes. Correct.
21
          And to your knowledge, no one from UCLA or the VA has
22
    conducted any sort of investigation to see how much below those
23
    appraised amounts it would be today, today's values; isn't that
24
    true?
25
          Correct.
```

```
1
          Or yesterday's values, or any values past the period of
 2
    time of 2016; isn't that right?
 3
    Α
          Yes.
 4
          And no one from the VA has ever said to you anything close
 5
    to something like, "We need to go out and see how far below
 6
    those appraised amounts are with respect to the negotiated Land
 7
    Use Agreements"; isn't that true?
 8
    Α
          Yes.
          And you don't know why the consideration received in
10
    exchange for each lease was much lower than the appraised
11
    value; isn't that true?
12
          Yes.
13
          And Mr. Trinh, he never discussed this matter with you;
14
    isn't that right?
15
          Yes.
          Now, the lease provides that the Regents pay a certain
16
17
    sum, for starters, and then that sum goes up a tiny bit every
18
    year after that; isn't that right?
19
          Correct.
20
          About 1 percent a year; is that right?
21
          Yes.
22
          And that is supposed to cover inflation?
23
          Yes.
24
          When you learned about this, your thought was somebody for
```

UCLA negotiated that well; isn't that right?

```
1
    Α
          Yes.
 2
          And you said to me you would have to question how the VA
 3
    negotiated it, did you not say that, sir?
 4
    Α
          Yes.
          And there has been no discussion, to your knowledge, about
 5
 6
    adjusting the rate of inflation to reflect the annual rate?
 7
          Correct.
 8
          Or anything to do with that shortfall; isn't that right?
          Correct.
    Α
10
          Now, you are aware that prior to the lease, UCLA paid the
11
    VA something like $56,000 a year for use of that entire
12
    baseball complex; isn't that right?
13
          That's my understanding, yes.
          And you told me that you thought someone negotiated a
14
15
    pretty good deal back then for UCLA; isn't that right?
16
          Yes.
17
          Okay. The value of the UCLA baseball complex --
18
               THE COURT:
                            Just a moment.
                                            Who were those
19
    negotiations with? The gentleman, Mr. Timmons, has been raised
20
    in this Court and all parties are aware of the bribery
21
    allegations.
22
               MR. ROSENBAUM: You mean Mr. Tillman.
23
                THE COURT: I mean Mr. Tillman. I said Timmons, I'm
24
    sorry. Mr. Tillman.
                          Thank you.
25
            Was he the negotiating party on this?
```

```
1
               THE WITNESS: I don't know.
 2
               THE COURT: Okay. Thank you.
 3
    BY MR. ROSENBAUM:
 4
          The value of the UCLA baseball complex that you and I have
    been discussing, sir, the value of that complex at UCLA -- that
 5
    has never been monetized, has it?
 6
 7
          Not to my knowledge.
          Or what it would cost to find an alternative?
 8
          Other than what we mentioned earlier about West LA
10
    college.
11
          Okay. But no actually -- no one actually determined how
12
    much it would cost to move that complex over there, use those
13
    fields, what it would do to the baseball program, whether or
    not they could actually get anything close to what they have
14
15
    got where they are at Jackie Robinson; isn't that true?
16
          Yes.
17
          Okay. Mr. DeFrancesco, I think it's obvious to everybody
18
    in this courtroom, you care about veterans deeply, do you not?
19
          Yes. I spent my whole career serving.
20
          It's in your DNA?
21
          Yes.
22
          You think of yourself in a -- to use your words -- a
23
    weird, unique situation?
24
    Α
          Yes.
25
          And you are as honest as the day, sir. It's frustrating
```

```
1
    to you, in a sense, that you have in the back of your mind that
 2
    you know what it takes to get stuff done, and you want to kick
    and scream and sometimes tell them, but you have to bite your
 3
 4
    lip; isn't that right?
 5
          Correct.
 6
          When you say "them," we're talking about both UCLA and the
 7
    VA; isn't that true, sir?
 8
    Α
          Yes.
          And that is because you have to be respectful because they
10
    are in their job and you are not; isn't that right, sir?
11
          Correct.
12
          Could I please have Exhibit 81. Is that in front of you,
13
    sir?
14
          Yes.
15
          Turn to page 2 of Exhibit 81, please. Could we turn to
16
    page 3, please.
            All right. Mr. DeFrancesco, I have a few more questions
17
18
    for you, sir.
19
            You know how much that baseball program means to UCLA,
20
    do you not, sir?
          Yeah. It means a lot.
21
22
                And looking, sir, let's look -- and you told me
          Okay.
    earlier this morning, you have read the statute over?
23
24
    Α
          Yes.
25
    0
          Okay.
```

```
1
               MR. ROSENBAUM: Could you, Tommy, please get me back
    to page 2?
 2
 3
    BY MR. ROSENBAUM:
 4
          Looking at page 2 of what has been marked as Exhibit 81,
 5
    sir, you see at the bottom under B(3) -- Mr. Du has just put
 6
    that on there -- it says, "A lease of real property for a term
 7
    not to exceed ten years to the Regents of California, a
 8
    corporation organized under the laws of the State of
 9
    California, on" -- let's go to the next page -- "on behalf of
    its University of California, UCLA campus, here in this section
10
11
    referred to as the Regents."
12
                   And then it says at B, "The provision of services
13
    to veterans is the predominant focus of the activities of the
14
    Regents at the campus during the term of the lease?"
15
            Do you see that, sir?
16
          Yes.
17
          And, sir, based on your experience, you would agree with
18
    me, would you not, sir, that the predominant focus of UCLA on
19
    that campus is baseball and that baseball complex and not
20
    service to veterans?
21
    Α
          Yes.
22
               MR. ROSENBAUM: No further questions, Your Honor.
23
               THE COURT: Cross-examination?
                            Can I have a moment, Your Honor.
24
               MS. PETTY:
25
               THE COURT:
                            Take your time. If you a need a recess,
```

```
1
    tell me.
 2
               MS. PETTY: No cross, Your Honor.
 3
               MR. ROSENBAUM: What did you say?
 4
               MS. PETTY: Excuse me. No direct -- redirect, Your
 5
    Honor, at this point, whatever it is called.
 6
               THE COURT:
                           Just a moment.
 7
               MS. PETTY: It means I will not be asking any
 8
    questions, Your Honor.
 9
               MR. ROSENBAUM: Your Honor, could I ask one more
    question, please.
10
11
               THE COURT: Yes.
12
    BY MR. ROSENBAUM:
13
          What you just answered, sir, that has always been the case
    as long as you have been there; isn't that true, sir?
14
15
          I believe so. Other than the services that are provided
    off -- not in the baseball complex.
16
17
    Q
          Okay.
18
               MR. ROSENBAUM: Thank you, sir.
19
               THE COURT: First of all, we would all like to thank
20
    you for your attendance and we express our appreciation for you
21
    being so hospitable yesterday. I understand how uncomfortable
22
    this is.
23
            I will say to you, I wish the UCLA director of athletics
24
    were here answering these questions, quite frankly, instead of
25
    you being put in this position. Because it must be
```

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uncomfortable. But your candidness is very much appreciated.
You may step down.
       One more thing, sir, before you leave, and I apologize,
because you are designated as a 30(b)(6) witness, I'm not sure
if you are the last person from UCLA or not.
       Counsel, I have repeatedly asked for a transcript of
this tape played between Mr. McKenrick and whomever, and my
memory now is short. Has that transcript been prepared?
           MR. DU: Yes, Your Honor. And we can mark it as
Trial Exhibit 231.
           THE COURT: Give the transcript to the gentleman and
give the transcript to me. And what is the exhibit?
           MR. DU: 231.
           THE COURT: All right. One of the things that the
Court is going to hear consistently and constantly from the
plaintiff is that veterans weren't consulted on numerous
occasions, and far beyond the UCLA property. That is a
constant refrain.
       Unrelated to those other allegations about veterans not
being accepted, there is a tape between a gentleman, I believe,
who is Mr. McKenrick, and this is only designated as a male
speaker, a female speaker on this transcript?
           MR. DU: Yes, Your Honor.
           THE COURT: Is, in fact, McKenrick one of the
participants of this tape?
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MR. DU:
                   That is correct. Based on the testimony,
but when you have the court reporter do it, they don't know who
the actual speaker is.
           THE COURT: Do you know McKenrick?
           THE WITNESS: Yes.
           THE COURT: Do you recognize his voice?
       Well, let's find out in a moment. I need your help.
           THE WITNESS: Okay.
           THE COURT: Who do each of you believe the other
speaker is on this tape?
           MR. ROSENBAUM: Mr. Reynolds would know.
           THE COURT: I think we're going to reach an accord
that Mr. McKenrick is one of the speakers. Who is the other
speaker?
       I want this tape played. I would like you to listen to
it, if you listen to it again. I would like to try to find out
who is on the other side of this, so let's just listen to the
tape, okay?
       Counsel, I want this tape played. And my obvious
question is going to be who is this person, what position do
they hold, if you know, if you recognize the voice, and
indicate if you do recognize Mr. McKenrick. You don't have to
sort out each time.
           THE WITNESS: Okay.
       (Audio played in open court.)
```

```
1
                THE COURT: We may play it twice, okay.
 2
            And, counsel, each time I have heard it before I picked
 3
    up this transcript, I picked up something that I didn't absorb
 4
    before. So thank you for the transcript, but eventually I'm
    going to have the male speaker and the female speaker sorted
 5
 6
    out, and I may need your help about in working with both
 7
    counsel on that as best we can.
 8
               THE WITNESS: Okay.
 9
            (Audio played in open court.)
10
                THE COURT: I want it turned up.
11
            So this transcript may not be accurate. In other words,
12
    they have done their best to put together the conversation, but
13
    they have "male speaker," "female speaker."
14
            (Audio played in open court.)
15
                THE COURT: Now, let's stop for just a moment.
16
            Do you recognize either of those voices as McKenrick so
    far?
17
18
               THE WITNESS: No.
19
               THE COURT: Okay. Let's keep playing this.
20
            (Audio played in open court.)
21
               THE COURT: Let's stop.
22
               THE WITNESS: I recognize that speaker.
23
               THE COURT:
                           Is that McKenrick at the present time?
    So, counsel, what would he be labeled? Speaker one or speaker
24
25
    two in this transcript?
```

```
1
               MR. DU:
                       Speaker one.
 2
               THE COURT: So from now on, speaker one, allegedly,
 3
    is McKenrick.
 4
            There is a female voice. So far, do you recognize that
 5
    voice?
 6
               THE WITNESS: No.
 7
                            The content of this may give you an
               THE COURT:
 8
    indication of who these people were later on. But let's go
 9
    through this tape for just a moment.
            Do you recognize the other male voice?
10
11
               THE WITNESS: No.
12
            (Audio played in open court.)
13
               THE COURT: Stop. Now, that once again is speaker
14
    one, about the advocates being a little testy.
15
            Does that match up with the recognition of his voice.
16
               THE WITNESS: Yes.
17
                THE COURT: I'm just double checking to make sure.
18
    Just a moment.
            Now, we're not going to hear, I don't think -- I don't
19
20
    think we're going to hear the female voice except a few brief
21
    narratives. I'm going to play this a second time. So besides
22
    listening to it, then we can track the transcript. Okay?
23
               THE WITNESS: Okay.
24
               THE COURT: Continue to play this.
25
            (Audio played in open court.)
```

```
1
               THE COURT:
                           Stop. Do you know what a FOIA request
 2
    is?
 3
               THE WITNESS: Yes. I have served as a FOIA officer
 4
    at Long Beach.
               THE COURT: Obviously somebody here is worried about
 5
    FOIA request in some exposure to whatever this conversation is.
 6
 7
    Once again, I'm assuming that is McKenrick at speaker one.
               THE WITNESS: I believe so.
 8
 9
               THE COURT: Okay. Continue to play this tape.
10
            (Audio played in open court.)
11
               THE COURT: Let's stop for just a moment. That's
12
    what I heard before. And I know you know as Tony from
13
    yesterday. Did you receive a call from McKenrick?
14
               THE WITNESS: I believe so, yes.
15
               THE COURT: Okay. Tell me about that call.
16
               THE WITNESS: At the time we were working on a
17
    communication plan to announce the Second Amendment, and I
18
    believe the call was to discuss the steps. We were going back
19
    and forth and who was going to do it or not do it.
20
               THE COURT: I'm going to read to you from the
21
    transcript. Just a moment.
22
               "MCKENRICK: So this will get out ahead of us if we
23
    don't get moving on it quickly."
24
            Now, he's not speaking to you. He's speaking to speaker
25
    number two and a female voice.
```

"So I'm going to try to call Tony from UCLA, their veterans spokesman, and talk to him today about where we are at with it and what we're doing and how this will likely get out faster than they want."

So there is a concern about this getting out, FOIA request or with the news.

"They have a veterans story -- not a veterans story, but a players story with some heritage and they want to wrap the unveiling around. They wanted to have better diagrams from the designers about what the new stadium infield, practice field will look like. And to have raised for that effort with their donors. All of that is months and months of activities that we can't wait on. The story is going to get out fast.

FEMALE SPEAKER: I see."

THE COURT: I know you are in an extraordinarily uncomfortable position. Quite frankly, your candidness is quite refreshing. What else can you recall about this conversation, if anything?

THE WITNESS: From what I recall, it was very sort of operational in terms of next steps and what announcements were going out. And working with the athletics department, we were -- we wanted the announcement to be, you know, on our behalf, you know, special in terms of being able to acknowledge the Branca family for the gift, but also for the opportunity of the new infield being built. And, you know, also trying to

```
1
    incorporate that there would be opportunities for recreational
 2
    uses when it wasn't in use by the players, but just --
                           I'm going to refocus that for a moment
 3
               THE COURT:
 4
    and ask directly. Once again, it's going to be argued to me
    that there is a constant theme that the veterans are being left
 5
 6
    out of discussions in the UCLA baseball field.
 7
            It may be argued in other areas as well.
 8
            Was there any discussion from Mr. McKenrick to you, once
 9
    again, in this conversation that we don't have, about a concern
10
    about the press getting out with this story, or a FOIA request,
11
    or cutting out the veterans, for want of a better word?
12
            And think about that for a while. Don't answer
13
    immediately. Now, while you are doing that, we're going to
14
    replay the tape again. Think about that long and hard.
15
            This time they will follow along with the transcript
    because it's easier.
16
17
            Counsel, I want you to start with the tape. Play it one
18
    more time.
19
            (Audio played in open court.)
20
               THE COURT: Let's stop, that speaker two, Matt with
21
    the dog. Hey Matt, cue the dog back to set one, please.
22
            From that brief -- no idea.
23
               THE WITNESS: No.
24
               THE COURT: Let's go on counsel.
25
            (Audio played in open court.)
```

```
1
               THE COURT: Now, let's stop. Any recognition of
 2
    that voice?
 3
               THE WITNESS: No.
 4
               THE COURT: We do know, though, it should be argued,
 5
    that McKenrick sees this as a concern, in terms of publicity or
 6
    notoriety or the involvement of the veterans. And whoever he
 7
    is calling has to be important enough to call to express these
 8
    concerns.
            So it's either within the UCLA family or, you know, a
    leasing -- I have no idea. So far, do you recognize this
10
11
    voice?
12
               THE WITNESS: No.
13
               THE COURT: Any idea who this is? And you can
14
    speculate all you want. I will find him with subpoena if we
15
    need to.
16
               THE WITNESS: No.
               THE COURT: Okay. Fair enough. Let's keep going.
17
18
    Counsel.
19
            (Audio played in open court.)
20
               THE COURT: Okay. Whoever McKenrick's calling has
21
    to be somebody of some import to lay out what I'm going to
22
    jokingly say is an inside fast ball of information. Okay?
23
               THE WITNESS: Correct.
24
               THE COURT: Any idea who this is?
25
               THE WITNESS: No.
```

```
THE COURT: Okay. Counsel, thank you very much.
 1
 2
    Any questions of the gentleman?
 3
               MR. ROSENBAUM: No, Your Honor.
 4
               THE COURT: I want to humbly thank you very much.
 5
    You may step down.
 6
            And let me say for the record, I wish the director of
 7
    UCLA athletics would have been here. I think the gentleman has
 8
    found himself in a very uncomfortable position as a 30(b)(6)
 9
    witness, and in the future, I would expect other people to be
10
    here and not have to have him placed in that kind of position.
11
            All right. Counsel, your next witness?
12
               MR. SILBERFELD: Plaintiffs call Randy Johnson, Your
13
    Honor.
14
               THE COURT:
                           Thank you. Mr. Johnson, if you'd step
15
    forward. Please raise your right hand, sir.
            (Oath was administered.)
16
17
               THE WITNESS: Yes.
18
               THE COURT:
                           Thank you, sir. If you would be kind
19
    enough to be seated.
20
               THE WITNESS: Sure.
21
               THE COURT: The steps are closest to the wall.
22
    watch, there is a small latch right here. Okay?
23
            Counsel, would you like to clean up these notebooks for
24
    the gentleman so he doesn't have extraneous material?
            And first, the record should reflect when the Court
25
```

```
1
    revisited the site last night, with respect to counsel,
 2
    Mr. Johnson was there as well.
            So, sir, would you state your full name, please.
 3
 4
                THE WITNESS: Randy Scott Johnson.
 5
                THE COURT: Would you spell your last name.
                THE WITNESS: J-O-H-N-S-O-N.
 6
 7
                           RANDY SCOTT JOHNSON,
 8
                          having been duly sworn,
 9
                           testified as follows:
10
                THE COURT:
                            Thank you. Direct examination, please.
                            DIRECT EXAMINATION
11
12
    BY MR. SILBERFELD:
13
          Mr. Johnson, what do you do for a living, sir?
14
          I'm a real estate developer.
15
          And tell the Court how long you have been in that
16
    particular profession?
17
          I have been doing it for over 40 years.
18
          Can you tell us about your educational background first?
19
          I went to school at the University of Missouri, graduated
20
    in 1977 with a degree in accounting. And do you want me to
21
    keep on going?
22
          Sure.
23
          Then I got certified as a certified public accountant,
24
    went to work for Coopers and Lybrand, which used to be part of
25
    the Big 8, and was there for -- do you want me to keep going
```

```
1
    all the way up?
 2
          Sure.
          Okay. So I was there through 1979. Went to work for
 3
 4
    Daon, which was a Canadian developer, very large land holdings
    in San Diego County, Riverside County, most of California.
 5
            So I was there for a few years in the role of
 6
 7
    controller -- assistant controller. And then I went over to
 8
    Karma, another Canadian developer, and we were the largest land
    holder behind the Irvine Company and Rancho Mission Viejo in
    Orange County. So we did a lot of land development, we built
10
11
    affordable housing, market rate housing, and some industrial.
12
            From there I went to work for -- there, at Karma, I was
13
    the -- I ended up as a chief financial officer of the Southern
    California area.
14
            Then I went to work for Stein-Brief. Stein-Brief was
15
16
    the developer of the Monarch Beach property in Dana Point. So
17
    there, we did the land -- we got the entitlements, did the
18
    infrastructure --
               THE COURT: I'm trying to overdisclose. Then, do
19
20
    you know David Stein?
21
               THE WITNESS: I do.
22
               THE COURT: Have I ever met you before?
23
               THE WITNESS: I don't believe so.
24
               THE COURT: Counsel, I know the name David Stein.
                                                                   Ι
25
    know Monarch Beach development. I may have met with this
```

```
1
    gentleman, you know, in a social event, I just don't recall.
 2
               THE WITNESS: It would be 1984 and '85.
               THE COURT: It would have been 1985 or '86 if I
 3
 4
    would have met you.
               THE WITNESS: Yes.
 5
               THE COURT: Okay. Thank you, counsel.
 6
 7
                             Then, from there, I went to work in
               THE WITNESS:
 8
    San Diego for a mixed-use developer called Naiman. We did some
    mixed use development, and we did high end sporting clubs.
10
            From there, I went to work for Maguire Thomas Partners.
11
    Maquire Thomas Partners was the largest office developer here
12
    in Los Angeles, but they had purchased a 1,100-acre property on
13
    the west side of Los Angeles called Playa Vista. And I was
    brought specifically to bring the residential experience for
14
15
    that.
16
            Started off as the CFO, and I worked on the project for
17
    over 30 years.
18
            So, from nothing, you know, to where it is today where
    we have got 6,000 homes, and about 4 million feet of
19
20
    commercial.
21
            So we did -- we not only would develop some of that
22
    property ourselves, but we would sell finished lots to merchant
23
               We joint ventured. We fee built. We did a number
24
    of different arrangements on that property.
25
            And then in 2012, the property was sold to Brookfield,
```

2

3

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21

23

24

```
and I ran Brookfield's Los Angeles land operation.
    and then I --
          Tell us what Brookfield is, please?
          Well, Brookfield is a large alternative asset manager.
    They manage -- they have got about near a trillion dollars of
 6
    assets under management between their various platforms.
    have infrastructure group. There is a private equity group.
    Alternatives, they have got credit real estate. Various
    platforms that, you know, they will co-invest with outside
    investors.
11
            So I have been there since 2012, and I'm still working
    couple of days a week for Brookfield. And at this point, I
13
    have got my own firm that I'm the managing partner of.
          At Brookfield, what was your position at the company, sir?
          Initially, it was executive vice president running the Los
    Angeles land operation. And then I started doing -- we helped
17
    set up the mixed use platform. We bought OliverMcMillan, then
    we bought Forest City, and all of those operations got combined
    into one.
19
            So I did a number of things. I did mixed use
    development along with putting land deals together.
22
          Okay. And define what a "mixed use development" is?
          A mixed use development will have a variety of uses.
    Primarily, it will have residential with retail, and it could
    have other uses. It could have office. It could have hotel.
```

```
1
    It just depends on the project.
 2
          And in your own consulting firm now, what do you do,
    Mr. Johnson?
 3
 4
          Just started it. But I'm looking at developing my own
 5
    properties that I'm looking at.
 6
               MR. SILBERFELD: Your Honor, we offer Mr. Johnson as
 7
    an expert in residential commercial community development
 8
    construction and financing.
               THE COURT: You may proceed.
10
               MR. SILBERFELD:
                                 Thank you.
11
    BY MR. SILBERFELD:
12
          We heard from Mr. Soboroff yesterday, and you were here in
13
    the courtroom, and you actually participated a little bit in
    the discussion. How have you and Mr. Soboroff divided your
14
15
    responsibilities in the work you have done in this case, sir?
          I think my -- perhaps more granular is how do you get it
16
17
    done, and what are the steps to get it done.
18
          All right. Please describe to the Court from your
19
    perspective what you have been asked to do in this case by us?
20
          My understanding is that I have been looking at what is
21
    possible to do out there given the constraints of the property.
22
          The West LA VA campus?
23
          Right.
24
          All right. And approximately how long have you been
25
    involved in this project? This case?
```

```
1
    Α
          Since the end of February.
 2
          And who brought you into the mix?
          You did.
 3
    Α
 4
          Okay. And you knew that Mr. Soboroff was an expert as
    well --
 5
 6
          Yes.
 7
          -- at the time.
 8
            And have you and he worked together almost side by side
 9
    about this for the last six months?
10
          Yes.
11
          All right. And have you formed one or more opinions about
12
    what is possible at the West LA VA campus as part of your work
    in this case?
13
14
          Yes.
15
          Can you summarize your opinions for us and then we will
    talk about them in some detail?
16
17
          The -- my opinion is that it's going very slowly, the
18
    project, primarily not identifying the capital source.
19
            When we typically do a master plan community, you
20
    identify what your program is going to be, what your peak
21
    capital requirement is going to be, and you determine how you
22
    are going to capitalize it.
23
            There doesn't seem to be a typical financing plan, you
24
    know, for this and it's -- the infrastructure needs to be --
25
    needs to be implemented much more aggressively than what it is
```

right now.

It appears that the infrastructure is sort of as they have a development, you know, the streets go up to that particular building and then stop.

So it is -- and as far as any of the elements of the community, the open space, programming for parks, the streetscape, the town center, the supportive health service buildings, you know, it is -- it needs to be happening now.

And it just -- I don't know if it's due to a lack of will to ask for the money or what, but it's -- the longer this gets postponed the higher the ticket price goes for this.

It needs to be dealt with.

- Q Have you formed an opinion about the needs for additional permanent supportive housing on the campus?
- 15 A Yes. The Point in Time count has come down, so it looks
  16 like there is roughly -- instead of 4,000 it looks like there
  17 is 3,000 homeless veterans.

And, you know, it looks -- the current program is roughly 1,200 permanent supportive housing units, so we were operating under the revised with an additional 1,800 permanent supportive housing units to get to 3,000, and then 750 temporary supportive housing units which is off from the report where we had 1,000, but just it's a reflection of the Point in Time coming down roughly 25 percent.

UNITED STATES DISTRICT COURT

THE COURT: Until this trial I thought it was 4,000

```
1
    roughly also.
 2
               THE WITNESS: Uh-huh.
 3
               THE COURT: That was the last Point in Time count,
 4
    the new Point in Time is very recent. So I'm going to repeat
 5
    back what I've heard. It was originally 4,000 but the Point in
 6
    Time counts brought that down from 3,800 to 3,200 about a 3,000
 7
    number. And currently there is 1,200 in some type of progress.
 8
    I may have questions about the last 3 or 400, but some type of
    progress, and then at the present time you are looking at 1,800
    plus 750.
10
11
               THE WITNESS: Correct.
12
               THE COURT: That 1,800 would bring that to about
13
    3,000 permanent supportive housing and 750 temporary.
14
               THE WITNESS: Correct.
15
               THE COURT: Total about 3,750.
16
               THE WITNESS: Correct.
17
               THE COURT: Thank you, counsel.
18
    BY MR. SILBERFELD:
          From the work you have done in this case, Mr. Johnson, are
19
20
    you aware of any ongoing effort to put temporary supportive
21
    housing on the campus, other than what is already existing
    there in terms of the sheds?
22
23
          I think there has been discussions. When I started
24
    reading the files -- as far as what the VA is doing or what
25
    we're doing?
```

```
1
          What the VA is doing.
 2
          They have identified sites, but they have identified it, I
    don't see any action beyond that.
 3
 4
          And the 750 temporary supportive housing units you are
    contemplating is a reflection of that change in the Point in
 5
    Time count about homeless veterans?
 6
 7
          Correct.
          When you wrote your report in this case and when you had
 8
    your deposition in this case, you testified and you wrote in
    your report that the figures should be 1,000 approximately --
10
11
          Yes.
12
          -- temporary housing?
13
    Α
          Yes.
14
          And that was based on a homeless count of about 4,000,
15
    right?
16
          Correct.
17
          Okay. You mentioned reviewing materials. Have you
18
    reviewed materials about this case?
19
          I have.
20
          And you have done that continuously since you were first
21
    retained up to recently?
22
          Correct.
23
          Describe some of the things -- I'm not asking for an
24
    exhaustive list but some of the things you have read and
25
    considered?
```

```
1
          The complaint, the 2016 plan, the 2022 plan, the ULI
 2
    report, the EIS, the historic resource treatment plan, I'm sure
    there are other things, there's a big pile of documents that
 3
 4
    you have got to work your way through and some of those are 6
    or 700 pages, it's a lot of reading.
 5
 6
          Have you worked with others, other professionals?
 7
    Α
          Yes.
 8
          Can you name who some of those professionals are and what
    their professional capacity is?
          Sure. So we worked with Bill Fain of Johnson Fain, who
10
11
    has done master planning for the site, very familiar with the
12
    site.
13
            We worked with Mike Reader of Group Delta for soils even
14
    though that didn't really come much into it.
15
            For the EIS we worked with a law firm, Tiffany Wright
16
    works for Remy Moose --
17
                THE COURT: I'm going to slow you down a little bit.
18
    So we worked with Bill?
19
                THE WITNESS: Bill Fain of Johnson Fain.
20
               THE COURT: Bill?
21
               THE WITNESS: F-A-I-N.
22
               THE COURT: Tell me who he is again.
23
               THE WITNESS: Bill is -- Johnson Fain is a huge --
24
    one of the largest architectural firms for commercial
25
    properties in Los Angeles. Bill does the master planning.
```

```
1
               THE COURT: Architectural?
 2
               THE WITNESS: Yes. He's more of a planner.
 3
               THE COURT: Planner. The next person you named was?
               THE WITNESS: Mike Reader.
 4
 5
               THE COURT: Mike Reader, tell me who he is.
 6
               THE WITNESS: Mike is the president of the Group
 7
    Delta.
               THE COURT: Who is that?
 8
 9
               THE WITNESS: Group Delta, soils engineers, geotech.
10
               THE COURT: I'm sorry?
11
               THE WITNESS: Soils engineers.
12
               THE COURT: Group Delta? Soils. Okay, then you
    mentioned --
13
14
               THE WITNESS: Tiffany Wright.
15
               THE COURT: Tiffany, spell the name.
               THE WITNESS: T-I-F-F-A-N-Y, W-R-I-G-H-T.
16
17
               THE COURT: And who's this person?
18
               THE WITNESS: She's with Remy Moose, she's a partner
19
    with Remy Moose, they're land use attorneys.
20
               THE COURT: She's what?
21
               THE WITNESS: A partner.
22
               THE COURT: An attorney?
23
               THE WITNESS: Yes.
24
               THE COURT: In land use.
25
               THE WITNESS: Yes.
```

```
1
               THE COURT: Just a moment. Okay.
 2
               THE WITNESS: So we also worked with Greg Miller of
 3
    Miller Environmental.
 4
               THE COURT: Okav.
               THE WITNESS: And Greg did the work on the --
 5
 6
    there's 33 buildings, 95 buildings that are out there that the
 7
    EIS cleared really for demolition.
 8
               THE COURT: Just one moment, repeat that. Of the 95
 9
    buildings there, I'm going to slow you down, 33 are cleared for
10
    demolition?
11
               THE WITNESS: Yeah, there's environmental clearance
12
    for 33 and they're specifically, you know, they tell you which
13
    buildings.
14
               THE COURT: Okay. Thank you.
15
               THE WITNESS: So we had her look at that.
16
            Greg does the abatement for those buildings that are
17
    going to be demolished and then the demolition.
18
               THE COURT: Greg does the abatement, Greg who?
19
               THE WITNESS: Greg Miller.
               THE COURT: Miller. Is that the same as Grant
20
    Miller?
21
22
               THE WITNESS: No.
23
               THE COURT: Who's Greg Miller?
24
               THE WITNESS: He's the president of Miller
25
    Environmental. They do a lot of big demolition type of work
```

```
1
    and things like that.
 2
               THE COURT: Okay. Thank you.
               THE WITNESS: Then we had Jim Burnett and Dylan
 3
 4
    Diers, D-I-E-R-S.
 5
               THE COURT: I'm sorry, Jim Burnett?
               THE WITNESS: Burnett.
 6
 7
               THE COURT: And?
 8
               THE WITNESS: Dylan Diers.
 9
               THE COURT: D-I-E-R-S. Who are they?
10
               THE WITNESS: They are landscape architects, and
11
    placemaking experts with OJB.
               THE COURT: With who?
12
13
               THE WITNESS: OJB, Office of Jim Burnett. OJB, it's
14
    a landscape architectural firm.
15
               THE COURT:
                           Thank you.
    BY MR. SILBERFELD:
16
17
          And what is "placemaking"?
18
          Placemaking is connecting all of the dots to why you want
19
    to live in this community.
20
          Did you also work with a firm called Murow Construction?
21
          Correct. So for the infrastructure we worked with Greg
22
    Perrine, P-E-R-R-I-N-E, with Murow, and they estimate what the
23
    infrastructure costs are. Water, sewer, streets. You know,
24
    mitigation fees, all of that.
25
         And just pausing there for a second, did any of those
```

```
1
    people you just recited to us have any past experience with the
 2
    West LA VA property explicitly?
          Bill Fain, absolutely.
 3
 4
          Mr. Fain was part of the 2016 master plan?
          And the 2022.
 5
 6
          All right.
 7
          But I don't know whether the VA hired him or whether the
 8
    veterans collectively hired him, I don't know.
 9
          All right. Then that collection of people providing
    environmental quidance, infrastructure quidance, master
10
11
    planning quidance, demolition, hazardous materials removal, I
12
    may have forgotten one, but is it customary in your field,
13
    Mr. Johnson, to rely on others with those kinds of disciplines
14
    when you plan out large scale complex projects?
15
          Yes, it is.
16
               THE COURT: I need counsel to refresh my memory.
17
    When Dr. Sherin testified he gave the Court a name of someone
18
    else he worked with on the master plan. Was that Bill Fain?
19
               THE WITNESS: It was.
20
               THE COURT: It was. All right. So when Dr. Sherin
21
    was testifying it appeared that he was more aligned with the
22
    plaintiffs, let's say, in 2016. Was Fain his opposite, more
23
    aligned with the VA?
24
               THE WITNESS: No, I think Bill -- I'm not sure, you
25
    would have to ask Bill, but as far as 2016, is if you were to
```

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ask me what is a better plan between 2016 and '22, I would tell
you '16 I think is a little bit better, but there are some
adjustments in there.
           THE COURT:
                       Thank you very much, counsel.
BY MR. SILBERFELD:
     Mr. Johnson, did you bring together all of these people,
me included, for a site visit at the West LA VA earlier this
year?
     Yes.
Α
     And what was the purpose of that visit?
     To actually tour the site, and I think Rob Reynolds was
with us on that tour also, to get better acclimated exchange
ideas, you know, what's possible.
     And in the course of that day what parts of the property
did you and that entire group look at?
     We looked at the entire property.
     For what purpose?
     What could be done here. And to put together the what is
it going to cost to -- what does that capital plan look like.
How much money is going to be required to complete the
infrastructure, demolish the buildings, provide landscaping,
identify what the major parks are going to be, upgrade the
streetscape, complete the vertical, because everything we're
talking about so far has been horizontal, complete the vertical
for the town center.
```

```
1
          What is "vertical"?
 2
          Vertical is just the building. You are going up, it's the
    actual building. So to complete the town center, complete the
 3
 4
    job retraining sites that are out there. Everything but the
    permanent supportive housing units. I didn't mention the
 5
 6
    temporary supporting units, also to pay for that.
 7
          So was part of this visit intended to identify sites where
 8
    temporary supportive housing units might be placed?
          Yes.
    Α
          You were present yesterday when Mr. Soboroff testified
10
11
    about some of those sites?
12
    Α
          Right.
13
          Such as the solar parking lot on the South Campus, for
14
    example?
15
          Correct.
          All right. Describe a little bit about your specific role
16
17
    in Playa Vista as it relates to the work we have asked you to
18
    do in this case, sir?
19
          So at Playa Vista I was the person that was responsible
20
    for putting in the infrastructure. Any retail office,
21
    residential development, did that also.
22
            In addition to the administrative side.
23
          And did you bring that experience to bear on the work you
24
    have done here and the opinions you formed that you are
25
    prepared to express here today?
```

- 1 A Yes.
- 2 Q Have you in your past experience worked with projects that
- 3 involved the Federal Government?
- 4 A Correct.
- 5 | Q Describe those to the Court, please.
- 6 A So I have worked on a couple base realignment deals,
- 7 | they're called BRAC deals, one of which -- the most recent one
- 8 | was in Boston, it's the Union Point Project, which is in the
- 9 towns of Weymouth, South Abington, and I'm drawing a blank.
- 10 Rockland, sorry.
- So that project is about 8,000 residential units and we
- 12 are going through the entitlements on that right now.
- 13 | Q And what is the development of that compared to the role
- 14 of the Federal Government?
- 15 A The Federal Government, under the BRAC, they closed the
- 16 | base back in 1997.
- 17 They have had several failed attempts to start it with
- 18 different developers, so we purchased the note.
- 19 0 Who is "we"?
- 20 A We, being affiliates of Brookfield.
- 21 Q Okay.
- 22 A We purchased the note and joint ventured with New England
- 23 Partners for that particular development.
- 24 | Q Just before we get to the substance of it, have you toured
- 25 | the West LA site more than once?

```
1
    Α
                I think I'm closer to ten at this point.
 2
          And there was one visit with the large group that we've
 3
    talked about?
 4
          Yes.
          And you've been out there on other occasions for what
 5
 6
    purpose, sir?
 7
          Talked to vets when I'm out there. The site is huge so
    you -- each time you go out there you learn something new.
 8
            So, yeah.
          And other than the professionals that you have identified,
10
11
    obviously you have worked with Mr. Soboroff about this; is that
12
    right?
13
          Yes.
14
          And Dr. Sherin?
15
          Yes.
          What input has Dr. Sherin provided to you in connection
16
17
    with your specific role?
18
          Just, you know, a group -- groups -- just doing housing
    alone doesn't make the vet better.
19
20
            They need to heal, and the best way to do that is to put
21
    in all of these programming elements, the parks, the
22
    streetscape, having activities, getting the town center done.
23
    I mean, that would be huge.
24
            None of that has taken place yet and it should. There
```

is no reason it shouldn't.

```
1
          You made a number of assumptions that we actually gave to
 2
    you in the course of your work; isn't that right?
 3
    Α
          Yes.
 4
          And one of them was that at that time, a few months ago,
 5
    the number of homeless vets was around 4,000, correct?
 6
          Correct.
 7
          And we asked you to also assume whether it was possible to
 8
    place 1,000 temporary housing units on the campus?
          Correct.
    Α
10
          And you have now revised that downward to roughly 750 such
11
    units, correct?
12
          Uh-huh.
13
          Do you believe it's possible to place 750 temporary
14
    housing units on the West LA VA campus without interfering with
15
    anything else going on there, sir?
16
          I do.
17
          Explain why.
18
          I think there is enough land -- well, first of all, I
    think the South Campus, we're going to have to work -- you
19
20
    know, somebody is going to have to work with the medical folks
21
    as far as what their plans are.
22
                   Remember, we weren't able to speak with anybody,
23
    you know, at the VA, so to speak, so it needs to be a
24
    coordinated effort, where is your stuff going.
25
                   You know, the surface parking lots, you can
```

```
1
    easily deck, you know, a lot of that, it doesn't cost a lot of
 2
    money, yes, it does, but you will pick up land.
          What does it mean to "deck" a parking lot?
 3
 4
          You're putting up a four-story, five-story structure
    parking lot, you know, that will replace surface parking.
 5
 6
          So as an example, is it true that one of the places you
 7
    believe temporary supportive housing can be placed is on the
 8
    solar parking lot on the South Campus?
 9
          Yes.
    Α
               THE COURT: Let's put up that diagram again from
10
11
    yesterday. I walked it last night, along with my law clerk
12
    when we were out at the scene, but I want that diagram back up
    that Soboroff referred to with the nine different locations.
13
14
               MR. SILBERFELD: I think it's up on the screen.
15
                THE COURT: Yes, it is, thank you.
    BY MR. SILBERFELD:
16
17
          What we're talking about I think, Mr. Johnson, is Parcel
18
    Number 1, 15.8 acres, you recognize that as a solar parking
    lot?
19
20
          Correct.
21
          And to your point about having to deck parking, if you
22
    used that solar parking lot space for temporary housing or for
23
    any purpose, somehow you'd have to replace the parking spaces,
24
    correct?
25
    Α
          Yes.
```

```
1
               THE COURT: Let's stop for just a moment. You see
 2
    that circular road and you see the perpendicular lines, that
    would be the overhang on that parking lot.
 3
 4
            Now look below the circular line you will see two --
 5
    what I'm going to call a rectangular box or a small box.
 6
    rectangular box to the right I believe contains solar panels at
 7
    the present time. Is that your memory?
 8
            Let's make it very simple. Right there.
 9
               THE WITNESS: Yeah, that is the solar parking.
10
               THE COURT: These are the solar panels, correct?
11
               THE WITNESS: Yeah.
12
               THE COURT: What does this contain?
13
               THE WITNESS: I think solar panels, too.
14
               THE COURT: Solar panels also?
15
               THE WITNESS: Yes.
16
               THE COURT: So therefore when you are talking to the
    Court about this parking lot, are you including this small
17
18
    square of solar panels and also this rectangular, because it's
    all been circled?
19
20
               THE WITNESS: Yes.
21
               THE COURT: Yesterday I heard Mr. Soboroff say
22
    something about closing off this road.
23
               THE WITNESS: Well, I think what Steve was referring
24
    to was instead of that circular road.
25
               THE COURT: Let me help you. Let's assume we're not
```

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1
    going to do that, okay?
 2
                   Counsel, your next question?
 3
            I would suggest that when we're talking about this, we
 4
    work with your testimony that covered that area, because the
 5
    Court might not be inclined if I got that far to close off the
 6
    circular road, okay?
 7
                THE WITNESS: Okay.
 8
                THE COURT: You may be able to build on the other
 9
    side also, but then you've got a problem with people crossing
10
    the road.
11
    BY MR. SILBERFELD:
12
          So if the solar parking lot were to be used for temporary
13
    supportive housing, for example, your plan involves creating a
    parking structure to replace the parking spaces that were lost,
14
15
    correct?
16
          Correct.
17
          And you have costed that out for us and we'll get to the
18
    cost figures later.
19
          Uh-huh.
20
          Correct?
21
          Yes.
22
          And is there a spot on this diagram where you can show us
23
    where you intended the replacement parking lot to go,
24
    approximately?
25
          Well, there would be two structures. You need to replace
```

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approximately -- call it somewhere between 1,000 and 1,100
stalls, and you have two structures that both have about half
that amount.
       The footprint for each structure would be less than an
acre apiece.
           THE COURT: Now I'm going to wander around you, keep
the questions going.
           MR. SILBERFELD: What? That's all right. I didn't
want to interrupt something else going on.
              BY MR. SILBERFELD:
     Mr. Johnson, did you also assume that there were certain
ongoing VA projects at the campus that, for purposes of your
plans and opinions, you did not want to interfere with?
     From what we could tell, yes.
     What were those?
     There was -- it looks like there is construction going on
for a deck or a parking facility, in that area.
       And there has been, you know, the EIS did say that there
was going to be an expansion of the hospital. But, yeah.
     Did any of your plans for the South Campus involve sort of
impinging on where that new medical tower was intended to go?
     We're hoping not.
     How about on the North Campus. You are aware that there
are ongoing projects there?
     Yes.
Α
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And in assessing the property for purposes of figuring out
    where to place temporary supportive housing and permanent
    supportive housing, have you avoided the areas already
    designated for permanent supportive housing that is underway
    right now?
         We believe so.
         Okay. So let's begin talking about the temporary
    supportive housing, roughly 750 units.
            Have you determined places, looking at this map, where
    those units can be placed?
         We have. And a lot of this depended upon are we doing a
    one-story type of cottage, are we doing a two story, a three
13
    story, so if we're doing one story you need more land,
    obviously.
               THE COURT:
                           Just a moment. You are going to have to
    tell me, Soboroff takes the position he likes one story, about
    40 units per acre, okay?
            You are the expert, you are going to tell me what you
    think is appropriate for this, one story or two story, and
    don't been afraid to disagree with Soboroff on that if you
    think two stories are appropriate.
22
               THE WITNESS: Well, after there's an opportunity to
23
    meet and see what the VA has going on.
               THE COURT: I'm interested in your opinion now.
                                                                 Ι
    will get to the VA in a minute.
```

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THE WITNESS: So if you drop the density to
somewhere around between 20 and 30 DU per acre.
              BY MR. SILBERFELD:
     "DU" is?
0
     Dwelling unit.
       You can do one story you know in that amount and
landscape it so that it's -- the actual cottage a 11-by-35 with
a front porch.
                      Just a moment. How many square feet?
           THE COURT:
           THE WITNESS: Well, it actually had, like, a little
loft to it, but you could get to about -- you don't want to go
any more than 400 feet.
           THE COURT: All right. And let's say 20 to 30 per
square acre. Or per acre, I'm sorry.
           THE WITNESS: Right. So the math would be for this
one site, Parcel 1?
           THE COURT: No, I'm subtracting the solar across the
road because I've already told you I'm not going to cut the
road in half if we get to that point. So you are now dealing
with the parking lot that is covered over there and you are
going to take away the two small squares, the rectangular and a
square.
           THE WITNESS: May I just offer a comment? You could
probably look at providing the same kilowatt type of energy
production by cladding the parking structure.
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THE COURT: We're going to plan for the worst and
hope for the best. I'm taking that road away from you now.
BY MR. SILBERFELD:
     If those two small boxes were removed from the solar
parking lot parcel of 15, almost 16 acres, roughly what would
that leave us?
     I'm going to guess --
           THE COURT: Well, calculate the reason for that, it
may be a viable plan, I don't know if we get there, but I'm not
going to also get involved in the complexity of cutting a road
and then hear somebody needs that for emergency services.
don't know the hospital that well. I don't know where the
ambulances enter. I don't know what that road impact is.
                                                           Ι
don't know if that takes longer. So I'm taking that away from
you right now.
       That road's going to remain in your hypothetical.
           THE WITNESS: And you are taking the two boxes away?
                       I'm taking two boxes away.
           THE COURT:
           THE WITNESS: So when you do all of that, you cut it
in half.
           THE COURT:
                       I have.
           THE WITNESS: Yeah.
BY MR. SILBERFELD:
     So, parcel --
     So, seven acres. And of that seven acres, now I have got
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to still run -- put a parking structure up, one acre.
                                                           I have
    got six acres to work with. So, six times 20 to 30 -- 120 to
    180.
               THE COURT: Now, just a moment. How long is it
    going to take me to put up a parking structure with all of this
    bureaucracy and design review, et cetera.
               THE WITNESS: So we spoke with McCarthy,
    contractors, and under a design build, that structure will take
    -- that structure will probably take 18 months.
               THE COURT: Assuming we have cooperation, et cetera.
               THE WITNESS: Yeah. Yeah.
               THE COURT: Now, just a moment. Let's take 120 to
         Why can't you build a second story. You are certainly
    doing that for permanent supportive housing?
               THE WITNESS: You absolutely could.
               THE COURT: Okay. So, a range --
               THE WITNESS: Double it.
               THE COURT: You could run 240 to 360?
               THE WITNESS: Uh-huh.
               THE COURT: Thank you. Counsel.
            In other words, we're not for perfect and temporary. We
22
    are looking for access to the hospital. We are hoping people
    don't stay there for a long period of time. But I'm having a
    little struggle about two story versus one story, if we
    eventually get to permanent supportive housing, and we're
```

```
1
    willing to build two, three, or four stories.
 2
               THE WITNESS: Yes.
               THE COURT: All right. Counsel.
 3
    BY MR. SILBERFELD:
 4
          Do you have an opinion, sir, as to whether you could build
 5
    two-story temporary supportive housing, for example, on the
 6
 7
    parcel we're talking about here, in the period 12 to 18 months?
 8
          I think yes. I think you can do it. The assemblage --
    you are going to have a little more assemblage time, but, yes,
    I think it still falls in there.
10
11
            They are modular units. They are all built in a
12
    factory. They --
               THE COURT: I am aware of modulars. I have viewed
13
14
    more modulars in my lifetime than I --
15
               THE WITNESS: Okay. All right. All right.
    BY MR. SILBERFELD:
16
17
          Let's go down further on the map to Parcels Number 2 and
18
    3, do you see those, sir?
19
          Yes.
20
               THE COURT: Could you be of help, just write down --
21
    I need that ledger going again over here. And move our diagram
    and go over right, hypothetically, and Parcel 1 -- you start a
22
23
    new page.
24
            Parcel 1, write down 15 acres. And then reduce to 6.
25
    Just put 15 -- easy to remember -- and then now put an arrow,
```

```
1
    reduce to 6, just an arrow, just a line. Just make it simple.
 2
    There we go.
 3
            Now write 120 to 180. Below it, write 240 to 360.
            Now we're moving to Parcel number 2.
 4
 5
          Parcel Number 2 which is down along Ohio Avenue, wrapping
 6
    around the Patriot house, you are familiar with that parcel,
 7
    sir?
 8
    Α
          Yes.
          You have been there multiple times?
10
          Yes.
11
          There are neighbors along at least one little arm of that
12
    parcel. Do you see that, sir?
13
          Correct, yes.
14
          Probably on the northwest corner of the property, there is
15
    neighbors?
            If you said to you, avoid the neighbors, just take that
16
    little arm out, and either eliminate it completely or make a
17
18
    greater setback than normal, would the 4.3 reduce down to about
    four acres, roughly?
19
20
          Four, or perhaps less. So when you were out there, you
21
    saw those huge trees. We may not be able to take some of those
22
    out.
23
            Those huge trees also provide a good buffer for the
24
    neighbors across the street.
25
         Okay. So what reduced figure should we use for Parcel 2,
```

```
1
    Mr. Johnson, three maybe?
          Three is fine.
 2
 3
          Okay. So three acres and single-story temporary
    supportive housing in that location, built in 12 to 18 months
 4
 5
    would give us how many single-story units?
 6
          Say 60.
 7
                THE COURT: Well, you would have a range actually.
    If you were at 20, you would have 60; if you had 40 you would
 8
 9
    have --
10
                THE WITNESS: Judge, the only reasons I'm not going
11
    to 30 an acre on this one is those trees that are there. You
12
    may not be able to take those down.
13
                THE COURT: Okay. Are you comfortable with 60?
14
    BY MR. SILBERFELD:
15
          60 single story?
16
          Yes.
17
          Is two story a possibility in that area, sir?
          Yes.
18
    Α
19
          If it was two story, in three acres it would be what?
    Q
20
    Α
          Double.
21
    Q
          120?
22
          Uh-huh.
23
          All right.
24
                THE COURT: So right now you are hypothetically 360
25
    to 480.
```

```
1
    BY MR. SILBERFELD:
 2
          Across the street in Parcel Number 3, Mr. Johnson, that is
    a parcel you are familiar with?
 3
 4
    Α
          Yes.
          There is a grassy area along Ohio and the street, and that
 5
    has, behind it, a parking lot, right?
 6
 7
          Yes.
    Α
 8
          If both parcels were counted, that is an acre and a half,
    roughly?
10
          Yes.
11
          All right. And if both of those parcels were available
12
    for temporary supportive housing, do you believe that it can be
13
    put there?
14
          Yes.
15
          And what would we yield out of Parcel Number 3?
          Similar to 2, as far as the density is. 20 on those
16
17
    single story; 40 on the two story.
18
               THE COURT: You've got an acre and a half, so you
19
    would have 30, wouldn't you?
20
               THE WITNESS: Yes. 20 times an acre and a half,
21
    right.
22
               THE COURT: And if you doubled that, you would have
23
    60.
24
            Okay. So now you are at about 420 -- I'm sorry, just a
25
    moment. Yeah, 420 to about 560, if you start totaling those
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```
1 up. Okay. So you are getting close.
```

- 2 BY MR. SILBERFELD:
- 3 Q Mr. Johnson, Parcel Number 4 is what has been referred to
- 4 | already as the laydown area for the Metro project? Are you
- 5 familiar with that?
- 6 A Yes.
- 7 Q Do you think it's reasonable to count that as available
- 8 | land for the placement of the temporary supportive housing?
- 9 A In a perfect world, I would love that to be part of the
- 10 park. But if we're short, then you could look at that parcel.
- 11 | But it would be fabulous units within a park atmosphere.
- 12 | Q Well let's skip over for now and see if we can reach our
- 13 | goal, shall we?
- 14 A Okay.
- 15 | Q Parcel Number 5, which is on the North Campus, is a
- 16 triangular-shaped surface parking lot, is it not?
- 17 | A Yes.
- 18 | Q And you have been there, you have seen that?
- 19 A Yes.
- 20 | Q Is that an area where you think temporary supportive
- 21 | housing can be placed?
- 22 A Yes.
- 23 Q And that is about a two-acre parcel?
- 24 A Correct.
- 25 | Q It's not a rectangle. Does the shape change the amount of

```
1
    housing you might put there?
 2
          Yes.
 3
          What do you think is possible to place in terms of
 4
    temporary supportive housing on Parcel Number 5?
          I would use 15 for the one story, and 30 for the two.
 5
 6
    acre.
 7
          If it's -- we will just leave off the .19, call it two
    acres. That would yield 30 single-story temporary supportive
 8
    housing units?
10
          Yes.
11
          And 60 two story?
12
          Uh-huh.
    Α
13
          Correct?
14
          Yes.
15
          All right. Parcel Number 6 is what we have already heard
16
    testimony about as being part of the columbarium expansion
17
    space. Are you familiar with that?
18
          Yes.
19
          Do you think that that is an area where temporary
20
    supportive housing can be put?
21
          I do.
22
            Judge, you had made a statement yesterday of this 500
23
    foot from the freeway. Is that -- I wasn't aware of any
24
    restriction like that.
                THE COURT: I'm going to place that restriction on
25
```

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1
    you.
          500 feet from the freeway.
 2
               THE WITNESS: All right. So we don't have the
    acreage to work with.
 3
    BY MR. SILBERFELD:
 4
          Okay. So we will skip Parcel 6.
 5
 6
            Parcel 7 is the area of the Veterans Garden, and running
 7
    north to the side of the private residences that are in that
 8
    Brentwood Glen area. Are you familiar that?
          Yes.
    Α
          You have walked that area, haven't you?
10
11
          Yes.
12
          That's a parcel of about four acres. There are some
    conditions there we should talk about.
13
14
            One is the proximity to the private homes.
15
            How would you deal with that?
          We could buffer it. You could keep your 15-foot front
16
17
    yard setback and just buffer the front with, you know,
18
    landscape material where you couldn't even see the product.
19
                THE COURT: Just a moment. If you are going to have
20
    a 15-foot setback, it actually gives you much more land of
21
    Parcel number 2. So look back at Parcel 2 because we have some
22
    apartments there.
23
               THE WITNESS: Uh-huh.
24
               THE COURT: And we discounted and lowered Parcel 2
25
    to three acres. If you don't have the setback, if you go back
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in that niche as it wraps around that newly built - whatever
that building is -- you actually probably increase that from 3
acres to 4 acres?
       Now, you can walk it yourself and take a look at it
again, if you want to.
       Why am I restricting myself to a 15-foot setback here
and giving up that acreage in Parcel Number 2? Why wouldn't I
be consistent and say there is a 15-foot setback there and add
another acre?
           THE WITNESS: You could. I was responding to what I
thought was your concern yesterday.
           THE COURT:
                      Why 15 feet? If I'm a neighbor, I'm not
too happy. And I know Mr. Soboroff is a charmer and he's going
to cure all of the world's problems and get our community
together. You are a doer. And I can picture a lot of folks
saying, you know what, no matter what, when I look at that, you
might build a nice wall but I still have people over there
using some dope or some crazy veterans yelling at night. How
are you going to create a buffer? Are you going to build a
Berlin Wall or what? I'm being facetious about that, but I'm
not.
           THE WITNESS: It's going to be an issue regardless.
It's going to be an issue.
           THE COURT: We're going to have pushback no matter
what.
```

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1
               THE WITNESS: Yes.
 2
               THE COURT: Even if you put it back 200 feet, you
 3
    might have the same pushback.
 4
               THE WITNESS: You could.
 5
               THE COURT: All right. Counsel.
    BY MR. SILBERFELD:
 6
 7
          The other condition in Parcel Number 7, Mr. Johnson, is
 8
    there is a slope to the west as you look north.
            Are you familiar with that?
10
          Yes.
11
          How would you accommodate that slope in the placement of
12
    temporary supportive housing in that area?
13
          I would have to relook to see if we could grade it out and
14
    redistribute. But I'm not looking at a loss of density due to
15
    that slope.
         All right. In Parcel Number 7, if we just round that down
16
    to four acres, how many single-story units could you place in
17
18
    that area per acre?
          I'm going to use, you know, you have got a decent little
19
20
    rectangle there. I'm going to use 25 an acre.
21
               THE COURT: Now let's assume something for all of
22
    the parties. Let's assume up to this point the Court was
23
    worried about preservation and whether we were going to go over
24
    two stories. Because simply, most of the restored buildings
25
    are two stories.
```

```
1
               THE WITNESS:
                              Three. I think the adaptive reuse is
 2
    three, and there is some four in there.
 3
               THE COURT: But I have heard if I'm a slope, I don't
 4
    have those same considerations. In other words, from Soboroff
 5
    I heard that because it's a slope, I could actually build
 6
    higher. Is that true?
 7
               THE WITNESS: Well, the height limit for both, I
 8
    think North and South Campus, is 299 feet. So you are not even
 9
    close to it.
            You know -- so the -- but personally, it would be costly
10
11
    to build there. I would avoid it.
12
               THE COURT: Foundations?
13
               THE WITNESS: Yeah.
14
               THE COURT: Are we discounting this as a building
15
    site?
               THE WITNESS: I would.
16
17
               THE COURT: It's expensive, isn't it?
18
            Counsel, I'm going to discount that in our hypothetical.
19
    I'm going to put some stress on you right now.
20
               MR. SILBERFELD: That's all right.
    BY MR. SILBERFELD:
21
22
          Just for completeness sake, Mr. Johnson, we have Parcel
23
    Number 8 up there as not suitable.
24
            Explain from your perspective why that is so?
25
    Α
          The topography of the site makes it challenging.
```

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1
               THE COURT: Let's take the ghost in the room that
 2
    Mr. Soboroff -- he's a parks person also, eminent commissioner
 3
    of parks, so he likes parks. That is VA land, and I want to
 4
    point out where we're talking about this supposed park.
 5
               THE WITNESS: Yes.
               THE COURT: Have you been to that park?
 6
 7
               THE WITNESS: Yeah.
 8
               THE COURT: Do you know the conditions of that park?
 9
               THE WITNESS: Yes.
10
               THE COURT: Describe the conditions of that park to
11
    me.
12
               THE WITNESS: Poor.
13
               THE COURT: Very poor. That is VA property, isn't
14
    it?
15
               THE WITNESS: Yes.
16
               THE COURT: It's flat?
17
               THE WITNESS: Yes.
18
               THE COURT: Don't know about any movement.
19
    nine acres. Why aren't we putting temporary supportive housing
20
    there?
21
            I have heard "because of the neighbors," but I have much
22
    less neighbor problem when I have to cross Barrington -- thank
23
          I have got a parking lot in front of me that we can
24
    choose to use or not. I have got a natural buffer.
25
               THE WITNESS: May I -- Steve doesn't doubt the fact
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that whether it's Brentwood School, whether it's the UCLA
property, this park, the oil area that is veteran property and
should be put to use.
           THE COURT: Absolutely.
           THE WITNESS: He doesn't doubt it. What he is
pointing out is that the entitlements -- you could get hung up.
I mean, at Playa Vista, we had 27 different lawsuits.
           THE COURT: If we go that far, we're going to have
all sorts of problems, okay? But that is a primary piece of
property right there, nine acres absolutely open. What can you
put on that?
           THE WITNESS: I would put permanent supportive
housing units up there.
           THE COURT: Okay. Now, I'm going to take that, I'm
going to put it down, permanent supportive housing. Just a
moment. We will get to that in a moment.
       All right. Counsel, we're still a little bit short of
your 750.
           MR. SILBERFELD: Right.
BY MR. SILBERFELD:
     Parcel Number 9, on the map there, is a softball field.
Do you recognize that, sir?
     Yes.
     That is actually part of the Brentwood lease. Do you
understand that?
```

```
1
    Α
          Yes.
 2
          It's an acre, correct?
 3
    Α
          Yes.
 4
          It's relatively flat?
 5
          Yes.
 6
          Is that a site where you could put temporary supportive
 7
    housing?
 8
    Α
          Yes.
          And what could you put there if it was single story, and
10
    what could you put there in terms of the number of units if it
11
    was two-story?
12
          After solving for access, it would be somewhere between 27
13
    and 50. One story is 25.
14
               THE COURT: Just a moment. 20 to 50?
15
               THE WITNESS: 50 on two story.
               THE COURT: Let's cut that in half and make it 35
16
17
    single story.
18
               THE WITNESS: No.
19
               THE COURT: Single story 70?
20
               THE WITNESS: It's only an acre, right? So we are
21
    saying 25 for the one acre. For the two story product, it
22
    would be at 50.
23
               THE COURT: Thank you very much.
24
            Okay. Now let's add that up, just for fun. Let's just
25
    stop there before we get into the baseball diamonds and the oil
```

```
1
    and the Brentwood School. And let's take -- let's see. Let me
 2
    do my own math here.
            I come out with about 510 minimum on one side -- and
 3
 4
    somebody check my math. On the high side, I come out with
    about 480, 540, 600, 650. Somebody double-check my math.
 5
 6
    come out with 650 on the high side if you are double-storying
 7
    it. Well, at a range.
 8
            So what do you come up with?
 9
               MR. SILBERFELD: I haven't done the math.
10
               THE COURT:
                           I want you to do the math. I'm not
11
    testifying here. I am just trying to reason out where you are
12
    standing on this.
13
            And while you are doing the math, now we have got a bus
              Our transit runs between 9 o'clock and 2:15. Now,
14
15
    the buses may run longer than that on the campus, but that is
    what, supposedly, the bus schedule says to go to the Brentwood
16
17
    School.
18
            So I need to have an appointment at 9 o'clock for my
19
    brain trauma injury down at the South Campus, and I'm up at the
20
    North Campus. That bus schedule needs to be checked to make
21
    certain we can get our veteran there, so they're not having to
22
    wheel down.
23
               THE WITNESS: Uh-huh.
24
               THE COURT: And right now, the bus schedule -- I
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don't know if it's appropriation by the VA or if it depends

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1
    upon what I call these outside payments from the school for
 2
    instance of $850,000 or the oil well. I'm at a loss, and I
    will tell counsel this, eventually, if we get that far, why
 3
 4
    this is an appropriated item. Why isn't this a responsibility
 5
    to get veterans around the campus rather than relying upon
 6
    outside sources?
 7
            So you know I'm going to ask both of you that.
 8
            This should be a given that the VA has the
 9
    responsibility of transporting veterans who have traumatic
10
    injuries, either brain or physical injuries, amputees.
11
    shouldn't be dependent on outside sources such as oil.
12
            Now they are adding for just a moment. And you folks
13
    give me the figure. Let's see where we are at.
14
            Mr. Johnson, I can't thank you enough. I don't know if
15
    we're going to be working together with Braverman or not.
16
    That's the second phase.
17
               MR. SILBERFELD: I came up with 365 as the one
18
    story.
19
               THE COURT:
                           365, great.
20
               MR. SILBERFELD: And I came up with -- I came up
21
    with 730 --
22
                           730. Okay.
               THE COURT:
23
               MR. SILBERFELD: -- as to the two story figure.
24
               THE COURT:
                           Show the VA your figures for a moment so
25
    we don't have a disagreement.
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1
            Matt, why don't you take a look at his math. Check him.
 2
               MR. ROSENBERG: It seems like it's in the right
 3
    ballpark.
 4
               THE COURT:
                           I would double-check his math. If we're
    double storying it, we have got 730, right?
 5
 6
               MR. SILBERFELD:
                                Yes.
 7
                           Single story because he wants to create
               THE COURT:
 8
    an attractive community, but the opposite side of that might be
 9
    that other things might need to attract our veterans come in.
10
    And number two, we don't hope to keep veterans in temporary
11
    housing any longer than necessary. We want to get them over to
12
    permanent supportive housing.
13
               THE WITNESS: Right.
14
               THE COURT: Let's now assume that we got to that
15
    second phase and the Court made a mistake and I overestimated
16
    the amount. The argument now is, Judge, don't worry about it,
    from the plaintiff, because that could be used for housing for
17
18
    staff and it's sorely lacking.
19
               THE WITNESS: Absolutely.
20
               THE COURT: So, therefore, you can't really
21
    overbuild because you have got a fallback with staff who can't
22
    afford -- and literally, with the wage they get paid, might be
23
    homeless themselves, eventually. Even if we overbuilt and we
24
    directed our numbers at temporary and we were wrong on our
25
    estimate, there is a fallback that staff could use that?
```

THE WITNESS: Correct.

THE COURT: Okay. How does the VA go, in your wisdom in your past business experience, to Congress and sell this and say, by the way, we want this for a dual purpose.

Congress might understand the plight of the veteran, but when they talk about housing, they might not be as sympathetic or understand the Los Angeles housing prices.

Walk through how you or Soboroff would sell that.

Think about it for a while, because they have got a real practical problem there.

THE WITNESS: The parties need to get together, identify "this is what needs to happen on a going forward basis." And as far as -- you know, it's going to be a big number. It's going to be a very large number. I have estimated the number -- just to get up to the EULs, where you are not really financing any of the permanent supportive housing -- we talk about that later -- it's a billion dollars.

You know, it could be that. Now, this is with a ton of contingencies that we put in. But it takes care of all of the issues we talked about. But it's only going to get worse the longer you postpone this.

THE COURT: I'm going to tell you a funny story about this courthouse. Matt Burn one time had a vision of this courthouse having 56 or 54 courtrooms. The problem is that budget was about a billion dollars, and it took all of the

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construction funds from the United States and all of the
courthouses. And you can imagine the priority. Every other
courthouse looked at the Central District and said "Why?"
       Do you know how many courts we have now?
           THE WITNESS: How many?
           THE COURT: 28 or 29. In other words, it got
reduced all the way along the long. So although we started
with a need, and now we're spread out, unfortunately, and out
of room. That's why we are here in this courtroom. You can
expect pushback and compromises from Congress no matter how the
VA sells this or tries to sell this, or doesn't try to sell
this.
       So, if you are starting at a billion dollars, you may
end up to 750 and be down to 300, temporary, which doesn't
serve our need.
           THE WITNESS: Yeah. It's -- this is on the high
side, the billion. I mean, it needs to take -- everyone needs
to get in the room and figure this out and see if you can get
the number down.
       Right now, the EIS allows for 1,622 units. And you
know, are the 750 or 1,000 temporary supportive units -- do
they have environmental clearance coupled with the 1,200? They
don't. So, to be safe about it, what can you get done under
the existing EIS, at the say -- so you have got to get the
infrastructure going, get the town center going, get all of
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that stuff going, and then, subsequently, you are going to need
to either recirculate that EIS to get the clearance you need.
           THE COURT: How does the Court find that central
authority?
           THE WITNESS: Excuse me?
           THE COURT: I have got what I call negative power.
But how does the Court find that central authority to drive
this? The VA might be reluctant. They might have a finding
eventually that they don't approve of. They might take an
appeal, which slows the process.
           THE WITNESS: But -- it may slow the process, but
you started the temporary supportive housing. It's not slowing
down the permanent supportive housing that is on the books to
get to the 1,260 or whatever that number is. And more
importantly, you are getting everything else done. You have
got a boatload of infrastructure to do.
           THE COURT: You say "they." Who is the central
authority that drives this on the ground and makes it happen?
           THE WITNESS: Well, you would have to think it's the
Veterans Administration.
           THE COURT: It's the VA?
           THE WITNESS: Yeah.
           THE COURT: Okay. Counsel.
BY MR. SILBERFELD:
     When we talk about temporary supportive housing,
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Mr. Johnson, you have identified a product or a series of
products that you think would be appropriate.
       Can you just describe what those products are?
     Roman, I'm sorry. Could you repeat the first part of
that.
            The actual models of housing you are talking about
for temporary supportive housing, what are they like size-wise,
cost-wise?
     Similar to what Steve showed in the exhibit yesterday.
                                                              Ι
don't know what the exhibit number -- I think he had
illustrative of here's what one story product looks like,
here's a two story. There were efforts to go to Clayton Homes,
Champion, a number of -- Gensler, we spoke with the folks at
Gensler, what manufacturers are producing product that could
accommodate up to 1,000 TSHs.
     Temporary supportive housing?
     Yeah.
Α
     And what is the approximate size of the unit?
     The unit -- the unit is -- you know, it gets stuck on a
trailer, right, so it's not going to be any wider than 11 feet.
So it's going to be 11-by-35, 37, it's going to get up to about
400 feet of living area. But the unit we're envisioning, very
nice, it's got a kitchen, it has stacked washer/dryer, it has
furniture, it has -- we put an FFE allowance on top of it,
furniture, fixture, equipment so that it's turnkey, you don't
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1
    have to do -- you don't have to come with anything.
 2
          And are there process steps that have to be accomplished
    to get to this goal of temporary supportive housing units,
 3
 4
    roughly in the 750 range?
 5
          Are there process, yes.
 6
          What are the steps, Mr. Johnson?
 7
          You know, I think it's -- I'm repeating myself a little
 8
    bit, but we need to get together with the right people at the
    VA, make sure that they didn't, you know, "Gee, you guys missed
    it, there is no way you can do it to this side, here is the
10
11
    reason." You know, Steve calls it the "bus to yes," we need to
12
    be able to figure out are these really available, first, you
13
    need to do that.
14
          Talking about the sites?
15
          Yeah, the sites.
16
          You've got to get the sites, you've got to make sure the
17
    utilities are there for that site. If you don't have permanent
18
    utilities for that particular site, you've got to bring in
19
    temporary, temporary water, power, sewage. You've got to bring
20
    it.
21
            And it costs. You know, it's going to cost some dough,
22
    but then you are going to prepare the pad, you know, you will
23
    have pads, and then on top of the pads you will have assemblers
24
    that once it's trucked in we will put it together.
25
         Let's talk about cost a little bit.
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Bearing in mind that it's an estimate with a contingency
factor built into it, have you calculated what it would cost to
produce temporary supportive housing units on the West LA
Campus in 12 to 18 months?
     Yes. We estimated it was going to cost roughly
$100 million, 101 million for 750 units.
           THE COURT:
                       I want to repeat that back to you,
temporary units are going to cost 100 --
           THE WITNESS: 750 units for 101 million.
           THE COURT: $101 million. Thank you.
           THE WITNESS: So does that include, it includes the
actual box, the site preparation.
           THE COURT: Electricity, sewage?
           THE WITNESS: Well, the utilities is part of site
preparation, you know you've got to make sure it's all out
there.
           THE COURT: Sir, I'm not a builder so I'm going to
say it again, does it include sewage?
           THE WITNESS: Yes.
           THE COURT: Site preparation means something to you.
           THE WITNESS: All right.
BY MR. SILBERFELD:
     What does the 101 million figure not include in order for
someone to move into a unit?
     It's ready to go, it's turnkey. It's ready to go.
```

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1
          So if there were sites available, if there was money
 2
    available and willingness to do it, for $101 million in
    12 months to 18 months you could place 750 temporary supportive
 3
 4
    housing units on the campus?
 5
          Yes.
 6
          What about the replacement parking structure. Is that in
    the $100 million?
 7
 8
    Α
          No.
          Okay. What is the cost of that, have you calculated that,
    sir?
10
11
          I would have to go back in my notes, Roman, but you are
12
    basically going to spend 45,000 a stall for that. You add
13
    about 15 percent for design and permit fees.
                   And then all of these that we put together,
14
15
    Judge, had a 30 percent contingency so 45 buys you a real nice
16
    skinned parking lot.
17
               THE COURT: We're at 65,000, let's plan for the
18
    worst, hope for the best, about 65,000 per stall. How many
    stalls?
19
20
               THE WITNESS: Between 1,000 and 1,100.
21
            Now, that amount is going to reduce if you just cut our
22
    property down.
23
                THE COURT:
                            I'm not going to reducing, I'm using the
    worst-case scenario now. 65,000 times --
24
25
               THE WITNESS: Well, it's no longer a thousand, you
```

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1
    cut the property back. So take 6 divided by 15 times that,
 2
    that would be a rough approximation.
 3
               THE COURT: How much is that?
 4
               THE WITNESS: Let's add 40 percent, so if you had
 5
    65,000 you got 450 stalls, call it.
 6
               THE COURT: How much is that? My total bill on my
 7
    parking?
 8
               THE WITNESS: I should have brought my calculator.
 9
    I don't know, Judge, hold on a second. 29 million.
10
               THE COURT: 28 million?
               THE WITNESS: 29,250.
11
12
               THE COURT: 29? Just round it off to 30.
13
               THE WITNESS: All right.
               THE COURT: So you've got about 130 million, give or
14
15
    take, to complete your 750 temporary and your replacement?
               THE WITNESS: Right, but remember, we're solving for
16
17
    750, we didn't get up to 750 on this exercise, we just went
18
    through, right? So that we'd have to adjust it for that too,
19
    right?
    BY MR. SILBERFELD:
20
21
          But as far as the all-in cost of temporary supportive
22
    housing for 750 if we can find the land for it, including the
23
    replacement garage, is approximately $130 million?
24
          Correct.
25
          Did you then go on -- and that's producing that in 12 to
```

```
1
    18 months?
 2
          Correct. The replacement parking will take all of
    18 months.
 3
          Did you then go on to consider the costs associated with
 4
    placing permanent supportive housing units on the property as
 5
 6
    well?
 7
          We looked at why is this going so slowly as far as the
    capitalization for the permanent supportive housing units and
 8
    we came up with some suggestions.
          For capitalization?
10
11
          For capitalization of permanent supportive housing units.
12
          We'll talk about that perhaps after the lunch break, but
13
    for right now, what were the elements and aspects of what you
    considered as it relates to the placement of permanent
14
15
    supportive housing on the property?
          We were looking at what did the EIS provide you as far as
16
    opportunities where you could build and so we looked at that
17
18
    and -- am I missing your point?
               So that was one thing you did to try to identify
19
20
    sites where permanent supportive housing could be put, right?
21
          Uh-huh, yes.
22
          And that is based on the demolition plan, sorry, in the
23
    programmatic EIS?
24
          Correct.
```

That is a report that was done in roughly 2019?

```
1 A Correct.
```

- Q Okay. We'll talk about that.
- But then did you also consider how to do infrastructure,

  wet and dry infrastructure, on the campus on the north side as
- 5 a whole?

- A Yes. So the EIS provided a report card on the status of the infrastructure, good, poor, fair, needs to be replaced, that type of thing.
- And we did not have the benefit of having a civil engineer, you know, with us, so we made the assumption we're replacing everything.
- Q And did you also consider landscaping for the permanent supportive housing that you --
- A Yes. So we identified the areas that would be open space,
  and we gave four different unit prices for whether we're

  putting in a lot of hardscape, whether we're putting in just

  grass at lowest, and, you know, where do we need to spend the
- 19 Q Did you also consider on the North Campus lighting?
- 20 A Correct.

money.

- 21 Q And did you calculate, again with a contingency factor
- 22 what it would cost to provide infrastructure, landscaping, and
- 23 lighting to support permanent supportive housing on the North
- 24 | Campus?

18

25 A Yes.

```
1
          Okay. What figure did you arrive at, sir?
 2
          Landscaping by itself was -- with lighting, monumentation,
 3
    wayfinding, all of that was $100 million, because the area is
 4
    huge.
 5
               THE COURT:
                           I'm going to repeat that back to you.
    Landscaping, lighting, sewer?
 6
 7
               THE WITNESS: Monumentation.
               THE COURT: I don't know what that is.
 8
 9
               THE WITNESS: Those are the little plaques when you
10
    are coming into the entryways and everything where your arrival
11
    -- you have some masonry, what's -- the access points, you are
12
    putting up monumentation.
13
               THE COURT: I'm going to read it back to you.
    Monumentation, lighting, landscaping, sewage.
14
15
               THE WITNESS: Sewage is part of infrastructure, not
16
    landscaping.
17
               THE COURT: So landscaping, lighting, monumentation,
18
    what else?
19
               THE WITNESS: Wayfinding.
20
               THE COURT: What?
21
               THE WITNESS: Way- -- the signage, all of the
22
    graphic sites, what goes where.
23
               THE COURT: All right. What's the cost for that?
24
               THE WITNESS: Collectively it was about 100 million.
25
               THE COURT: Okay.
```

```
1
    BY MR. SILBERFELD:
 2
         And then did you have a figure for infrastructure, water,
 3
    sewage, power?
 4
          We did. And with a low amount of contingency, but it was
    376 million.
 5
 6
               THE COURT: I'm totally confused. I thought you
 7
    mentioned landscaping, lighting, I repeated that three times.
 8
    Now I'm into water, sewage, and once again lighting. Double
 9
              Where do I put my lighting, in infrastructure?
    counting.
10
               THE WITNESS: The lighting we're talking about is
11
    around the parks and open space, so it's done by landscape
12
    architect.
13
               THE COURT: This is lighting for the structures?
               THE WITNESS: Right. Think of infrastructure as the
14
15
    road network and all of the wet and dry utilities underneath
16
    it.
17
               THE COURT: Okay. Cost?
18
               THE WITNESS: Replacing everything, the estimate was
19
    376 million.
20
               THE COURT: Just a moment. Now, a lot of the sewage
21
    -- I'm going to call it sewage. A lot of this infrastructure
22
    is already taking place?
23
               THE WITNESS: There is a trunk line on Bonsall that
24
    they just put in so we hoped we could use that, but as I said
25
    before, it will come down, it's just that we didn't have anyone
```

```
1
    from the VA taking us through it.
 2
               THE COURT: Okay. Cost again?
               THE WITNESS: 376.
 3
    BY MR. SILBERFELD:
 4
          So the infrastructure alone is 376 million, correct?
 5
 6
          Yes.
    Α
 7
          Landscaping and lighting is 100 million?
 8
    Α
          Yes.
          All right. Did you consider what the cost of connective
    tissue, supportive health service, and job retraining buildings
10
    would be?
11
12
          Yes.
13
          Describe what that is?
          So the town center, I believe the plaza itself is like
14
15
    200-by-200 area. But there would be buildings that surround
16
    the plaza and they would be where the PX is, a potential hotel,
    retail, rec area, you know, all of that to activate that town
17
18
    center.
            We used a figure of $600 a square foot, you know, for
19
20
    that, then we added a 30 percent contingency. When you are
21
    done with it, you are a shade under 1,000 a foot.
22
                            Just a moment. Why do I need a hotel
                THE COURT:
23
    when I have Patriot House and I have the hotel near Parcel 3?
24
    There's a hotel down there for relatives and folks who can stay
25
    in that hotel to visit those veterans who are ill inside the
```

```
hospital. Why am I including a hotel here?
 1
 2
               THE WITNESS: Judge, it was one of the -- is it
 3
    necessary? It was one of the things on a list of does it make
    sense. I mean, there's a million and a half vets in Southern
 4
    California.
 5
 6
               THE COURT: I just took it out. Hotel is gone.
 7
               THE WITNESS: All right.
 8
               THE COURT: I'm not going to let you or Braverman or
 9
    anybody else summarize for me until I understand it. Clear?
10
               THE WITNESS: Clear.
11
               THE COURT: Okay. What do I need to create a
12
    community oriented center? I don't need a hotel, I know that
    so far.
13
14
               THE WITNESS: So you need retail.
15
               THE COURT: I need what?
               THE WITNESS: Retail.
16
17
               THE COURT: Retail, describe that to me.
18
               THE WITNESS: It could be a coffee shop.
19
               THE COURT: Just a moment. Okay, we've got one
20
    coffee shop.
21
               THE WITNESS: It could be restaurants.
22
               THE COURT: What?
23
               THE WITNESS: Restaurants.
24
               THE COURT: What kind of restaurants? Fast food or
25
    what?
```

```
1
               THE WITNESS: It would be a collection of, you know,
 2
    it could be a --
 3
               THE COURT: What? I'm going to be hard on you now,
 4
    okay?
 5
               THE WITNESS: All right. So this would need -- the
    vets would need to participate in what do they want to see out
 6
 7
            But the -- could you have -- stuff that is affordable,
 8
    right? So it's not going to be a high-end restaurant, it would
 9
    be something that is healthy, but --
10
               THE COURT: Why does a veteran want to use those
11
    restaurants, why doesn't the veteran want to get out of the
12
    very area that they are sleeping in and just journey down to
13
    the Brentwood merchants?
                   In other words, we created a cafeteria that's not
14
15
    used, not this building but in another building, and it's just
16
    not used because people prefer to go across the street of the
17
    courthouse.
18
               THE WITNESS: Well, I think you'd program it so
19
    people do use it.
20
               THE COURT:
                           I'm not hearing anything that is
21
    attracting me yet to this recreation center.
22
               THE WITNESS: Well, you are going to have a rec
23
    facility, right, a great place for them to work out.
24
               THE COURT: All right, a gymnasium.
25
               THE WITNESS: A gymnasium.
```

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
THE COURT: And if we had better access up at the
gymnasium and if we didn't have these restrictive hours at
Brentwood School we have a gymnasium, don't we?
           THE WITNESS: Yes.
           THE COURT: How about a swimming pool?
           THE WITNESS: It would be easy.
           THE COURT: If we didn't have restrictive hours from
5 or 5:30 to 7 and we had decent transportation, we've got some
recreation up there, don't we?
           THE WITNESS: Yes.
           THE COURT: A little bit more cooperation, a little
bit more equity maybe, expanded hours.
              I want to hear more about our recreation center,
our town center. In other words, Dr. Sherin's got the idea, it
sounds great, I want to hear the particulars now.
           THE WITNESS: Well, the plaza area, that it all kind
of -- you've got this plaza area that, I don't know if it's
Dewey or whatever it dumps into, that area is meant to engage,
you know, vets with vets type of thing --
           THE COURT: -- plaza area, don't worry about that.
           THE WITNESS: But then you've got buildings around
it.
           THE COURT: What do they do?
           THE WITNESS: Those buildings activate that square,
but they -- it could be rec, it could be stuff every day -- I
```

```
1
    mean, you'd put some community serving retail in there.
 2
               THE COURT: Before those costs occurred, if we got
 3
    to that phase, the Court might be thinking if I'm spending
 4
    money or pushing for money, then I need permanent supportive
    housing over an undefined, you know, holistic center.
 5
 6
    it sounds good on paper, I need to know what is going in there.
 7
    Whether it's really beneficial or not, or if I've got vacant
 8
    space, or if we're creating a Denny's restaurant or something
 9
    there, and people are walking off, ignoring it and going up to
10
    Brentwood. So we will come back to that if we get to that
11
    phase.
12
               THE WITNESS: The retail's got to work, I mean, it's
13
    got to work.
14
               THE COURT: So you think $1,000 a square feet?
15
               THE WITNESS: Yeah. If you can't do it for that
    then you should be shot because that's a ridiculous amount to
16
17
    spend.
18
               THE COURT: How much square feet?
19
               THE WITNESS: We had programmed I think 150,000
20
    roughly, but well, that would put you close to 150 million,
21
    but.
22
               THE COURT: So if the trade-off is $150 million that
23
    we're spending for this undefined center versus permanent
24
    supportive housing where it might go, you might wonder what the
25
    Court is thinking.
```

```
1
               THE WITNESS: Yes.
 2
               THE COURT: We'll come back to it.
                  Counsel?
 3
    BY MR. SILBERFELD:
 4
          All of those figures taken together are about $1 billion?
 5
          Correct.
 6
 7
          And describe why there is a contingency factory here at
    all?
 8
          We typically would do bids off of improvement plans for
 9
10
    infrastructure, for buildings we'd have construction documents.
11
    We have none of that. We have nothing. You know, this is done
12
    at a two-week period.
13
            But the unit pricing is very healthy.
14
               THE COURT:
                           I have heard a figure from prior of up
15
    to 40 percent, what I'm going to call just development costs,
16
    design costs. What is my figure here for what I'm going to
17
    call bureaucracy? Permits?
18
               THE WITNESS: Well, design cost for a building, I
19
    think we use between 15 to 20 percent. Remember, you are
20
    talking about big hard costs numbers.
21
               THE COURT: Am I dealing with the County --
22
               THE WITNESS: County is giving you permits.
23
               THE COURT: How do we make them responsive?
24
               THE WITNESS: What we did at Playa is we formed a
25
    trust fund where we had dedicated plan checkers, that's all
```

```
1
    they did was Playa Vista, and so we paid for that. And that
 2
    will expedite I think if we can have some similar arrangement.
               THE COURT: Well, one project that we were involved
 3
 4
    in in building homeless shelters, one of the vice mayors of the
 5
    particular city required her planners to come out and literally
 6
    sit at the site in a chair. It sounded ridiculous, but those
 7
    plans were approved or when you walked up to the chair, the
    inspector said, you know, "That lighting fixture isn't correct,
 8
 9
    go correct it."
10
               THE WITNESS: Right.
11
               THE COURT: Because what they had experienced in the
12
    past was anytime it disappeared into some bureaucrat's office
13
    it got lost for three or four weeks, so literally by putting
    that planner or that -- I'm sorry, that permit issuer on-site,
14
15
    it was built in 28 days.
               THE WITNESS: Fantastic.
16
17
               THE COURT: Yeah, a fantastic idea. Now, how do we
18
    cut through with veterans literally dying out there while we
19
    wait? How do we get the County to cooperate?
20
               THE WITNESS: The trust fund is one idea. The other
21
    idea is this, is you pay -- instead of a county employee doing
22
    your plan check, a qualified architect or civil engineer to
23
    approve the plans and they have to turn it around within so
24
    many days. That's another way.
25
            Either way works.
```

```
1
               THE COURT: Okay. Counsel?
 2
    BY MR. SILBERFELD:
 3
          I want to talk about the permanent supportive housing you
 4
    envision for the property, sir.
          Yes.
 5
 6
          None of that is one story, is it?
 7
    Α
          No.
 8
          Explain why?
 9
          You only have so much land. You have got -- your program
10
    is going to be in this case an additional 1,800 permanent
11
    supportive housing units. You are going to need to, you know,
12
    have some density to the product. The product out there right
13
    now is primarily three stories, you know, mission type of
    architecture. You could do four story very easy. Your height
14
15
    limits are like 299 feet.
16
               THE COURT: This is one thing I don't understand
    between you and Mr. Soboroff and Braverman and everybody else.
17
18
    If Soboroff is right, and we should be at one story, or the max
19
    two stories, why would the Court condone building three and
20
    four stories for people who are in permanent supportive
21
    housing? I mean, they are going to be there a long time, it's
22
    like living on top of a --
23
               THE WITNESS: I think it's the nature of temporary,
24
    when you think of temporary do you think of a four-story
25
    structure for temporary?
```

```
1
               THE COURT: Okay.
 2
               THE WITNESS: Versus, you know, where Steve was
 3
    coming from I think was one or two it could be primarily, okay,
 4
    it is temporary, it can be moved.
 5
               THE COURT: Soboroff was talking to me about a
 6
    single story.
 7
               THE WITNESS: I know.
 8
               THE COURT: I'm going to repeat back, I just don't
 9
    understand with permanent supportive housing why we aren't
    creating an equally conducive atmosphere of single story or
10
11
    double story at the most and creating that space for people.
12
    So I don't understand the reasoning between temporary having
13
    one or two stories, and permanent supportive housing having
    three and four. It seems to me it would create noise and
14
15
    density.
16
               THE WITNESS: You can do one story, but you are not
    going to be able to get to 3,000.
17
18
               THE COURT: Then let's take two stories.
19
               THE WITNESS: You are not going to be able to get to
20
    it.
21
               THE COURT: So I've got to go three and
22
    four stories?
23
               THE WITNESS: Yes.
24
               THE COURT: Now the tough question is does that
25
    discount the 22 acres at the Brentwood School? In other words,
```

```
1
    are we avoiding making that call?
 2
               THE WITNESS: Well, it's the 22 plus the park plus
 3
    the --
 4
               THE COURT: Are you -- listen to me very carefully.
    You are not discounting the 22 acres at Brentwood School, are
 5
 6
    you?
 7
               THE WITNESS: I don't think you can get there
 8
    even --
 9
               THE COURT: I know that. I'm getting that typical
10
    answer from you and Soboroff.
11
                  Yes or no, are you discounting the 22 acres at
12
    the Brentwood School?
13
               THE WITNESS: Well, I've been told not to discount
14
    it.
15
               THE COURT: You have been told not to look at that?
16
               THE WITNESS: To look at it, yes.
17
               THE COURT: So eventually, in my permanent
18
    supportive housing are you going to talk about some of that
19
    acreage?
20
               THE WITNESS: We can.
21
               THE COURT: Okay. How about the UCLA baseball
22
    stadium, 10 acres, are we avoiding that decision?
23
               THE WITNESS: We can look at that, too.
24
               THE COURT: Have you?
25
               THE WITNESS: We look at it as we want to get the
```

```
1
    project moving without litigation.
                           In other words, if we leave the acreage
 2
               THE COURT:
    of the Brentwood School, the hard call, and the acreage at the
 3
    UCLA baseball diamond, a total of about 30 acres and we just
 4
    pretend it's off the board, now, we have to go up in terms of
 5
 6
    our levels, don't we?
 7
               THE WITNESS: Yes.
 8
               THE COURT: I'm having a hard time understanding
 9
           I'll tell you that to begin with, counsel.
    that.
               MR. SILBERFELD: Thank you, Your Honor.
10
11
               THE COURT: The quality of life for veterans on that
12
    situation.
    BY MR. SILBERFELD:
13
          As part of the instructions you were given, you didn't
14
15
    consider the placement of any housing, temporary or permanent
16
    or otherwise on the Brentwood property, correct?
17
          We were trying to fit everything within the existing
18
    property without making those enemies but, you know, during --
19
               THE COURT: Just a moment, why?
20
               THE WITNESS: The litigation. Litigation.
21
               THE COURT: Same reasoning for the UCLA, that they
22
    might sue the VA? Bluntly.
23
               THE WITNESS: Yes.
24
               THE COURT: Same reason why maybe these leases were
25
    approved. Fearing the litigation? Bluntly. So these are
```

```
enhanced leases and OIG says they shouldn't be there.
 1
                                                             They are
 2
    approved to avoid litigation. Same reasoning?
 3
               THE WITNESS: Yes.
 4
               THE COURT: Okay. Counsel.
 5
    BY MR. SILBERFELD:
 6
          Mr. Johnson, I want to talk to you about the programmatic
 7
    environmental statement which is Exhibit 147.
 8
            You are familiar with this document, are you not?
 9
          Yes.
    Α
10
          If we could put up 147.
11
               MR. SILBERFELD: Your Honor, 147 is an excerpt of a
12
    very large document that is --
    BY MR. SILBERFELD:
13
          Do you remember, Mr. Johnson, about how long this document
14
15
    is all told?
          It's over 600 pages or something, yeah.
16
17
          And we have excerpted some pages from it. Do you
18
    recognize this as being an excerpt of the PEIS?
19
          Yes.
20
          Now, do you have an understanding, having read the
21
    document, totally, what the programmatic EIS said about various
22
    alternatives that were considered for the re-imagining of the
23
    West LA Campus by VA itself?
24
          Yes.
25
          And describe what that is?
```

```
1
          Well, this particular exhibit tells you what the plan was,
 2
    as far as the demolition of the buildings that would provide
    the housing that you need for permanent supportive housing
 3
 4
    units. And it also described how much land that you are
    disturbing with the program.
 5
 6
          And the conclusion of this programmatic EIS was to adopt
 7
    what is known as alternative D; is that correct?
 8
          D was the preferred VA alternative.
          Okay. And there was also an alternative C, just ahead of
 9
10
    it, correct?
11
          Yes.
12
          And that alternative C describes what buildings to keep
13
    and what buildings on the property to demolish; is that right?
14
          Yes.
15
          If you would, take a look at the third page of this
16
    exhibit, which is in the exhibit number page 53 at the bottom.
17
    Do you see that, sir?
18
          Yes.
19
          And in the first paragraph, it says --
20
               THE COURT:
                            I'm sorry. 53? Just to make sure.
21
                THE WITNESS: Yes.
22
    BY MR. SILBERFELD:
23
          In the first paragraph, second sentence, it says,
24
    "Alternative C assumes the complete demolition of all 33
25
    targeted buildings identified in Table 2.2-1."
```

```
1
            Do you see that, sir?
 2
          Yes.
 3
          And then if you turn the page to the next page in the
    exhibit, which is Exhibit 147, page 54, do you see a table of
 4
 5
    alternatives there, alternative C, activities?
 6
          Yes.
 7
          And the first one is North Campus housing and WLA campus
 8
    operations. Do you see that, sir?
          Yes.
    Α
          To the right of that, it says "the number of buildings to
10
11
    be demolished/replaced." Do you see that?
12
    Α
          Yes.
13
          What is that number of buildings, sir?
14
          21.
15
          And that involves a square footage of 700,000, roughly,
16
    square feet?
17
    Α
          Yes.
18
          And 821 veteran housing units?
19
          Correct.
20
          And ground disturbance -- what does ground disturbance
21
    mean?
22
          It's the footprint of the acreage that you are going to be
23
    having the buildings over.
24
          Okay. And that's roughly 14 acres?
          Correct.
25
    Α
```

```
1
          Now, if you go down to the --
 2
               THE COURT: Just a moment, counsel. Let me make a
 3
    note. Thank you.
 4
               MR. SILBERFELD: Sure.
 5
               THE COURT:
                           Thank you, counsel.
 6
    BY MR. SILBERFELD:
 7
          If you go down to the last line, just above the total,
    Mr. Johnson, do you see that? "New construction" --
 8
          Yes.
    Α
          -- "slash town center." That involves no demolition.
10
11
    Does that suggest to you that that is open space?
12
    Α
          Yes.
13
               THE COURT: So the new construction town center.
                                                                 Is
14
    the town center going to be long-term supportive housing or is
15
    that just our town center?
16
               MR. SILBERFELD: Town center, I believe.
17
               THE COURT: No housing. Okay.
18
               THE WITNESS: Hold on. Hold on. Judge, we were
19
    talking about potentially putting housing over the town center.
    BY MR. SILBERFELD:
20
21
          Right. But in the way it's described here, it's ten acres
22
    of open space for a town center?
23
          Correct.
24
         And have you considered whether that town center could be
25
    built at the ground level with permanent supportive housing
```

```
1
    above it?
 2
          Of course it could.
 3
          And is that something you did apply this to?
          Yeah. Yeah.
 4
 5
                           In other words, you would double that
               THE COURT:
 6
    821 with 1622, right?
 7
               THE WITNESS: You could have -- additional ten
    acres, you could easily get, you know, 60ish per acre. 600
 8
    maybe.
10
                THE COURT: Counsel, I'm sorry. If I don't
11
    understand something I need to say it. I don't understand.
12
               MR. SILBERFELD: Sure.
    BY MR. SILBERFELD:
13
          Okay. So the new construction of the town center on this
14
15
    table that is part of the VA's programmatic EIS, involves ten
16
    acres of land. Correct?
17
    Α
          Correct.
18
          And that's open space because it doesn't involve the
    demolition of any buildings?
19
20
    Α
          Correct.
21
          And so, if you just take the 14 acres of buildings in the
22
    first line -- that is the 21 buildings to be demolished --
23
    would you have open space available to build permanent
24
    supportive housing, in your view?
25
          Yes.
    Α
```

```
1
          Okay. And then if you take the ten acres allocated to the
 2
    town center, and you build above it rather than just a
    one-story building for town center activities, do you believe
 3
 4
    that permanent supportive housing could be put on that ten
    acres?
 5
 6
          Yes.
 7
          Okay. Do you distinguish between the 14 acres on the one
    hand and the 10 acres on the other, in terms of the amount of
 8
    permanent supportive housing that can be put there?
10
          Yes.
11
          Why?
12
          Because if you are limiting yourself to four stories -- if
13
    you are limiting yourself to that, then your first floor is
14
    going to be taken by the retail. And you have only got three
15
    stories of residential above it versus a four-story building.
16
                THE COURT:
                            I want you to assume it's going to be
17
    less than that, that I'm not going to approve four stories,
18
    hypothetically.
            Plan for the worst and pray for the best, okay, that
19
20
    this is going to be a campus setting, similar to 209 and 208.
21
    It might be two stories, maybe three -- maybe -- with open
22
    space.
23
            So, now, take away those four stories and give me your
24
    best.
25
               THE WITNESS: All right. So if you are two stories
```

```
1
    above it, 40 DU per acre, you are at 400.
 2
               THE COURT: Okay. 400 veteran and North Campus
    housing, West LA Campus operations, I have about 410. Right?
 3
 4
               THE WITNESS: Uh-huh, yes.
               THE COURT: I still don't understand, and I
 5
    apologize. It's me, it's not you. You are very clear. It's
 6
 7
    my fault.
            I don't understand how we, then, get from 410 or your
 8
 9
    prior 821, and to our 801, which would now be another 410,
10
    approximately.
11
            Is this because you are building on top of the town
12
    center?
               THE WITNESS: Well, yeah, you are at 400 --
13
14
               THE COURT: Simple. Commercial or retail, and you
15
    are building on top of that?
               THE WITNESS: You see it all over. Yes.
16
               THE COURT: I know that. But, simple, that's what
17
18
    you are doing. Okay.
19
               THE WITNESS: Yes.
20
               THE COURT: I'm going to say we have 800 right now,
21
    that you don't have 1622. Now where are we going to put the
22
    rest of it?
               THE WITNESS: Judge, could you reframe that
23
24
    question. We are trying to get to 1,800 --
25
               THE COURT: Take away the four story -- let me be
```

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very, very clear about that. I'm not going to have a congested
four story, period. Hypothetically. I want two story, I want
some open space for the veterans -- when they walk out, they
are not going to be jammed in permanent supportive housing in a
four story.
       Now, you have got 800, hypothetically. You're going to
build above the retail, no problem. You are going to give me
400 out here.
       We're short about 1,000 or more. Where is it going to
qo?
       See, eventually, I'm going to put you in a tough
position. I'm either going to make you deal with Brentwood,
make you deal with that stadium, or I'm going to make you deal
with Mr. Soboroff's parks up there with that nine acres.
           THE WITNESS: All right. So, where I'd go first --
           THE COURT: We're going to take a recess and you're
going to talk to your counsel about this, okay? It's time for
lunch.
       We're at 800 right now, okay. Give me some open space
out there for the veterans. They are not walking out of a
four-story building.
       All right. We will see you at 1 o'clock.
                        (Lunch recess.)
           THE COURT:
                      Thank you for your courtesy.
       We're on the record. All counsel are present.
                                                       The
```

parties are present.

And you'd asked for a tentative thought concerning the settlement. We have had some informal discussions in the field, but I don't think that that is a fair record for you to proceed on without getting something on the record, so I will be right back with you, just a second.

Counsel, in good faith the parties have attempted to reach a settlement between Bridgeland and the plaintiffs in this matter, and they have consulted with the VA.

Normally in a settlement, I'd simply set this for preliminary hearing, but you have really asked for the Court's initial thoughts. And I don't want to chill any attempt to settlement. In other words, if this can lead to someplace else, please continue on. Okay?

But my initial thoughts is that this settlement proposes that the intervenor, Bridgeland Resources LLC, quote, shall execute and cause the recordation of a conditional quit claim, end of quote, the grants that land referred to as the replacement drill site back to the VA, which land shall be used for either permanent supportive housing, temporary supportive housing or swing space to facilitate the construction of permanent supportive housing on the VA campus.

I have somewhat initial and extensive concerns about the use of this plot of land that I expressed to you, I think, informally, yesterday during our visit for permanent or

temporary supportive housing.

The proposed parcel of land is located directly next to the 405 freeway, and the placement of housing directly next to freeways poses significant health risks for residents and is likely to reduce the life expectancy.

In prior settlements involving the ACLU, the County, the City, Colonel Sobel, Brooke Weitzman -- I can't name the number of discussions where the Court has been repeatedly told that in dealing with the houseless or homeless, that life expectancy has a decrease of anywhere from 20 to 25 years depending upon who is making the presentation.

And I have not approved the creation of housing for homeless within 500 feet of freeways, in any of the City or County settlements we have entered into.

And I don't think you probably knew that coming into the good faith negotiations between you.

The health risks of proximity to the freeway are even greater -- are even of a greater concern to this Court when the housing proposed at the parcel of land is intended for formerly unhoused veterans with severe disabilities, and among those, the new generation is experiencing the byproduct of burn pits. Munitions have grown, in terms of toxicity -- I don't know, tenfold, a hundredfold from prior wars.

The compounds now are significantly -- so significantly hazard that handling them and the byproduct of the blowbacks

```
from 155s or 105s or recoilless rifles, 106s, it causes severe lung problems, eventually for many of your veterans who served in Afghanistan, Iraq, and it started in Vietnam.
```

There has been no further assessment -- not through any fault of the two of you -- but this has taken place to gauge the potential health risk of placing residential housing for homeless veterans or veterans next to an active oil drilling site.

This housing is intended for individuals who may have preexisting conditions as a result of exposure to toxic chemicals during military service.

And it appears at this point that the site has little value as a potential location for housing, and that it is unlikely that housing -- which I think you believed in good faith when you came to me -- might be a possibility, so I'm not chiding you for that at all.

But I think you came to me believing that someday, that this could be long-term supportive housing. That was the initial representation.

I have no idea at this point what the value of that site is, but I'm tentatively and strongly feel that we may be running into problems that make this just, frankly, a nightmare in the future.

And although you have proposed a settlement to suggest that the replacement drill site parcel could be traded with the

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location of this site.

```
VA for another comparable size product of land that would be
better suited for permanent supportive housing, the VA has made
no commitment to enter such a trade at this time.
       So if you can trade out for another parcel, you know,
not near a freeway, not hazardous, you know, please pursue
those negotiations. I'm not closing my ears to that at all.
       I just don't know how that would work, because the
parcels you had were much more conducive to that.
       Also, the 5 percent isn't 5 percent; it's a gradation,
and if you look at that schedule at the top of the page, we
don't get the 5 percent unless we have $130 a barrel.
       It's not 5 percent. And if it's under $80, I think
we're basically at the same rate we are now, and then there is
a gradation up that simply goes up a percentage point or so.
       While that isn't the reason for my opinion, I just
caution you that 5 percent isn't 5 percent here.
       It's a much smaller number.
       So, therefore, instead of making a finding, I have to
tell you if you are asking for this kind of preliminary hint,
I'm very concerned that the present settlement between the
intervenor and the class wouldn't be fair, reasonable, and
```

Now, take that where you want to. If you want to continue, I will be happy to schedule it for preliminary

adequate, at least as far as the veterans because of the

```
1
    approval or final, but don't tell me now.
 2
            Have that discussion, if you can find another piece, I'm
    not closing off those discussions in any way if we can improve
 3
    and get more land out there.
 4
            But I think, as a courtesy, you didn't want to be
 5
 6
    surprised.
 7
            Also, the record should reflect that we actually tried
    to measure off the distance from the freeway by stepping off
 8
    yesterday. It's somewhat inaccurate, but we were between
    450 feet in at the edge of the boundary.
10
11
            Okay. Thank you very much.
12
            Mr. Johnson, that has nothing to do with you. Welcome
13
    back.
            Counsel, your questions.
14
15
               MR. SILBERFELD: Thank you, Your Honor.
    BY MR. SILBERFELD:
16
17
          Mr. Johnson, let me circle back to where we were just
18
    before lunch, which is talking about the placements of
    permanent supportive housing units on the campus.
19
20
            You looked at this Exhibit 147, and particularly page 54
21
    of it, for the purpose of trying to identify vacant land or
22
    land that has buildings on it that might be demolished
23
    according to the VA; is that correct?
24
          Correct.
25
          Okay. This is not a calculation you made of any of these
```

```
areas or any of these numbers, correct?
 1
 2
               This is straight out of the EIS, yeah.
 3
          Out of the Environmental Impact Statement?
 4
          Yes.
          All right. And you used two bits of information here.
 5
 6
            The first one, which is 14 acres of ground, that are
 7
    presently being used for 21 buildings that are either going to
    be replaced or demolished, correct?
 8
          Correct.
    Α
          And then the second piece you used was the new
10
11
    construction of a town center using 10 acres, correct?
12
          Correct.
13
          And mindful of the Court's remarks just before lunch --
14
    pardon me, about the number of stories that we could go or may
15
    go or probably shouldn't go, have we -- you and I, over lunch
    -- made a calculation as to how many units could be used -- or
16
17
    could be created out of the 14 acres, and a separate
18
    calculation out of the 10 acres.
19
            Have we done that over lunch, sir?
20
    Α
          We did.
21
          All right.
22
            So, this is going to be permanent supportive housing.
23
    We're going to refer to this as permanent supportive housing,
24
    and the goal is how many units additional?
25
          1,800.
    Α
```

```
1
                THE COURT: Plus the 750 temporary.
 2
               MR. SILBERFELD: Right. Not part of this chart.
 3
    Right.
    BY MR. SILBERFELD:
 4
          And then, you know that 1,200 are somewhere in the works
 5
 6
    between now and 2030 by the principal developers already?
 7
          Yes.
 8
          All right. So let's start with the 14 acres, which are
    the building -- the 21 buildings to be demolished, all right?
10
            So, for those buildings that are going to create vacant
11
    land comprising approximately 14 acres, if you built two-story
12
    permanent supportive housing, how many units would you get,
    sir?
13
14
          Say, you can get 40 to the acre.
15
          Can you do the math for me?
          40 times 14 would give you 560.
16
17
            Three-story, it would be 60 times 14 is 840.
18
               THE COURT: And let me help you, in case I'm wrong,
19
    is 209 a three-story or a two-story?
20
               THE WITNESS: 209 is a three-story. The guys back
    there know better than I do.
21
22
                THE COURT: Can anybody stipulate?
23
            Somebody go back and talk to the veterans. They'll
24
    know.
25
               THE WITNESS: It's three stories, Your Honor.
```

```
1
               THE COURT: Is 208 a two-story or a three-story?
 2
    208, three?
 3
               THE WITNESS: Three-story.
 4
               THE COURT: Is 205 a two-story or a three-story?
               THE WITNESS: Three.
 5
               THE COURT: The last building we walked into where
 6
 7
    we had the gentleman who was with the 82nd airborne, he told us
 8
    that was a two-story. Specifically, he said to me two story, I
    promise you. Now go back and check with him.
10
               THE WITNESS: I think that building is actually two
11
    stories above the ground and one below, because there were
12
    stairs going down.
13
               THE COURT: Okay. He had many people in that
14
    building? Forty-something?
15
               MR. SILBERFELD: I can't remember.
16
               THE COURT: How many people in that building? That
    last one is --
17
18
               MR. SILBERFELD:
                               207.
               THE COURT: Yeah. It was a small number.
19
20
               MR. SILBERFELD: Yeah.
21
               THE COURT: Well, he said to me two-story, but I
22
    looked over the edge and it looked like there was another story
23
    below. But there was an elevator that came in, and I wasn't
24
    certain if anybody was -- we can find out later.
25
            Let's just say reasonable two-story or three-story, but
```

```
1
    let's take four off, okay.
 2
    BY MR. SILBERFELD:
    Q Okay. So, no four stories. Two stories, 560 units.
 3
 4
    Three stories, how much?
 5
         840.
 6
         Okay. And then we have a ten-acre parcel that is where
 7
    the new town center is going to go, according to the plan on
 8
    open space.
            So there is no demolition involved, there is just ten
    acres, right?
10
11
         Correct.
12
          This is different construction, right?
13
         Yes, it's --
14
          What happens in the town center space?
15
          The town center -- you would have retail on your ground
16
    floor.
17
            It's probably done in what they call Type 1
    construction.
18
            And then over that, you would have stick construction
19
20
    for two stories. You don't want -- you can go higher, but you
21
    don't want to go higher.
22
            So, two stories. So, say it's at 40 DU per acre, 40
23
    times 10 is 400.
24
    Q So the 10-acre parcel with the retail on the ground level
25
    -- we're not counting that, we're counting above it.
```

```
1
            That would lead to 400 permanent supportive housing
 2
    units?
 3
                THE COURT: You may have more, I don't know, but one
 4
    story above or two stories above.
               THE WITNESS: So one -- then you'd have --
 5
    BY MR. SILBERFELD:
 6
 7
          All right. So, one story --
 8
          One story.
    Α
          -- is that 200?
          Well, it's 10 times 20, it's 200.
10
11
          Even I can do that.
12
               THE COURT: Well, if it's two stories above...
13
               THE WITNESS: 400.
    BY MR. SILBERFELD:
14
15
          Okay. So that out of these 24 acres analyzed this way, we
16
    get the totals of -- if it's all two-story on the 14 acres and
17
    one-story on the ten acres, we get 860 -- or 760?
18
          760 to 1240.
          And that's achievable, in your mind?
19
20
    Α
          Yes.
21
          Okay. More is possible if you get one higher, but if you
22
    are limited to two and three stories on the 14-acre piece, and
23
    one and two stories on the ten-acre piece, you are going to be
24
    between 760 and 1,240 units?
25
          Right. I mean, you still got to park it, but that will be
```

```
1
    your general range.
 2
          Okay. So, even at the high end of the range, you are
    short of 1,800?
 3
 4
          Short.
 5
          All right. I want to talk about the city parks and the
 6
    dog park for a moment, okay?
 7
            That is 12 acres.
 8
          Right.
    Α
          And what I want you to assume for purposes of the Court's
    questions about open space, is reserving some of that open
10
11
    space, some of that 12 acres for exactly that -- open space --
12
    Α
          Right.
13
          -- whether it's a court yard or a park or something.
14
          Uh-huh.
15
          Just not a building, okay?
            In your design of Playa Vista, for example, what did you
16
    reserve for open space?
17
18
          Well, we had a requirement to do four acres of open space
19
    for every thousand residents.
20
            But in addition to that, we had, you know, 300 acres of
21
    fresh water marsh, wetlands that remained unbuilt.
22
          Sure.
23
          But generally, the City is going to put you anywhere
24
    between three and four acres for every thousand residents.
25
            And for this housing, it's probably one per household.
```

```
1
          All right. So what is a reasonable percent of these
 2
    12 acres --
          Say 20 percent.
 3
          Hang on. Let me finish the question so it's clear.
 4
 5
            What is a reasonable -- set aside from this 12 acres, to
    have for open space?
 6
 7
          You could use 20 percent.
 8
          Okay. And that would be roughly 2.4 acres?
          Yes.
    Α
          And you have seen that piece of property. You have
10
11
    designed plenty of residential communities in your time.
12
            What would you use the open space for, roughly?
13
          Well, you could -- the buildings could be in a U-shape --
    very similar to what was done up in the northern part of the
14
15
    campus with a three buildings up there -- where you have got a
    great open space courtyard so it gets programmed in between all
16
17
    of those buildings.
18
                If you had, then -- not 9.6 acres left -- let's say
    it's 9.
19
20
    Α
          Okay.
21
          We're not putting any retail in that area, right?
22
          No retail in that area, no.
23
          Okay. So the placement of permanent supportive housing up
24
    in the dog park area and the city park area, would look a lot
25
    like the two-story and three-story models you are describing
```

```
1
    here, correct?
 2
          Yes.
 3
          And so if we did a two-story configuration on the 9 acres,
    that is at 40 units an acre?
 4
          Yeah. It would be 360.
 5
 6
          If it was --
 7
          540.
    Α
          Okay. And then bringing forward these numbers -- I'm
 8
    going to put the microphone down for just a second.
          So, that's 1120 is your first. And second one would be
10
11
    1780.
12
          So if you placed permanent supportive housing, according
13
    to the limitations we have been given, in those areas, those
    three years -- the 14 acre, the 10 acres, and the City park and
14
15
    the dog park -- if you build three story, you get close to but
    don't actually hit the target of 1,800, correct?
16
17
          Correct.
    Α
18
                THE COURT: Let's not worry about 20.
    BY MR. SILBERFELD:
19
20
          But if it's two-story, we're well short?
21
    Α
          Yes.
22
          Okay.
23
                THE COURT: You know I'm going to ask, so you might
24
    as well ask now while you are at the board. Let's hope for the
25
    best and plan for the worst.
```

```
1
            If you are at 1120, where do you go next?
 2
               MR. SILBERFELD: That was actually going to be my
 3
    next question. I will do it now.
 4
               THE COURT: Well, don't move away from the chart.
 5
    BY MR. SILBERFELD:
 6
          If you are only at 1,120 units, and you are now
 7
    600-something units short of your goal, can you achieve
    permanent supportive housing of 1,800 additional units without
 8
    using some of the leased property like Brentwood School, UCLA,
    and the parking lots?
10
11
          With two-story product?
12
          Yes, sir.
          Would be very difficult. You would have to -- the 33
13
    buildings you currently have for demolition would have to
14
15
    probably increase to like --
16
               THE COURT: You know what I'm going to ask.
17
               THE WITNESS: 65.
18
               THE COURT: Pie in the sky. You know what I'm going
    to ask. Which one?
19
20
               THE WITNESS: So, between Brentwood and --
               THE COURT: UCLA baseball diamond?
21
22
               THE WITNESS: I'm looking at my vets.
23
               THE COURT:
                           If you want to step off the bench and
24
    talk to your counsel privately, it's great. In fact, I would
25
    suggest that.
```

```
1
            You know, you are one of the experts here.
 2
    Mr. Braverman is --
 3
               THE WITNESS: Can you give us just a minute?
               THE COURT: Yeah. Go down and have a discussion.
 4
 5
    Remember, we are planning for the worst and hoping for the
 6
    best, okay.
 7
                       (Pause in the proceedings.)
 8
               THE COURT: Now, with the VA, you are not implicated
 9
    in this at all. You are not agreeing to it. You are stone
10
    faced at the present time. Let them come up with how,
11
    supposedly, we may get there.
12
               MR. ROSENBERG: Understood and appreciate it.
13
               THE COURT: Counsel, would you also talk to some of
    the veterans and just verify that those are three stories --
14
15
    209 and 208. Would you talk to those folks? And 205. Thank
16
    you.
17
               MR. SILBERFELD: After consultation, Buildings 205,
18
    -8, and -9, that triangle, are all three stories.
19
               THE COURT: All three stories.
20
               MR. SILBERFELD: One of the stories is below ground
21
    in each of those buildings.
22
               THE COURT: But it's still habitable and used by
23
    veterans.
24
               MR. SILBERFELD: Yes.
25
               THE COURT: Okay. Three stories.
```

```
1
               MR. SILBERFELD: And the same is true of 207, the
 2
    building we all visited.
 3
               THE WITNESS: Are we off two stories, then?
 4
               THE COURT: I think we might be off two stories, if
 5
    that is the case.
 6
               THE WITNESS: That is the case.
 7
    BY MR. SILBERFELD:
 8
          So, Mr. Johnson, the Court's question to you was, if it
    becomes necessary to use what is currently leased property from
10
    Brentwood, SafetyPark, or UCLA to achieve the goal of 1,800
11
    permanent supportive housing units, what would you do?
12
          We would take --
13
          -- and tell me in the order that you would do it too.
          Well, we didn't discuss the order, did we?
14
15
            But the -- we would take a little -- we would take the
16
    SafetyPark, which is roughly seven acres. We would take the
17
    parking lot at UCLA.
18
               THE COURT:
                           Hang on just a moment. SafetyPark --
    so, worst-case scenario if it was two-story, we'll hit the
19
20
    SafetyPark for seven acres, which would give us, once again,
21
    about --
22
               THE WITNESS: 280.
23
               THE COURT: 280. And for three stories, it would
24
    give us, what, 360 or -- hold on.
25
               THE WITNESS: 420.
```

```
1
               THE COURT: It would give you 420, okay.
               THE WITNESS: We would hit the -- Jackie Robinson's
 2
 3
    parking lot. And we would hit the flat portion of Brentwood
    School where the ball fields are.
 4
 5
               THE COURT: Okay.
    BY MR. SILBERFELD:
 6
 7
          The upper area above the --
 8
               THE COURT: Just a moment.
 9
               THE WITNESS: We would hit all three.
10
               THE COURT: And what would you be able to build on
11
    the Jackie Robinson parking lot?
12
               THE WITNESS: The acreage on that, is it four acres?
13
               THE COURT: Yes. I think it is.
14
               THE WITNESS: So I mean 4 times the two-story would
15
    give you 160; three-story, 240.
16
               THE COURT: And the flat portion of Brentwood, what
17
    are you talking about there?
18
               THE WITNESS: That is approximately -- would you say
19
    seven or eight acres.
20
               THE COURT: Where is that, is that --
               THE WITNESS: The ball fields.
21
22
               THE COURT: Above?
23
               THE WITNESS: Above, yes.
24
               THE COURT:
                           Okay.
25
               MR. SILBERFELD: Your Honor, it's the area above the
```

```
1
    track stadium where we saw the VA water tanks.
 2
                THE COURT: Yes. I know where that is. Okay.
 3
    have got an idea.
 4
            Thank you very much, counsel.
 5
    BY MR. SILBERFELD:
 6
          Last subject, Mr. Johnson.
 7
            You have been involved, have you not, in your career
 8
    with the financing of construction projects?
          Yes.
    Α
          And you did that both as a CPA and as a real estate
10
11
    developer and an officer in large companies?
12
          Yes.
    Α
          Okay. Are you generally familiar with the current model
13
    of financing that is done for permanent supportive housing on
14
15
    the campus pursuant to enhanced used leases?
16
          Yes.
17
          All right. And generally describe what that is.
18
          Most of the developments outside of 209 were -- they
    applied for tax exempt financing, of which there is only a
19
20
    limited amount of that, and that influences what the size of
21
    these projects are.
22
            And then with the tax exempt financing, you get an
23
    automatic allocation of 4 percent low-income housing tax
24
    credits.
25
            You sell those credits for somewhere between $0.85 and
```

2

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```
$0.93 on the dollar, and together with the tax exempt
financing, you'd cover about 60 percent of the costs --
somewhere in there, it could be up or down 5 percent or so in
there.
       And then the balance of it is soft debt money. Soft
debt --
           THE COURT: I want to absorb this. Just a moment.
           THE WITNESS: Yeah.
           THE COURT: Okay. About 60 percent, keep going.
           THE WITNESS: The rest of it goes in what they call
soft debt money, which means -- or it could be philanthropic
grants.
       It's -- in Los Angeles, they have Proposition HHH for
homeless housing. And the State of California also has
resources. Different not-for-profits will give. You know,
Weingart Foundation -- there are many foundations -- Tunnel to
Towers or Towers to Tunnels, but it's a patchwork --
           THE COURT:
                      Just a moment. You mean HHH money, the
1.2 billion, is money that could be used for veterans housing?
           THE WITNESS: I believe it's already been used out
here.
           THE COURT: Okay.
           THE WITNESS: So I think what we did is we looked at
the existing projects that applied for tax credits and we just
put together, hey, what does this stuff cost for new
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construction versus adaptive reuse, what other sources of
funding, and it led us to a few conclusions as -- and project
size, most apartment projects, you don't get efficiency when
you are doing 60 units.
       You get efficiency when you are doing 150 units.
       So, I think where Roman is going with this is the fact
that what we heard the gentleman from HUD explain that it will
take effect in 2025, where the fair market rent is going to go
to 160 percent, or the public housing agencies have the ability
to enter into a contract that compensates the owner for rents
up to 160 percent, which is huge -- that one little change
could cause the way these things get done to completely change.
       You don't need tax credits. I mean, you could get
conventional financing, 221(d)(4) financing from HUD. Any of
that could work.
       It should be, Judge, it should be able to finance most,
if not all, of the capital cost.
       And when you do that, you don't have to wait three
years, you can do a project of a more efficient size, and you
don't have all of the strings attached that the soft money
grants will call for.
           THE COURT:
                       Okay.
BY MR. SILBERFELD:
     So we have heard testimony already in the trial,
Mr. Johnson, about the strings attached to low income housing
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tax credit financing.
       With this change in the HUD rule that you heard
testified to last week, do you have a view as to whether or not
that change opens up the possibility of conventional financing
for permanent supportive housing on the VA campus if a
developer seeks to pursue it?
     Yes, I believe it could finance most, if not all of it.
     What is "conventional financing" as that term is used?
     Conventional financing would be that you put together a
pro forma operating statement, you come up with what the
revenues are going to be, what are the operating costs, you
come down to a net operating income, and then the lender will
say, "I want some cushion, I want to take 120 percent of that
net operating income and have that difference as a cushion, and
then I'm going to underwrite the difference."
              So if I had $2 million net operating income, I'm
going to divide that by 1.2, and that is going to come up
1,666,000, something like that and then the million 666, what
is the debt service constant that they would charge.
     With the increase in the HUD-VASH percentage based on a
Small Area Fair Market rent, do you think based on your
experience that conventional financing may be available to
cover all of the costs of building a building on the campus?
     It could. It could.
```

And if there's a shortfall?

```
1
          If there's a shortfall, the first thing you would do is
 2
    where can you pare back some costs.
            Could you make the units perhaps a tad smaller. You're
 3
 4
    not going to have -- you are still going to be stuck with
    prevailing wage to build these, but it's -- some of the other
 5
 6
    conditions you may not -- you are not going to have the
 7
    monitoring costs -- your costs should be a little bit lower.
 8
            I mean, the cost out there, the newest construction is
 9
    700,000 a unit.
          Is conventional financing readily available in --
10
11
          Oh, for apartments, absolutely.
12
          In today's market?
13
          Yes.
          And what is the speed of getting -- I'm making it up -- a
14
15
    $50 million loan? If I wanted to go out and get a $50 million
    loan, and I had the right sort of pro forma to do it, how long
16
17
    would it take me to get the loan?
          I mean, mostly -- it's still going to take you 120, 150
18
19
    days, something like that.
20
          But not years?
21
          No.
22
          And otherwise, no strings attached?
23
               But you are going to have to have the work --
24
    contract, construction documents you are going to have all of
25
    that done. You are going to have everything lined up.
```

```
Your contract with HUD for the VASH is going to be
 1
 2
    crucial. That will have to all be ironed out.
            And, yeah, then you can go. It's eminently financable,
 3
 4
    yes.
 5
               MR. SILBERFELD:
                                 That's all of the questions I have,
    Thank you, Your Honor.
 6
 7
               THE COURT: Okay.
 8
               MS. PETTY: Do you mind if we take a quick
 9
    ten-minute recess?
               THE COURT: Let me ask him a couple of questions
10
11
    before you do just in case it affects your cross-examination.
12
            This proposed change by HUD to the 160 percent, what has
13
    to happen to bring that to fruition?
               THE WITNESS: I think what I had heard -- you heard
14
15
    it the same as I did, I mean, I heard that it was applicable in
    fiscal year 2025, and the local housing agency, I don't know if
16
17
    it was mandated or it was discretionary, I just don't know.
18
            But, Judge, the rents would go for an efficiency unit
    would go up to, like, $4,400 a month.
19
20
               THE COURT: In exchange for the present system of
21
    tax credits, my understanding -- and you are going to correct
22
    me, you are the expert -- was that when I -- putting together
    my tax credits to hopefully get to 60 percent or more, I'm also
23
24
    constrained by the number of years, it might be 12 or 15, I
25
    think it was 15 in another market, where, for want of a better
```

```
1
    word, I can't sell.
 2
            But after that period of time, and I'm going to take
 3
    15 years, I can sell.
            Two things can happen. If my building was worth 50
 4
    million, the fair market value might be 100 million, so I reap
 5
 6
    a benefit of $50 million.
 7
            I also have a stepped-up basis at that point, that also
    though then will cause -- at that fair market rate when I'm not
 8
    constrained by the 15 years, obviously, I'm going to have to
    increase the rent for my tenants.
10
11
            How does that work for the veteran, is it any different
12
    in veteran financing in any way?
               THE WITNESS: Well, I think I had thought there was
13
    going to be a covenant that gets attached to these properties
14
15
    with affordability, and that affordability covenant is going to
16
    be 55 years.
17
               THE COURT: I don't know. I'm asking about
18
    veterans.
            I think I understand from some past experience the
19
20
    financing, but I'm not sure if there is any difference when I'm
21
    going to the --
22
               THE WITNESS: The shorter the affordability covenant
23
    is, but, I mean, this is to serve homeless vets, so that
24
    covenant is going to be on there for a long time.
25
            I wouldn't be looking at the profit side.
```

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THE COURT: That is where I'm driving at, I don't
know what different perimeters I might have with a vet, but in
the marketplace, if I'm getting tax credits, there's a strong
incentive for me, once I don't have those constraints that the
tax credits gave me, to go to fair market.
       And once I go to fair market, I sell my building for --
build it for 50, I sell it for 100.
       In other words, I'm right back at that homeless cycle
where now the new purchaser has to raise the rents because you
can't afford --
           THE WITNESS: What I would propose the VA owns it.
Call it healthcare, whatever, they own it. They hire a fee
developer, which are the existing builders, to build it and
manage it.
           THE COURT: Just one minute. Mr. Soboroff yesterday
passed on to me the thought when he testified, and I think you
were here, you know, Judge, we could sequence this in.
       Why are we talking about Brentwood basically or the UCLA
baseball diamond if it's not needed?
       And the idea was nobody knows in the future if our
homeless vet rate goes up.
       But I took it from that, that you can't tie that
property up for the next 10-year lease -- the next 10-ten year
lease.
```

So let's just say that Brentwood's lease was coming due

```
1
    at 2026.
 2
            Now, obviously if you ever got to that point, you know,
    shutting down the pool, I -- so let's just say the lease ran in
 3
 4
    2026. But the renewal of that lease because it's, let's say,
    not for the principal benefits hypothetically of the veterans,
 5
 6
    you don't want to see that lease renewed until 2036.
 7
            So he somewhat tossed out to me yesterday, and I was
 8
    asking him, you know, how long? In other words, if we don't
    need it, but if we do need it, we don't want to be constrained
10
    in a new lease that binds us out ten years.
11
            He tossed out the figure to me of about five years,
12
```

arbitrarily. It could be four years, three years.

If this property was needed in the future, but not needed now, at either Brentwood or UCLA, could you start a dual tracking process where you were taking a look at this property for hypothetical future development, you know, at the baseball fields up above so we're not waiting years, but the same time put this on a year or two-year lease of some type so we're not tied to ten years, and then if we need it we have got it.

But if we don't need it, we're not shutting down the swimming pool.

THE WITNESS: Right.

13

14

15

16

17

18

19

20

21

22

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24

25

THE COURT: Given me your vision about something like that.

THE WITNESS: Well, it argues for having a smaller

```
1
    term to get to greater flexibility over --
 2
                THE COURT: And the negotiation would have to be
    this: Look, the Judge is either shutting you down or, guess
 3
 4
    what, we've got leverage and we're going to a smaller term.
    What would that term be, though, so it's not arbitrary from a
 5
 6
    court.
 7
            I mean, the threat obviously is, look, we're terminating
    your lease of 2026, that's it, or, hey, if we don't need it why
 8
 9
    are we taking it, you know.
            Can we negotiate without getting tied into to a 10-year
10
11
    lease because that might just be too long.
12
            How long should my lease be?
13
                THE WITNESS: Well, should it jibe with how long
    does it take that school to replace these facilities?
14
15
               THE COURT: How long should my lease be?
               THE WITNESS: I mean, is it --
16
17
               THE COURT: See you and Mr. Braverman are at the
18
    table now, we're talking, we've got all the experts here, we've
19
    got Sherin in the room.
20
               THE WITNESS: Yeah, they're going to want ten,
21
    you're going to want two.
22
               THE COURT: Well, I know what they want, but the
23
    Court also has leverage, and that is the lease terminates in
    2026.
24
25
            Now, we're going to negotiate and what I'm asking for,
```

```
1
    is I want to see if we ever get there, what reasonableness is,
 2
    what doesn't tie us to a 10-year lease where they say you can't
 3
    talk to us until 2036.
 4
            But you don't want to be arbitrary and just cut off a
 5
    swimming pool and a baseball diamond and it sits there vacant
 6
    for goodness sakes.
 7
               THE WITNESS: I don't know.
 8
               THE COURT: Go talk to your counsel. I'm going to
 9
    ask you again after cross-examination, okay?
10
               THE WITNESS: Yeah.
11
               THE COURT: Okay.
12
               THE WITNESS: Okay.
               THE COURT: Let's have a 15-minute recess. Thanks a
13
14
    lot. All right. 15 minutes, counsel.
15
               MR. ROSENBERG: 15 minutes, Your Honor? You said 15
    minutes?
16
17
               THE COURT: Well, how long would you like?
18
               MR. ROSENBERG: She asked for 10, but I thought I
19
    heard you say 15.
20
               THE COURT:
                           Is 15 okay? Enough time to talk?
21
               MS. PETTY:
                           Yes, Your Honor.
22
                           Okay, 15 minutes.
               THE COURT:
23
                               (Recess.)
24
               THE COURT: Have you had enough time? So we're back
25
    on the record, all counsel are present, the parties and
```

```
1
    counsel, thank you.
 2
                   Counsel, your cross-examination.
 3
                MS. PETTY: Agbeko Petty for the federal defendants.
 4
                            CROSS-EXAMINATION
 5
    BY MS. PETTY:
 6
          Good afternoon, Mr. Johnson, it's good to see you again.
 7
    Α
          You, too.
          You prepared an expert report for this case, correct?
 8
          Yes.
    Α
          And you submitted that expert report on April 1st,
10
11
    correct?
12
          Correct.
13
          And in your expert report you concluded that an additional
    2,740 units of permanent supportive housing needed to be
14
15
    developed on the West LA Campus, correct?
          Correct. That took us up to 4,000.
16
17
          And with respect to temporary supportive housing, you
18
    stated that 1,000 units needed to be placed on campus, correct?
19
          Right.
20
          Now, today you testified that the number for permanent
21
    supportive housing should be 1,800, correct?
22
          Correct.
23
          And you stated that the number for temporary supportive
24
    housing should be 750, correct?
25
          Correct.
    Α
```

```
1
          You did not provide an updated expert report in this case
 2
    representing those numbers, did you?
 3
          Correct.
          And today you discussed various topics, one of which
 4
    included the location of permanent supportive housing, correct?
 5
 6
          Correct.
 7
          An expert report that you submitted in this case does not
    include that analysis, correct?
 8
          Yes.
    Α
          And you also discussed today the location of temporary
10
11
    supportive housing, correct?
12
    Α
          Yes.
13
          And the expert report you submitted in this case does not
    include that analysis, correct?
14
15
          Correct.
          And your counsel represented that over lunch you two
16
17
    conducted some calculations for the acreage and density of the
18
    buildings, correct?
19
          Correct.
20
          And this -- these calculations were not included in your
21
    expert report that you submitted in this case, correct?
22
          Correct.
23
          And you also talked a bit today about some additional work
```

you wanted to conduct, correct?

24

25

Α

Yes.

```
Q And some of that work included gaining knowledge about the status of the infrastructure, correct?
```

- 3 A Correct.
- 4 Q So the expert report you submitted in this case, based on
- 5 | the additions that you testified to today, was not complete,
- 6 | correct?
- 7 A Well, it was complete at the time. But the point-in-time
- 8 | calculations I didn't find out about until a few weeks ago.
- 9 Q Is there additional work that you're planning on
- 10 | conducting with respect to the opinions that you present in
- 11 | your expert report?
- 12 A Not at this time.
- 13 | Q So what you testified to today is the complete depth of
- 14 | what you provided as an expert?
- 15 A Yes. I mean, if your question is, is there more work that
- 16 | is required on this site, the answer is "yes."
- But I have not been asked to do any additional work on
- 18 | this site.
- 19 Q You testified earlier today you are familiar with the
- 20 PEIS, correct?
- 21 A Yes.
- 22 | Q And just for clarification, "PEIS" stands for Programmatic
- 23 | Environmental Impact Statement, correct?
- 24 A Yes.
- 25 Q And you are aware that VA had to prepare the PEIS to

```
comply with the National Environmental Policy Act, correct?
 1
 2
          Yes.
 3
          And you are aware that VA also used PEIS to comply with
 4
    the National Historic Preservation Act, correct?
          Yes.
 5
 6
          And I want to -- I know your counsel showed you excerpts
 7
    of this exhibit, but I think for our purposes today, we're
    going to provide you with a full copy of the exhibit.
 8
               MS. PETTY: Your Honor, may we approach the witness?
10
               THE COURT: Most certainly you can any time,
11
              Thank you for your courtesy.
    counsel.
12
               MS. PETTY:
                            Thank you.
    BY MS. PETTY:
13
          Now, Mr. Johnson, you are aware that the purpose of the
14
15
    PEIS was to analyze potential environmental impacts of the
    different development alternatives with respect to the West LA
16
17
    Campus, correct?
18
          Correct.
          And you are aware that the PEIS analyzed five different
19
20
    alternatives, correct?
21
    Α
          Yes.
22
          And you are aware that the VA was required to study
23
    various alternatives, correct?
24
          Correct.
          And earlier today your counsel showed you an excerpt from
25
```

```
1
    the PEIS, correct?
 2
          Yes.
 3
          And that excerpt included Chapter 2.23 of the PEIS,
    correct?
 4
 5
          2.23, where do I find that?
 6
          If you look at the --
 7
          I have Exhibit 147.
    Α
 8
          That your counsel provided you, page 53?
    Q
          49, 53, 54, 55, 56, and 58 and 59.
    Α
10
          If you turn to page 53.
11
          Okay.
12
          Do you see the blue title that states 2.23 Alternative C
    (demolition and new construction)?
13
14
          Yes.
15
          And early today you testified that PEIS is a very large
    document, correct?
16
17
    Α
          Yes.
18
          Would you say that it approximately is around 1,200 pages?
19
          It's a lot. Yes.
20
          And so, Mr. Johnson, can you turn to page 3 in the exhibit
21
    that I provided you, which is the full copy of the PEIS.
22
          Table of Contents?
23
          That's correct, Mr. Johnson.
24
            If you go down to Section 2.2. Do you see that?
25
          I do.
    Α
```

```
1
          And do you see that it states that this is a description
 2
    of the alternatives analyzed?
 3
    Α
          Yes.
          So is it accurate to say that the portion that you went
 4
    over with counsel regarding Alternative C is merely a
 5
    description of that alternative?
 6
 7
          Yes.
    Α
 8
          And I want to get into more of the specifics about
    Alternative C, but for now I want to talk a bit about some of
10
    the demolition you were discussing earlier today.
11
          Uh-huh.
12
          So, part of your development plan for the West LA Campus
13
    includes demolition of some buildings, correct?
14
          Correct.
15
          And during your deposition you testified that you would
16
    want to keep around 40 of them, correct?
17
          Of the 95 buildings the -- just to be accurate about it,
18
    is we would get the work started under the existing EIS, which
19
    only allows 33, but then if the unit count goes even to 3,000
20
    from 1,622, you're probably going to have to recirculate.
21
            And when you recirculate, you would then go back and
22
    kind of work with SHIPA to get the building count up to from 33
23
    to 55.
24
          So your goal is to get the demolition count up to 55,
25
    correct?
```

```
To free up more land, yes. And just if I could make this
 1
 2
    point?
 3
            The adaptive reuse buildings cost more than new
 4
    construction. You can see that in the latest round out
    they're roughly $100,000 more, you don't save any time, and the
 5
    building is less efficient, meaning that it doesn't lay out as
 6
 7
    nice as a new construction would.
 8
               THE COURT: But how do you get around the Historic
 9
    Preservation Act?
            In other words, it might make sense to you from a
10
11
    builder, but we have different entities, bureaucracies --
12
               THE WITNESS: We're talking about contributors,
13
    we're not talking about historic building.
14
            The historic building, those five of significance you
15
    absolutely restore, you know, but -- and there is going to be
    other ones out there, but some of these buildings are just --
16
17
    there's no point.
18
               THE COURT: Any of these three buildings in the
    Historic Preservation Act under that umbrella?
19
20
               THE WITNESS: Of the -- rephrase.
21
               THE COURT: Any of the three buildings mentioned in
22
    2.23 in Paragraph 1, the 33 demolished buildings on the fourth
23
    line down, are any of those under the Preservation Act?
24
               THE WITNESS: Well, they are being demolished so, I
25
    mean, everything has to be --
```

```
1
                THE COURT: No, this is merely a description,
 2
    they're not being demolished at all yet.
 3
                THE WITNESS: Not yet.
                THE COURT: You still have to deal with the
 4
 5
    Preservation Act in some way if these buildings are under that
 6
    act and do you know if any of these 33 are?
 7
                THE WITNESS: Well, under the Act, I mean --
                THE COURT: Counsel, please continue.
 8
 9
    BY MS. PETTY:
          And so, Mr. Johnson, it's your understanding the PEIS
10
11
    allows for the demolition of 33 buildings?
12
    Α
          Correct.
13
          And that understanding is based off of your interpretation
14
    of Alternative C?
15
          Yes.
    Α
16
          Can you turn to page 316 of Exhibit 147.
          Is it 3 --
17
    Α
18
          So on the bottom you will see --
19
          I see it.
20
          -- the pagination right next to the exhibit number?
21
            So in the original it's 4-32.
22
          Yes, I have it.
23
          And do you see under Section 4.35 it lists Alternative C
24
    (demolition of new construction)?
25
    Α
          Yes.
```

2

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```
And in that first line that says, "Alternative C also
includes demolition of 33 existing buildings, including 18
contributing resources and replacements of those buildings
within existing buildings areas."
              Did I read that correctly?
     Correct.
Α
     And based on that sentence you understand it to mean 33 of
those buildings can be taken down?
     Yes.
Α
     And I want to go to the next paragraph, which is under the
Section 4.3.5.1, Impacts From Construction and Operation.
              Do you see that?
Α
     Yes.
     And I want to focus on the second -- the third sentence,
excuse me, I will read it into the record:
       "The demolition of the 18 contributing resources would
result in significant and irreversible adverse effects to the
West LA VA National Register Historic District. Reevaluation
to determine if historic district retains sufficient integrity
to be listed in the NRHP will be required."
       Did I read that correctly?
     Yes.
     I will continue on with this paragraph:
              "Delisting of the historic district from the NRHP
or modification of the historic boundaries, both significant
```

```
1
    adverse effects is possible."
 2
                   Did I read that correctly?
 3
    Α
          Yes.
 4
          And I want to go down to the last sentence. That states:
                   "Therefore, implementation of Alternative C is a
 5
 6
    serious and irreversible adverse effect to historic resources
 7
    and a major impact to cultural and historic resources."
 8
            Did I read that correctly?
 9
          Yes.
    Α
          And do you understand that the PEIS determined that
10
11
    Alternative C presents an overall impact that cannot fully be
12
    mitigated?
13
          Show me where.
14
          So, do you see page 317?
15
          Yes.
          And if you go to the last paragraph, do you see the
16
17
    sentence -- second sentence that starts with "overall"?
18
          I do.
          And it states:
19
20
                   "Overall, the adverse impacts of new construction
21
    may be mitigated by applying the construction guidelines
22
    outlines in the SOI standards or the CHRP, once finalized;
23
    however, given the irreversible adverse effects of the
24
    demolition that would precede new construction, Alternative C
25
    presents an overall impact that cannot be fully mitigated."
```

```
1
                   Did I read that correctly?
 2
          Yes.
 3
          Based on this, it's still your understanding that 33
 4
    buildings can be demolished on the West LA Campus?
          There are other sections in that EIS where there is
 5
 6
    consultations with SHIPA to go through where it doesn't make
 7
    economic sense to move forward.
 8
            So the historic resources treatment plan had various
    grades for the buildings, B1, B2, B3, as far as their
10
    contributors to the historic district.
11
            So I -- there's somewhere in here that you are not
12
    reading that is some latitude here that you could have
13
    discussions with SHIPA and say, "Here are the reasons why this
    needs to come down."
14
15
          Are you aware of the alternative that was selected as the
16
    preferred alternative?
17
    Α
          D.
          You are aware Alternative C was not selected as a
18
19
    preferred alternative?
          But it was studied.
20
21
          And can you show me where in the PEIS it states that you
22
    can demolish 33 buildings?
23
          Yes. If you give me -- it would take some time. Can I
24
    show you right now, I can't.
          But it's your testimony that the PEIS states that you can
25
```

```
demolish 33 buildings at the West LA Campus?
 1
 2
          There are -- there was flexibility with consultation with
    SHIPA, you know, over this. That is what I interpreted it to
 3
 4
    mean.
 5
                   I would have to go back to my land use lawyer,
    and ask them, you know, how do we comply with this.
 6
 7
          Are you aware that adverse effects of a historic district
    should be avoided?
 8
          If they can be mitigated, then I think that's where I
    would rather be.
10
11
          And, again, that sentence in the last paragraph states
12
    that "given the irreversible adverse effects of the demolition
13
    that would precede new construction Alternative C presents an
14
    overall impact that cannot be fully mitigated."
15
                   Did I read that correctly?
16
    Α
          Yes.
               MS. PETTY: No further questions.
17
18
               THE COURT:
                            Take a moment to consult with your team.
                            I would like to move Exhibit 147 into
19
               MS. PETTY:
20
    evidence.
               THE COURT: Received.
21
22
                  (Exhibit 147 received into evidence.)
23
               THE COURT: Step over for a moment and talk to all
24
    of your folks over there.
25
               MS. PETTY: No further questions, Your Honor.
```

1	THE COURT: Redirect?
2	REDIRECT EXAMINATION
3	BY MR. SILBERFELD:
4	Q Mr. Johnson, just following up on what counsel ended with,
5	does all construction and development involve some trade-offs?
6	A Yes.
7	Q And that would include building on the VA campus?
8	A Correct.
9	Q And that may include trading off some historic designation
10	for permanent supportive housing?
11	A Correct.
12	Q You were asked a question by the Court about what would
13	you do, in terms of these lease negotiations with the various
14	leaseholders, and you were asked to talk to us off the record
15	during the break.
16	Do you have an answer for the Court about what should be
17	done with respect to the leases?
18	A Yes.
19	Q Okay. Would you tell the Court, please?
20	A I believe the leases should be renewed annually at the
21	sole and absolute discretion of the Court and the parties.
22	Q If that were done, what would the effect of that be, in
23	terms of the availability of land for development?
24	A It would you would be fine.
25	MR. SILBERFELD: I'd like to move to admit

```
1
    Exhibit 147, Your Honor.
               THE COURT: Received.
 2
 3
                  (Exhibit 147 received into evidence.)
               MR. SILBERFELD: And then the --
 4
               THE COURT: I think I just did also -- I think you
 5
 6
    both -- 147?
 7
               MS. PETTY: Yes.
 8
               MR. SILBERFELD: That was the same thing? Okay.
 9
    Mine was just the excerpt.
10
               THE COURT: How about the whole document? I'm sure
11
    all of you read this cover to cover.
12
               MS. PETTY: Yes, Your Honor. We would like the full
    document.
13
14
               MR. SILBERFELD: I just wanted the excerpt in. I
15
    also marked the two pages, Your Honor, that we made on the
16
    board --
17
               THE COURT: That's fine.
18
               MR. SILBERFELD: -- as 232-1 and 232-2. I'd like to
19
    move those.
20
               THE COURT: Okay. Counsel, back to you.
           (Exhibits 232-1 and 232-2 received into evidence.)
21
22
               MS. PETTY: No recross, Your Honor.
23
               THE COURT: Okay. Now, I have heard many things
24
    from you, Mr. Soboroff, and I want to summarize two things I
25
    heard.
```

```
1
               THE WITNESS: Johnson.
 2
               THE COURT: No. You are Mr. Johnson; he's
    Mr. Soboroff. Okay. I got it.
 3
 4
            One is that if there was an overbuild here, if we really
    didn't need 750 temporary because we couldn't get all of those
 5
    veterans in, that at least the temporary housing could be put
 6
 7
    to good use because we have employees who, quite frankly,
 8
    probably can't afford the area, driving long distances. And it
 9
    would enhance our staff, our ability to get staff. That is one
10
    thing I heard.
11
               THE WITNESS: Yes.
12
               THE COURT: The second thing I absorbed from you is
13
    that it doesn't hurt to overbuild because, first of all, it's
14
    more economical.
15
            And second, even if you are overbuilding, we can't have
16
    veterans out there waiting in a line again for what I call
17
    civilian Section 8 or VASH vouchers. If they want to come in,
18
    we need to get them in as quickly as possible.
               THE WITNESS: To be clear, Judge, the --- what I
19
20
    said was the projects that are being built now are 60 units,
21
    75 units.
22
                                   150 you told me was efficient.
               THE COURT: Yeah.
23
               THE WITNESS: 150, your operating numbers become
24
    more efficient, and your project costs, your general conditions
25
    would come down on your general contract.
```

2

3

4

5

6

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21

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23

24

```
The third thing I heard when you went
           THE COURT:
through this presentation about temporary housing was this idea
of South Campus because it's close for our most acute intake.
           THE WITNESS: Yes.
           THE COURT: Either mental or physical.
       When you mentioned that to me, my concern is that if we
got into that kind of discussion, the time delay in building a
new parking structure and any concern about the new
construction being a safety concern as we're trying to erect
the temporary housing in the same location.
       How does the Court resolve that?
           THE WITNESS: So, what we do on projects in that
situation where we're waiting for the garage to be done, is we
hire a valet service, and we park it that way, so that the
customer isn't inconvenienced.
           THE COURT: Have you taken into account that it's
not just the temporary housing that would be put in along with
the parking lot, but you also have what they have referred to
as another portion of the hospital, a tower, being built out at
the same time.
       So now you have three construction processes going on in
a finite area. Have you taken that into account?
           THE WITNESS: Yes. Yes.
                                     I mean, everyone is going
to need laydown yards, and where the construction workers are
parking, you are going to have to work all of that stuff out.
```

```
1
            Has there been any coordination with them? The answer
 2
    is zero.
 3
               THE COURT: Let me turn to permanent supportive
 4
    housing.
            First of all, thank you for giving me some definitive
 5
 6
    answers.
 7
            It doesn't mean I agree or disagree. But thank you.
            You know that the lease runs on the Brentwood School in
 8
 9
    2026. You have suggested to me that a one-year lease might be
10
    appropriate, and that sets my mind spinning because the
11
    advantage of that might be, first, if the number of homeless
12
    veterans go up, the Court is not waiting for ten years,
13
    five years, as Soboroff suggested, but one year.
14
            How much would it cost to undertake a study of either
15
    Brentwood, UCLA -- and the parking is probably easier, but just
    Brentwood or UCLA, if the worst happened, so that that design
16
17
    or whatever you call it in your profession was taking place
18
    simultaneously and we never used it.
19
            In other words, we never had the need, we never got
20
    there because we literally had enough space, if you are
21
    correct.
22
            How much would that cost, though, in terms of money?
23
    I talking about $100,000? $10 million?
24
               THE WITNESS: Just to have someone, like, Johnson
25
    Fain do master planning it, and to fit product, test fit it, my
```

```
1
    quess, Bill could do that in -- I don't know 50 to 75,
 2
    something like that.
                          50 to 75,000, something like that.
 3
               THE COURT: Okay. So it's minimal cost.
 4
               THE WITNESS: It shouldn't be -- for Bill's time,
 5
    yes.
 6
               THE COURT: So we're not wasting hundreds of
 7
    millions of dollars, okay.
 8
            Are you around in early September?
 9
               THE WITNESS: I can be.
               THE COURT: I don't know if we're ever getting
10
11
    there, but if we do, I might want to have a conversation with
12
    Braverman, you, some other folks involved.
13
            One of the things that we don't have time for now is if
14
    I took -- you know I'm really interested in that nine-acre
15
    parcel that Soboroff and I disagree about.
16
            He's a parks guy; I like it for housing.
17
            I would love to take an overlay of 209, 208, and 205 in
18
    that quad.
19
               THE WITNESS: You'd plot those buildings there?
20
               THE COURT: Yes. Now, I don't need to duplicate
21
    that, but I like the fact that a veteran can walk out of two or
22
    three stories into kind of like a park-like setting.
23
    we're talking about a park, if you are talking about VA
24
    property, I might be more interested in veterans having a
25
    park-like setting than a person across the street, you know,
```

2

3

4

5

6

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14

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17

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19

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22

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24

```
coming over when it's VA land anyway. And given a priority
between the two, that is veterans' land. That park.
           THE WITNESS: Yes.
           THE COURT: So, the city really never had it as
park, and if I'm going to have a park, maybe the first
preference is veterans. But part of that park isn't just a
park, it's a setting where a veteran walks out, like 209, 208,
205, which is a beautiful plaza. They already have a feeling
of a park.
       I would love to take an overlay, not now, because we're
not there and I don't know that we're getting there, but I
would love to take an overlay with you, sit down with Braverman
and couple of folks, and just put that in that nine acres, or
put those in different acres. And I don't have to duplicate
that. I just have to know that there is enough of a setting
that veterans aren't walking out of what I call a New York high
rise.
           THE WITNESS: You want the same unit count?
           THE COURT: You know, I don't know yet.
           THE WITNESS: Because you don't need nine acres to
plot those three buildings.
           THE COURT:
                      What would fit? In other words, could I
fit two of those plaza into that nine acres? Could I fit
three?
       Right now there is just nine acres. It means nothing to
```

```
1
    me. What could I fit into those nine acres?
            What could I fit into 15 acres down here? You know,
 2
 3
    what would that overlay look like? And we can decrease the
 4
    size of that, but you don't want veterans walking in -- in
 5
    fact, I think the new construction out there, some of it is
 6
    horrific.
 7
            If you go around the corner, it's just down the street.
 8
    It's not a park-like setting.
 9
            So, if we need you, we will reach out. Thank you very
10
    much.
11
            Now, counsel, do you have further questions of the
12
    gentleman?
13
               MS. PETTY: No further questions, Your Honor.
14
               THE COURT: UCLA bought some property recently. Did
15
    you know that?
16
               THE WITNESS: Yes.
17
               THE COURT: Where did they buy it?
18
               THE WITNESS: The Westside Pavilion.
19
               THE COURT: Yeah, and Palos Verdes.
20
               THE WITNESS: Soboroff -- was --
               THE COURT: What does that look like? I haven't
21
22
    seen that yet.
23
               THE WITNESS: The Westside Pavilion?
24
               THE COURT: No, up in Palos Verdes. They bought
25
    something.
```

```
1
               THE WITNESS: They bought the college, Loyola.
 2
               THE COURT: Does it hold a baseball park? I'm just
 3
    joking.
 4
            In other words, I don't know what is out there, you
 5
    know.
 6
               THE WITNESS: Okay.
 7
               THE COURT: Okay. That last was a joke. I have no
    idea.
 8
 9
            Thank you very much, sir.
            Any more questions of the gentleman?
10
11
               MS. PETTY: No further questions, Your Honor.
12
               THE COURT: Mr. Johnson, thank you for your answers,
13
    by the way. It's very refreshing.
14
            Counsel, your next witness.
15
               MR. DU: Yes, Your Honor. Plaintiffs call Joshua
16
    Petitt.
17
               THE COURT:
                           Thank you.
18
            And, counsel, how are we going to find the other
    gentleman whose talking as speaker number 2 to McKenrick?
19
20
            Now, you two are going to have a consultation. We're
21
    going to find this person.
22
            And somebody knows, because somebody leaked this tape.
23
    And I want to know if it's a VA official, which I'm speculating
24
    it's not, somebody at UCLA, which it could be. Who the heck is
25
    the second person where we are so concerned about FOIA and not
```

```
1
    disclosing information to the veterans.
 2
            Somebody knows that. Get up on your feet, just approach
    each other, we do it the hard way or the easy way, and it may
 3
 4
    be minutia and we're just chasing a dog's tail or something,
    but let's find out who the second speaker is.
 5
 6
            Somebody leaked this tape, okay? It wasn't the fairy
7
    godfather, so let's find out who it is.
 8
            There is a snitch out there, leaked the tape. You got
 9
    Mr. McKenrick on it. We can subpoena him in here.
            By the way, is he still employed by the VA?
10
11
               MR. ROSENBERG: Yes.
12
               THE COURT: Guess what? He will know who is it,
    won't he?
13
               MR. ROSENBERG: I have a question for the Court.
14
15
    The Court wants to know the identity of the other person?
               THE COURT: I want to know who that person is. I
16
    can't be clearer.
17
18
            Now, I can get McKenrick in here and order you to
19
    subpoena him in here.
20
               MR. ROSENBERG: We have an understanding who he is.
               THE COURT: Okay. Who is it? You two make the
21
22
    representation. You talk to this person.
23
               MR. ROSENBERG: According to -- Mr. Reynolds has
24
    informed me the person's name is Steven Ruh, R-U-H.
25
               THE COURT: Steven who?
```

```
1
               MR. ROSENBERG: R-U-H. He's a former chief of
 2
    communications at VA, West LA.
 3
               THE COURT: Hold on. Former chief of communications
 4
    at VA. So this wasn't somebody from UCLA.
            You see, if I was speculating, I could have made a wrong
 5
    assumption that this was somebody at UCLA. Now, if you two
 6
 7
    want to stipulate to that, maybe we don't need him in here,
 8
    maybe he's not of importance.
 9
            But if you two stipulate to the gentleman, so be it.
                                                                   Ιf
10
    not, subpoena him and get him in here.
11
               MR. ROSENBERG: I think we probably can, I just need
12
    to confirm. This is first I have heard of it.
13
               THE COURT: You two talk. If he's of value, get him
14
    in here.
15
            Sir, would you be kind enough to raise your right hand,
16
    please.
17
               (Oath was administered.)
18
               THE WITNESS: I do.
               THE COURT: Thank you, sir. Would you please be
19
20
    seated. And watch your step. The steps are closest to this
21
           Then there is a little ridge down here. Thank you, sir.
22
            Would you state your full name, please.
23
               THE WITNESS: Joshua Robert Petitt.
24
               THE COURT: Just a little bit slower. First name
25
    Joshua?
```

```
1
                THE WITNESS: Yes, sir.
 2
                THE COURT: Middle name?
 3
                THE WITNESS: Robert.
 4
                THE COURT: Last name?
 5
                THE WITNESS: Petitt.
                THE COURT: Would you spell your last name, sir.
 6
 7
                THE WITNESS: P-E-T-I-T-T.
 8
                          JOSHUA ROBERT PETITT,
 9
                          having been duly sworn,
                           testified as follows:
10
11
                THE COURT: Thank you very much. Direct examination
12
    by plaintiff's counsel.
13
               MR. DU: Yes, Your Honor.
14
                            DIRECT EXAMINATION
15
    BY MR. DU:
16
          Good afternoon, Mr. Petitt.
17
          What's up, Tommy?
    Α
18
          How are you doing today?
19
    Α
          I'm good.
20
          Can you please tell the Court a little bit about yourself.
21
          My name is Joshua Petitt. I'm a U.S. Army veteran.
22
            I served in the Army for eight years, from '03 to '08 --
23
    I'm sorry, '02 to '08. And I did one tour in Iraq in that time
24
    period.
25
            I currently live at the West LA in Building 205.
```

```
1
               THE COURT: You live in 205, okay.
 2
    BY MR. DU:
 3
         Mr. Petitt, you were here when we had a discussion about
    the different buildings. How tall, stories-wise, is Building
 4
    205?
 5
 6
          There is three levels to it. It's a basement, first
 7
    floor, second floor.
          Okay. Are you familiar with Building 207?
 8
         Yes. Yeah. I have been -- I have friends that are in
    that building. Yeah. It's not really as -- it's three
10
    stories, but it's not like the basement of this one. They
11
12
    don't categorize it as a basement.
13
               THE COURT: But it's still three stories?
               THE WITNESS: Yes.
14
15
    BY MR. DU:
16
          What about Building 208?
17
          That is set up like 205. So that's got the basement,
18
    first floor, and second floor. Same thing with 209.
          You said "same thing with 209"?
19
20
    Α
          Yeah.
21
               THE COURT: Three levels again?
22
               THE WITNESS: Yes.
23
               THE COURT: Thank you.
24
    BY MR. DU:
25
        Does Building 205 have an address to it now?
```

```
1
          Yes. 700 Bonsall Avenue.
    Α
 2
          Mr. Petitt, where did you grow up?
          Here in Los Angeles, Whittier. So, East Los Angeles area.
 3
    Α
 4
          Did you live there most of your life?
          Yeah. All the way pretty much until I joined the Army.
 5
 6
          Did you attend high school?
 7
    Α
          Yes.
          What did you do after attending high school?
 8
          I got my GED and joined the Army before I actually
    finished high school; so --
10
          Mr. Petitt, when did you enlist?
11
12
          I walked into the recruiting station on September 13th,
13
    2001. I left for basic training in early 2002.
          Why do you remember the date that you enlisted so vividly?
14
15
          It was two days after 911. I went in there -- I actually
```

went into the marine recruiting office at first and -- because

17 | my dad was a marine, so that's what I was going to do.

16

18

19

20

21

22

23

24

25

But there was a whole thing about a waiver list, this and that. They were like, it's going to take us six months to send to you combat. I go to the Army recruiter and they're like, we will send you to basic training in two weeks.

They were going to send me to Afghanistan with a ranger battalion for the actual, you know, invasion, so I joined the Army instead.

Q Did September 11th motivate you to join the Army?

```
1
          It was one of the motivations. I always wanted to join
    Α
 2
    the military since I was a kid.
          Why is that?
 3
          My dad was in the military. Like I said, he was in the
 4
 5
    Marine Corp. And after the Marine Corp, he was a green beret
 6
    in the Army.
 7
            One of my first memories was showing up to a jump that
 8
    he was doing, an airborne jump. I was six or seven.
 9
            I vaguely remember it. All I remember was we showed up
    to this big field, and my mom is like, "your dad is coming,
10
11
    look, here he comes."
12
            And I'm looking around and she goes, "no, up there."
13
            There is this helicopter and these little dots. And I
14
    just watched these dots get bigger. Then all of my sudden, my
15
    dad comes down. I was, like, that is cool.
            That was one of the other motivations.
16
17
          When you decided to enlist in the army, what did you
18
    enlist as?
19
          11 Bravo infantryman.
20
               MR. DU: Your Honor, I'm going to show the witness a
21
    demonstrative, what we're going to mark as an Exhibit 233.
22
                            233. All right.
               THE COURT:
23
    BY MR. DU:
24
          Mr. Petitt, do you recognize who that is?
25
          Yeah. It's me and my little brother.
```

```
1
    Q
          You are on the left, right?
 2
          Yeah.
 3
          When was this picture taken?
          I would say about May of 2004. I was home on leave from
 4
 5
    Iraq.
 6
          And this was you after three years, or --
 7
         Yeah. About two -- it was a little over two years in the
 8
    Army, yeah.
         And Mr. Petitt, I want to talk to you about your time in
    the service.
10
11
            If at any time you need a break, will you let me know?
12
         Yeah.
    Α
13
         Can you please tell us -- can you please describe your
    service to us?
14
15
          I was in Korea for about a year, and then I deployed with
    first of the 503rd, 2nd infantry --
16
               THE COURT: Just a little slower. Will you repeat
17
18
    that for the court reporter?
               THE WITNESS: I was stationed in Korea for about a
19
20
    year, and I deployed with 503rd from the 2nd infantry division
21
    to Iraq. More specifically to the Sunni Triangle or Anbar
22
    province, which consists of Ramadi and Al-Fallujah which were
23
    pretty -- they were hotspots at the time.
24
            We were there for about 14 months where my battalion
    took heavy casualties, me, included. I received three purple
```

```
1
    hearts while I was over there.
 2
            But out of a battalion of about 600, about 300 of us
    were wounded and unable to return to combat, i.e., legs blown
 3
    off, arms below off.
 4
            We had 26 killed in action, which is relatively high
 5
    for, you know, yeah.
 6
 7
    BY MR. DU:
          You mentioned you were in Ramadi. Is Ramadi known for
 8
    anything?
          Yeah. It was -- so, back in 2004 when we were there, Time
10
11
    Magazine called it the most dangerous place in the world. I
12
    mean, Americans were dying every day there.
13
          And why were you at the Anbar Province at this time?
14
          That's where the insurgency was at. That's where we were
15
    -- yeah, that's where the fighting was the heaviest.
16
            I was actually attached to -- my battalion was attached
    to the first Marine division who was -- they -- they had
17
18
    control of that section.
            So we were -- got attached to them and fell under their
19
20
    command in Fallujah and Ramadi.
21
            The military likes to send the Marines to the worst
22
    spots, so, yeah.
23
          How many times were you sent abroad?
24
          You mean how many times I deployed?
25
          Deployed, yeah.
```

```
1 A Just one time.
```

- 2 Q When did you return to the United States?
- 3 A It was August of 2005.
- 4 | Q During the 14 months when you were at the Anbar Province,
- 5 | how many times were you, for lack of a better term, blown up?
- 6 A So, I was blown -- in the blast radius, the kill radius of an IED, nine different times.
- So when you are in the kill radius of an explosion, it depends on what kind of explosion we're talking about.
- Hand grenade is obviously smaller. Your typical IED or
- 11 | 155 round would be enough to take out this whole courtroom.
- 12 Q You also talked to me about one of your friends by the 13 name of Lee.
- Can you tell us a little bit about him?
- 15 A Yeah. He got killed by a sniper in Ramadi. He was one of
- 16 | my best friends. I mean, I saw him, you know, every day.
- 17 | Q What happened?
- 18 A One of our other guys got hit. He went out there to try
- 19 | to pull him into safety and got shot in the head. Killed.
- 20 | Q When you returned to the United States, what was your rank
- 21 | in the Army?
- 22 A I received the rank of E-6 at the time. But when I got
- 23 out of the Army, I was E-1, so.
- 24 Q What does E-6 mean?
- 25 A It's a staff sergeant. It's noncommissioned officer,

```
1
    relatively high.
 2
          You said when you were discharged and eventually left, you
    were downgraded to E-1.
 3
 4
            Why is that?
          When I came back from Iraq, I started having problems
 5
 6
    sleeping and just getting back into society, just problems.
 7
    And I went to my chain of command about it, and they did what
 8
    they did to try to help me, and I don't know. I was one month
    away from getting out of the Army.
            My daughter was born and I decided to go see her for the
10
11
    weekend, because, again, I'm a NCO, I'm getting out, nobody is
12
    really hassling me about when I'm -- hey, I'm doing this, I
13
    will be back, you know.
            So I went for the weekend, and I didn't come back.
14
15
    they got -- I got -- when they did catch me eight months later,
16
    they charged me with desertion.
17
          You said at this point you had one month left in your
18
    service?
19
          Yeah.
20
          You also mentioned that you -- who did you go to at the
21
         Did you go to the VA?
22
               I went to my chain of command, the brothers that I
23
    fought with in Iraq. And they sent me to a hospital and just
24
    wiped their hands of me.
25
          Why did they send you to the hospital?
```

```
1
          Because they didn't know how to deal -- they are not
 2
    prepared -- you know, it's a -- an infantry battalion, it's a
 3
    warrior.
 4
            Our job is find close quarters and kill the enemy.
 5
    That's what we do. You know, so the mentality of something
 6
    that can come in that we can't fight, it scares these guys.
 7
    they just turn their back on you, even though they are supposed
 8
    to be -- you know.
          What symptoms were you experiencing at this time?
          Anger, nightmares, drug abuse, irritability, just -- yeah.
10
11
    Mainly just not sleeping, a lot of alcohol abuse, and a lot of
12
    anger.
13
          And you sought help for that; is that right?
14
          Yeah, I mean, yes.
15
          Did they give you the help that you needed?
16
          They tried.
17
          How?
18
          A lot of different things. Medication, rapid eye -- this
    thing where they put a light in front of you and you've got to
19
20
    stare at it and it's a form of therapy. I mean, I have tried a
21
    lot of things.
22
          Did it help at this time?
23
               It -- yeah. No.
          No.
24
          Did you eventually receive an honorable discharge?
25
          Yes. During the Court marshal, the judge who was a
```

2

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full-blown colonel, said -- my lawyer made it a point for --
the Judge knew I had over 500 combat missions, and that I
wasn't somebody that just sat around and did nothing.
       Like, I was outside the wire every day.
       And so, because of my service to our country, and I was
one month away from my date to get out, she gave me my
honorable discharge and then sentenced me to 14 months in
prison.
     You mentioned earlier that when you were sent -- when you
were deployed, they trained you, right?
     Yes.
     Were you prepared to return to United States afterwards?
     No.
          Like I said, my job was to combat the enemy. They
train you for that. And, you know, they don't train you -- you
know, you are aware that the guy next to you could not come
home, but when it happens, it's a whole other story, you know.
     Mr. Petitt, I want to talk to you about some of the
injuries you received over in Iraq.
       Are you service-connected for any disabilities?
Α
     Yes.
     What is your service-connected disability rating?
     The total ratings is at 210 percent, something like that,
for everything, but they only pay you out for 100. It's about
210 percent.
     And you said you are paid out at the maximum rate of 100?
```

```
1 A Yes, that's fine, yeah.
```

- 2 Q What is your service-connected disability?
- 3 A Well, what is it for?
- 4 Q Yes.
- 5 A So, I have a torn meniscus in my knee; two bulging discs
- 6 | in my back; a focal contusion in my shoulder; various scars
- 7 | from shrapnel damage; hearing loss in my right ear, 75 percent;
- 8 | 35 percent in my left ear; TBI; and PTSD.
- 9 | Q How did you tear your meniscus?
- 10 A It was during a fast rope maneuver where we were coming
- 11 | into a -- basically, a hot LZ. Like, we were coming in to help
- 12 | some guys out, out of a helicopter, a UH-60 Black Hawk, and
- 13 they throw a rope out of this thing 60 feet in the area and you
- 14 | slow down it. It's very dusty. There is a lot of dust getting
- 15 | kicked up and you are supposed to dismount right away, and I
- 16 | didn't, and I injured my knee.
- 17 | Q You said "LZ," what is that?
- 18 A Landing zone.
- 19 Q You have a bulging disc, what's that from?
- 20 A That's from sitting on a strap for hours and hours and
- 21 | hours in my machine gun turret.
- 22 | O What about your focal contusion in your shoulder?
- 23 A It's shrapnel damage that I got when I got hit with an AK
- 24 | round in the chest.
- 25 | Q You mentioned hearing loss, what is that from?

```
1 A IEDs, explosions.
```

- 2 Q You said TBI?
- 3 A That's, again, from the explosions, the concussion of the
- 4 | explosions.
- 5 Q You also mentioned PTSD?
- 6 A Yep.
- 7 Q Same thing?
- 8 A That's more of a -- you know, that's more of things that
- 9 | were seen over there, more than when you -- yeah.
- 10 | Q Have you gone to the VA to seek treatment?
- 11 A Yes.
- 12 Q What types of treatment has the VA offered you?
- 13 A Medication and therapy.
- 14 Q So before we go into the treatments you received, I want
- 15 to talk a little bit about your housing history.
- Mr. Petitt, were you homeless at some point in your
- 17 | life?
- 18 | A Yes.
- 19 Q When was that?
- 20 A Off and on since 2011, which is the same time I came out
- 21 to the West LA VA, it was around 2011.
- 22 And it's been off and on ever since then.
- 23 | Q Why did you decide to come to the West LA VA in 2011?
- 24 | A I had been to the Long Beach VA before and I heard that
- 25 | there was, honestly, like some better programs out here.

2

3

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24

```
I had just gotten out of county jail for a stupid
relationship I was in, anyway, so I had no place else to go, so
I came out here.
     How long were you -- let's start with your first
homelessness in 2011. What happened?
     I started using drugs again.
     And at this time, how long were you homeless for?
     Three months, maybe. Three or four months.
       Then I went back into, like, a program through the VA
again.
     And where were you staying at this time?
     When I was homeless?
     Yes.
     Around the VA. Sepul- -- or, I'm sorry, San Vicente, San
Vicente Boulevard, there were other spots we would camp out.
There's, like, some wilderness spots actually on the grounds,
nobody, knows you're back there if you enter a certain way and
we would camp out back there.
     You mentioned that at some point you went to seek
treatment from the VA and they provided some assistance to you?
Α
     Yes.
     How long were you housed for then?
     Probably about two years. I ended up getting a house and,
you know, maintaining a place for a while.
     So, around 2013, did you become homeless again?
```

```
1
    Α
          Yes.
 2
          What happened?
 3
          Same thing. I started using again. I started, you know,
 4
    sliding away from my family and friends and isolating and
    falling back into, yeah, my addiction and my trauma, so, yeah.
 5
 6
          When you received housing in 2013, where did you receive
 7
    housing?
          Well, in 2013, I was -- actually, that's when I was
 8
    homeless again. I was going around from place to place just
    staying with family and friends and then when I couldn't stay
10
11
    there then I would stay on the streets for couple of days.
12
            I did that for about a year and a half really, until I
    ended up moving in with a girlfriend for a while. And, yeah, I
13
14
    did that for about a year.
15
          At some point, did the VA place you in housing somewhere
    along the 110 Corridor?
16
17
          Not that I can remember. Unless it was off of -- oh,
18
    there was the Hope Harbor, which is off of Grand or something
    like that right there by USC.
19
20
          When was this?
          Oh, it was when my grandma died, it was 2016, 2017, maybe.
21
22
          Did you receive the services you needed when you were
23
    living in this area?
24
          No.
25
    0
          Why not?
```

```
1
          I still wasn't service-connected yet, and it was also far
 2
    away from the VA. It was -- I basically never went to the VA.
            I think a VA person came down, like, once a month and
 3
 4
    they -- I don't remember ever talking to them.
 5
            They would just talk to the staff.
            So I stayed there for maybe three months and then just
 6
 7
    ended up leaving. My grandma died, so I just ended up leaving.
 8
          Where did you go?
          I went back on the streets, staying with family again,
    just...
10
11
          So around 2016, you ended back up in the streets. How
12
    long were you there for?
13
          Again, off and on until pretty much until I moved to
    Arkansas in 2019, '18, 2018 I want to say, yeah.
14
15
          When did you return to California after your stay in
    Arkansas?
16
17
          Right as COVID hit.
18
          2020?
          Like '19, 2020, yeah, sorry, yeah. That's when I actually
19
20
    moved into the tent on San Vicente.
21
          Is that Veterans Row?
22
          Yeah, Vets Row. Yeah.
23
          How long you were there for?
24
          Almost until it shut down so, what, two years.
25
          Where did you go after Veterans Row?
```

```
1
    Α
          I ended up getting an apartment in Whittier or La Mirada.
 2
          Mr. Petitt, what was it like -- let's go back a little
 3
    bit.
 4
            You mentioned you were living on and off the streets for
    a while.
 5
            What was that like?
 6
 7
          It's like being back in Iraq. You're always on your
 8
    guard. You're forced to do things to keep yourself alert and
    awake that you probably shouldn't be doing, and it's not --
    it's not fun.
10
11
            I mean, it's -- yeah. You get put in situations and you
12
    do what you have to do and that's -- yeah, that's it.
13
          And you were doing this on and off for ten years, right?
14
          Yes.
15
          You mentioned that from 2020 to about 2022 you lived at
    Veterans Row?
16
17
    Α
          Yes.
18
          What was that like?
19
          Like being back in Iraq even more so, we had fireguard, we
20
    had to be on constant -- you know, just started to keep the
21
    riffraff that were outside, you know, keep our guys contained,
22
    keep everybody else out. It was rough. It wasn't easy.
23
          You mentioned you then moved to La Mirada.
24
            How long you were there for?
25
          Nine months.
    Α
```

```
1
          What happened after nine months?
 2
          They didn't want to -- it's actually kind of weird.
 3
            So there was, like, a little bit of an issue, I guess,
 4
    between my brother-in-law and my manager.
            My manager decided they didn't want to sign the
 5
    documents with HACLA or HUD-VASH, whoever was helping me pay my
 6
 7
    rent, they didn't want to sign the documents for some reason.
    Nobody told me this, my rent didn't get paid, they ended up
 8
 9
    kicking me up.
          At this time you were being housed through a HUD-VASH
10
11
    program?
12
          Yeah, it was a voucher, they were helping me with my rent,
13
    yeah.
          Where did you go after you were kicked out of your house
14
15
    La Mirada?
16
          The tiny homes. Tiny huts back at the West LA VA.
17
          How long did you live in the tiny homes?
18
          A little over a year. A year -- about a year.
19
          What was it like living there?
20
          I mean, for me, I liked it, it was cool. Coming from a
21
    tent or even coming from nothing at the time, I remember I just
    slept on a sidewalk with my dog, so for me, it was great.
22
23
            I didn't have to pay rent, it was something I got into
24
    that day. Like, hey, man, if you are still using here is a
```

safe place for you to use, at least. I think the tiny homes

```
1
    are great. I don't care what anybody says.
 2
          Where did you go after the tiny homes?
          Building 205.
 3
 4
          How did you get into Building 205?
          That was a little bit of a task as well, because I was
 5
 6
    like one of the -- I knew they were building housing there
 7
    forever. I knew it was supposed to be coming.
 8
            I knew about the lawsuit way back in the day, so I was
 9
    waiting for these apartments. I wanted one forever.
10
            And so when they were -- they were getting built, so I
11
    go to my caseworker I say, "Hey, I want one of these
12
    apartments."
            "You can't."
13
            "What do you mean I can't?"
14
15
            "You make too much money."
            "I'm 100 service-connected to the VA, they give me the
16
17
    money, why can't I live on the grounds?"
18
            It didn't make any sense. So I brought this up to other
    people who said, "Yeah, it doesn't make any sense." And they
19
20
    raised -- that rule is no longer in place, so.
21
          So did your caseworker help you obtain housing in Building
22
    205?
23
          No.
24
          How did you obtain housing?
          Through other veterans and other people that actually
25
    Α
```

```
1
    care.
 2
          Do you remember how many times you had to fill out the
    paperwork to get into Building 205?
 3
 4
          Yeah, three times.
 5
          Why three times?
 6
          So, I have no idea. The first two, I have no idea.
 7
    last time was because he said that the numbers changed at the
    bottom, so I had to refill them all out.
 8
          Mr. Petitt, throughout this trial we have heard something
10
    called the "One Team" approach where the needs of the veteran
11
    is prioritized.
12
            Has that been the case for you?
13
    Α
          No.
14
          Do you feel that your casework has been prioritized for
15
    you?
16
          No.
17
          Why did you want to find housing near the West LA Campus?
18
          Because I love my bro vets.
19
          Did you also seek housing to try to obtain additional
20
    treatments?
21
          Well, yeah, that too, yeah. For sure, yeah, it's close to
22
    the hospital, it's easy for me to access my therapist, so yeah.
23
          What treatments are you currently seeking from the West LA
24
    VA?
25
          I still go to therapy for my head, I don't know what you
```

```
want to -- psychotherapy, or whatever. And there is other
 1
 2
    stuff I take advantage of.
            They have bingo there across, you know, 500. I'm
 3
 4
    drawing a blank right there, but there's other things.
          What about domiciliary?
 5
 6
          Oh, yeah, the domiciliary, that's where I got my -- they
 7
    helped me get my 100 percent, so, yeah.
 8
            I have been to the domiciliary.
 9
            The last program I was in at the VA was the domiciliary,
    I was there for three months.
10
11
          Has living near the West LA Campus helped improve your
12
    health?
13
          Yes. It helps with my mental health as well as -- well,
14
    my mental health, yes.
15
          Mr. Petitt, are you familiar with something called a
    "fiduciary program"?
16
17
    Α
          Yes.
          What is it?
18
          It's a program that is supposed to help veterans that
19
20
    basically can't, I guess, make decisions or -- they pay your
21
    bills is how I understood it, somebody helps you to pay your
22
    bills.
23
          Why did you seek to enter the fiduciary program?
24
          I have a daughter, she's 18 now. At the time she was
25
    three or four, and I didn't want something to happen just, you
```

```
1
    know, whatever to where I wasn't going to pay my child support.
 2
            I knew my father, who was a sheriff for 33 years, could
    be my fiduciary, so that's the route we took.
 3
 4
            And the VA didn't like that so they fired him and gave
 5
    me somebody else.
          If I understand you correctly you asked your father to be
 6
 7
    your fiduciary, help you manage your finances, right?
 8
    Α
          Yes.
          Why did you ask your father to help you manage your
10
    finances?
11
          Like I said, I didn't want something to happen, be
12
    irresponsible, and not pay my child support.
13
          So when you entered the VA's fiduciary program, you
14
    mentioned that they fired your father; is that right?
15
          Yes.
16
          Why is that?
17
          They just -- he wasn't keeping the right documents they
18
    wanted.
19
            We were very confused on what they wanted and
20
    everything, and it was just really confusing, so they came down
    and audited him, I quess, like they investigated him, which I
21
22
    was there for, and they found him to be in the clear, but they
23
    didn't like the way he was giving me money, so they fired him.
24
          Are you currently still in the fiduciary program?
25
          Unfortunately, yes.
```

```
1
          So who runs your finances currently?
 2
          Her name is Teresa Hope.
 3
          And is she assisting you with your finances in a
 4
    beneficial way to you?
          Not at all. She's making my life nothing but miserable.
 5
 6
    Miserable.
 7
            I can't -- don't get me going. It's been very
 8
    frustrating.
          Mr. Petitt, you indicated that you currently live on the
    West LA VA campus, when did that happen?
10
11
          I have been there for almost a year now in 205.
12
          Did you receive that housing after you filed this lawsuit?
13
    Α
          Yes.
          There has been discussion about potential additional
14
15
    noises and construction that would need to happen if additional
16
    housing were to be built.
17
            Would you be okay with the additional noises and
18
    disturbances if additional housing needs to be built?
19
          100 percent.
```

- 20 Q Why do you say "100 percent"?
- 21 A I mean, it's for other veterans. Like, they could set
- 22 bombs off in my building, in front of my window every day if
- 23 | they're building housing for veterans. Yeah, it's all good,
- 24 so.
- 25 | Q Are you okay with the building of additional housing on

```
1
    the campus?
 2
          Yes.
 3
          Do you believe that where you live now makes it easier for
    you to access your medical treatments?
 4
 5
          100 percent.
 6
          Mr. Petitt, why did you decide to become a class
 7
    representative in this case?
          I have gone through what I have gone through and seen what
 8
    other veterans have gone through. And knowing that we're going
    to get an influx of more combat veterans, which I've already
10
11
    seen.
12
            One of my good friends, who's younger than me by about
    ten years, Afghanistan veteran, missing a leg had to sleep out
13
    in lawn for three days because they wouldn't get him housing.
14
15
    I don't want to see that anymore.
16
            It's disgusting, it really upsets me, so that's why.
17
          Thank you, Mr. Petitt.
18
          Thank you.
19
                MR. DU: No further questions.
20
                THE COURT: Cross-examination?
21
                MR. LOWENSTEIN: For the record, Jody Lowenstein for
    the federal defendants.
22
23
                            CROSS-EXAMINATION
24
    BY MR. LOWENSTEIN
25
          Good afternoon, Mr. Petitt.
```

```
1 A Hello.
```

- 2 Q It's nice to see you again. I just have a few questions
- 3 for you, but before I do that, I want to take the opportunity
- 4 | to thank you for your service to the country.
- 5 A Thank you.
- 6 Q Mr. Petitt, you have seen a trauma therapist by the name
- 7 of Dr. Books; is that correct?
- 8 A Yes.
- 9 Q And do you still see him?
- 10 A Not at the moment, no.
- 11 | Q When did you stop seeing him?
- 12 A I would say six, seven months ago. Right before I moved
- 13 | into my -- almost a year ago now.
- 14 Right before I moved into my apartment, so, yeah.
- 15 | Q And Dr. Books was treating you for PTSD; is that right?
- 16 A I'm among other things, yeah. I mean, just, yeah.
- 17 | Q And Dr. Books was located in Sepulveda, California; is
- 18 | that correct?
- 19 A Yes.
- 20 | Q And when you were seeing him, you would travel to VA
- 21 | Sepulveda Campus; is that right?
- 22 A Yes. The VA had a program where they would get me an Uber
- 23 and then they stopped doing that, and I just haven't -- yeah,
- 24 yes.
- 25 | Q And you had the opportunity or the option to see him

```
virtually; is that right?
 1
 2
          Yes. Yes, I did. I actually did do that once or twice,
 3
    yes.
 4
          You were connected with Dr. Books while you were living in
    CTRS or the tiny homes; is that right?
 5
 6
          Yes.
 7
          It was VA who connected you to Dr. Books?
 8
          Yes. It was Dr. Capone I want to say, yep.
          He worked for the VA and I think helped run CTRS?
          I think he runs CTRS, yeah, yeah, or one of the main
10
11
    guys that does, yes.
12
          And he helped connect you after you told him you were
13
    interested in seeing a therapist; is that right?
          I don't know if it was before or after. I had a little
14
15
    bit of episode in Newport where I was hospitalized for a
16
    minute.
17
            I don't remember if it was before or after that, so.
18
            But, yes, basically I told him I needed to see a doctor,
19
    or he approached me, was like, "Do you want to see a doctor?"
20
            I said, "Yes," one of those two. But, yeah, because I
21
    remember after I got back from being released from the hospital
22
    he came up to me and was, like, "What's going on?"
23
            I don't remember exactly though, but yeah.
24
          And it was within about two weeks that VA had connected to
25
    you Dr. Books from having that conversation with the doctor
```

```
1
    with VA; is that right?
 2
          It sounds about right, yeah.
 3
          And you feel that Dr. Books' treatment had been effective,
 4
    right?
 5
         Absolutely, yeah. Yeah.
 6
               MR. LOWENSTEIN: No further questions. Thank you,
 7
    Mr. Petitt.
 8
               THE WITNESS: Thank you.
 9
               THE COURT: Redirect examination?
               MR. DU: Nothing else, Your Honor.
10
11
               THE COURT: Any other questions?
12
                   Sir, thank you very much. You may step down.
13
    Now watch your step, please.
            Counsel, if you would like to call your next witness,
14
15
    please.
               MS. PIAZZA: Plaintiffs call Lavon Johnson.
16
17
               THE COURT: Thank you, sir, would you be kind enough
18
    to raise your right hand?
            Karlen is the clerk she's going to administer an oath to
19
20
    you.
21
               THE COURTROOM DEPUTY: Do you solemnly swear that
22
    the testimony you are about to give in the cause now pending
23
    before this Court, shall be the truth, the whole truth and
24
    nothing but the truth, so help you God?
25
               THE WITNESS: I do.
```

```
Thank you very much, sir. If you could
 1
                THE COURT:
 2
    be seated, you are in the witness box and the entrance to the
 3
    witness box is closest to the wall.
 4
                THE WITNESS: Yes, sir.
 5
                THE COURT:
                            I'm going to watch, come on up, there is
    a ridge right there.
 6
 7
                   Sir, would you state your full name, please?
                THE WITNESS: Lavon Johnson.
 8
 9
                THE COURT: Would you spell your first name, sir.
10
                THE WITNESS: I'm sorry?
11
                THE COURT: Would you spell your first name.
12
                THE WITNESS: L-A-V as in Victor O-N as in November.
13
                THE COURT: And your last name, sir?
14
                THE WITNESS: J-O-H-N-S-O-N.
15
                              LAVON JOHNSON,
16
                          having been duly sworn,
                           testified as follows:
17
18
                THE COURT:
                            Thank you.
19
                   And direct examination, please.
20
                            DIRECT EXAMINATION
    BY MS. PIAZZA:
21
22
          Hi, Mr. Johnson.
23
          Hello, how are you?
24
          Is it okay if I call you Lavon?
25
          That's fine.
    Α
```

```
1 Q How are you doing this afternoon?
```

- 2 A A little nervous. A lot of people.
- 3 | Q That's totally understandable. Me, too.
- 4 So as we go through your testimony I just want to remind
- 5 | you that if you need to take a break at any point you can just
- 6 | let me or the Court know. Okay?
- 7 A It's okay. I'll puke my guts out later.
- 8 Q And I'm going to do my best to speak slowly for the court
- 9 reporter, will you try to do the same?
- 10 A Yes, I will do the same.
- 11 Q Great. Lavon, are you a veteran?
- 12 A I am.
- 13 | Q Are you a combat veteran?
- 14 | A I am.
- 15 | Q What branch of the military did you serve in?
- 16 | A U.S. Army.
- 17 | Q And when did you serve in the Army?
- 18 A The years 2004 to 2008.
- 19 Q How many years was that?
- 20 A I served 4.9 years.
- 21 | Q I want to talk a little bit more about your service in the
- 22 Army, but before I do that, I want to ask you a few questions
- 23 | about your life now.
- 24 | A Sure.
- 25 | Q So, if you don't mind my asking, Lavon, how old are you?

```
1 A I just turned 38 on the 16th.
```

- 2 Q That's right, happy birthday.
- 3 A Thank you.
- 4 | Q Where do you currently live?
- 5 A I live at Building 208 at the West LA VA.
- 6 Q Does that building have an address?
- 7 A It does, it has a couple of addresses, actually, it's kind
- 8 | of weird. 710 Bonsall Avenue, Los Angeles, California 90025.
- 9 Q Lavon, what do you like to do in your free time?
- 10 A I fix and build e-bikes and motorcycles.
- 11 | Q What do you like about that?
- 12 A It's tedious. It keeps my mind focused on little things
- 13 | so I can be a little more attentive to detail.
- 14 | Q Do you find it therapeutic?
- 15 A Very.
- 16 | Q Lavon, I want to talk a little bit about disabilities that
- 17 | you live with.
- 18 A Okay.
- 19 Q Do you have any mental health disabilities?
- 20 A Oh, yes. Yes, I do.
- 21 Q What are those?
- 22 A I was born with autism. I have PTSD adjustment disorder.
- 23 Depression, chronic. Probably a few other things, I'm not too
- 24 | sure. I can't remember. I can't keep track.
- 25 | Q Do you have any physical disabilities?

```
1 A Yes.
```

- 2 Q What are those?
- 3 A I have flat feet, and they have caused the entire middle
- 4 of me to cave in upon itself over time.
- 5 Q Can you say a little bit more about that?
- 6 A This middle part of me is being pulled down, it's being
- 7 pulled down towards the earth. It hurts.
- 8 Q I was going to ask, does that cause pain?
- 9 A A lot. A lot of pain. In fact, it affects -- my flat
- 10 | feet affects me all the way up to my neck and it affects all
- 11 | your joints.
- 12 Q Do you have any other physical disabilities?
- 13 A My knees. I'm double jointed in my elbows. I have a TBI.
- 14 | Injuries have an effect of me losing my short-term memory a
- 15 | lot, so I may forget what you said about five seconds ago, but
- 16 | I will remember it an hour later.
- 17 | Q Mr. Johnson, Lavon, do you have a service-connected
- 18 | disability rating?
- 19 A I do.
- 20 | Q What is that rating?
- 21 A 170.
- 22 | Q And is that the number for all of your service-connected
- 23 disabilities combined?
- 24 A Yes.
- 25 | Q So I want to hear a little bit more about how these

```
1
    disabilities affect your life.
 2
            So for the physical disabilities, you know, you
    mentioned pain.
 3
 4
            Can you talk a little bit about how you experience that
 5
    pain, how often?
 6
          Just getting up off the floor if I'm sitting down is
 7
    excruciating. Sometimes my knees will go out and I will fall.
    Or I will get weak, you know, it all, like, came down the
 8
    stairs or something, it hurts. And my body is getting weak
    probably from riding e-bikes, but I've been doing -- I have
10
    been working at that, I've been more -- putting more walking
11
12
    into my routine, my regimen, just to build my muscles back up
13
    again.
         How often do you experience that pain?
14
15
          It's constant. It never stops.
         Is it -- does it affect your mobility like standing,
16
    walking, running?
17
18
          Yeah, I can't stand to walk too far or too long before it
19
    starts hurting again.
20
            And the way the doctors have put it was the more I walk
21
    the worse wear and tear on my body I get. So, you know, it's
22
    either walk or don't.
23
          Can you describe some of the treatments that you got in
24
    the past to address the physical disabilities?
25
          I received pain pills. I have received prosthetics and
```

```
1
    canes. And the next option that they would offer me was a
 2
    wheelchair.
                 I'm 38. I shouldn't be in a wheelchair, that's
    how I feel.
 3
          What about the mental health disabilities? How do those
 4
 5
    affect you?
 6
          The mental health makes it virtually impossible to have a
 7
    relationship with any normal people. It's -- it makes me
    socially awkward, if you will.
 8
            Now everybody is wearing nice suits, and I have a button
    up, see. I have a little button up. It affects me to the
10
11
    point where I don't see myself preparing to see other people.
12
            I'm always in isolation. I'm always by myself. I find
13
    it difficult to relate to people.
          Does it make it difficult to communicate with others?
14
15
          Very much, yeah. I don't know the rules of football, but
16
    I can tell you how to fix your helicopter.
17
          We will definitely get to that. And you mentioned this a
18
    little bit already, but do your disabilities affect your
19
    memory?
20
    Α
          Yes.
21
          Short-term memory?
22
          Yes.
23
          And your long-term memory?
24
          Long-term memory is fine, I think, but I can't remember.
25
            Sorry, I couldn't resist.
```

```
1
          And do your disabilities affect your mood?
 2
          Yeah. I'm always pissed off or I'm always tired and
 3
    stressed, or I'm actually happy-go-lucky and dancing in the
 4
    rain, but that is rare.
            But other than that, it causes me to be short with
 5
 6
    people and I don't like that about myself.
 7
            So, I'm working on that as well. Trying to calm down,
 8
    you know. Getting smoothed out, my mood.
            My days, are worse than me. But at the same time, she
10
    has got her own issues, too. And we teach each other, we
11
    support one other through our fights and whatnot. And come to
12
    find out, we have a better understanding of each other than we
13
    thought.
            So, I'm trying to do a bunch of different things on my
14
15
    own.
16
            And there's also the shots I'm receiving from the VA as
17
    well, so I get help too.
18
          Can you describe some of the treatment you have got in the
19
    past to address your mental health disabilities?
20
          I have been through the dom about five times. I have been
21
    through medications since Texas.
22
            I don't like the feeling of being a zombie -- like a
23
    zombie. Just up. I'm present, but I'm not. It's enough to
24
    keep you alive, but not for very long.
25
            It's agony. Sometimes the medication are worse than the
```

```
1
    disease, so.
 2
          Thanks for going through that with me, Lavon.
 3
          Thank you.
 4
          I want to go back and talk a the bit about your background
 5
    and your service?
 6
          Uh, oh.
 7
          So where did you grow up?
          I grew up between Colorado and Germany, everywhere in
 8
    between.
          Did you have family members who served in the military?
10
          I did. My grandparents, my mom, my dad, my uncles, my
11
12
    cousins.
13
          What branch did your parents serve in?
14
          U.S. Army.
15
          And how old were you when you enlisted?
16
          17.
17
          And what year was that?
18
          2004.
19
          Okay. Can you tell the Court a little bit about why you
20
    enlisted?
21
          I wanted to follow my parents' footsteps. It was like a
22
    tradition, you know, and I wanted to be a part of it.
```

it's still something I wanted to be part of my life. I always

I found out later that I was adopted, so, you know, but

23

24

25

wanted to be military.

2

3

4

5

6

7

8

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14

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21

22

23

24

```
I actually applied to the Air Force Academy and got
accepted, but my confidence wasn't high enough, and I didn't
even try. I was just thinking about that yesterday. I didn't
even try to go and make it. I never forgive myself for that.
       So, I enlisted instead, so I could get some type of
serving done, and that fell in the job that I had.
     When you enlisted, where did you go for training?
     I went for Fort Benning, Georgia.
           MS. PIAZZA: Your Honor, with the Court's
permission, I would like to show a video we have marked 234.
Just for demonstrative purposes.
           THE COURT:
                       234.
           MS. PIAZZA: Yes.
           THE WITNESS: Oh, yeah. I forgot about this.
        (Video showed in open court.)
BY MS. PIAZZA:
     So you recognize that video?
            That guy was handsome as hell. Who was he again?
     Yeah.
     I don't know.
       And can you give us a little bit of background and sort
of the backstory of that film?
     It's funny. We were just getting to the unit. They were
trying to build a brand new one out of an old one. We had no
aircraft to work on that day.
       So, these guys came down and asked if we wanted to be in
```

```
1
    a commercial. And just to get out of ripping up the floor, I
 2
    said, yeah, I will give it a shot.
 3
            Everybody tried out on the entire unit, and I was the
 4
    only one that cracked a smile. You know, it was like a mug
 5
    shot.
 6
            But now, it -- I was the one that had some fun with it.
 7
    I already knew what to do, I knew how to get their attention.
 8
    I got the part.
            They shot part of it in Fort Hood, which was the -- with
    the Apaches. And the other part, they shot here in Santa
10
11
    Monica, which was the part with the anger.
12
          Was this early on in your service?
13
          Yes. I just got to the unit. I was like 19, I think.
          Lavon, did you ever deploy?
14
15
          Yes.
    Α
16
          And just one deployment?
17
    Α
          Yes.
18
          Where was that?
19
          To Camp Taji, Iraq. Just miles south of Baghdad.
20
          And what year was that in?
21
          I was out there '06 to '07.
22
          And about how many months?
23
          Almost 15.
24
          What was your role or position when you were there?
25
          I was attack helicopter mechanic/crew chief.
    Α
```

```
1
          Can you describe your duties in that role?
 2
          Was to ensure that my aircraft was always ready for
 3
    sorting.
 4
            It flew the mission that caught Osama Bin Laden and
 5
    executed Saddam Hussein.
 6
            My aircraft flew both of those missions.
 7
          So, what were your day-to-day responsibilities?
 8
          That aircraft. Walk down the tarmac a mile, turn left,
    and there it was, and I was there every day.
10
          What was it like serving in Iraq?
11
          Honestly, I was too out of it already. I think I was
12
    already gone -- too far gone to even register that I was even
13
    at war.
14
            I feel like it's like summer camp, you know, so it
15
    didn't register that I was even -- I could die at any moment.
    Not until after I got back.
16
            There was this one incident where I knew that I was
17
18
    numb, where we came under attack one day. This lady was coming
    out of the MWR foyer, Iran had landed right where she was at
19
20
    and blew her out of the door.
21
            I guess it must have hit her in the head, and her brain
22
    was standing next to her.
23
            I didn't -- it didn't register for me to go and check on
24
    her to see if she was okay. I kind went into work like it was
25
    a normal day, and I terrified myself after seeing that.
```

2

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13

14

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16

17

18

19

20

21

22

23

24

```
I wish I, at least, went to see if she was all right.
She could have been. I'm sorry, lady. I don't even know her
name. Damn. Okay.
       You can move on.
     Did you personally experience any physical injuries when
you were in Iraq?
           A mortar came in and hit the aircraft that I was
     Yeah.
working on. I flew back about 30 feet and hit my head on the
ground. I didn't report it, though.
       I just kind of kept going, kept doing the work.
       That's when I discovered that I'm willing to work myself
to death, and that's not good.
     So you didn't seek medical care for that injury at the
time?
     No. They kind of encouraged you to go, but discouraged
you to try. You know what I mean?
     And Lavon, let me know if you would like to move on from
this, but I was going to ask if you could say a little bit more
about the mental and emotional impact of your deployment?
     Okay. What would you like to know?
     How do you feel that it affected you?
     I probably should have died over there. Over there, I'm
thinking we're doing something great for the country. I'm
thinking we were doing great, doing great for our families and
our loved ones, and the people that were there.
```

```
1
            We were just being a bunch of fucking bullies.
                                                             I'm
 2
    being real.
 3
            We went over there. We brought hell, and we rained it
    from the sky. We did our jobs effectively and efficiently, and
 4
    we got it done.
 5
            We ended the war on my rotation, but it doesn't mean
 6
 7
    anything when you come back.
 8
            There was a couple that -- I was at the airport in
 9
    Delaware, and they asked us where we were coming from. She
10
    didn't know there was a war going on in Iraq.
11
            I was covered in sand and mud and grime and I had my
12
    weapon, and she asked me where I was coming from. Like, damn.
13
    We were so disconnected from one another already.
14
            So it just kind of seemed like the normal thing to do
15
    was isolate. I thought it would be safer for everybody else,
    as well as me, mainly for everybody else, though.
16
            I'm not too good when it comes to dealing with other
17
18
    people. This is like a milestone right here.
19
          So, when was it you came home from Iraq?
20
          I came back in '07.
21
          And the day you came home, what was that like?
22
          There was nobody here when I got off the plane.
23
            Everybody else had families and people to come and greet
24
    them and say they missed them.
```

My day was get off the plane from Iraq after 15 months

```
1
    of fighting, go to the store, and buy a bottle of booze.
 2
    fact, it was Jack Daniel Tennessee Honey.
            I drank that whole bottle that night. I got the big one
 3
 4
    too.
            Like, nobody missed me, you know, and it hurt. It still
 5
 6
    hurts.
 7
            I understand my family was going through divorce and
 8
    everything, but I could have died, Mom, or Dad, or somebody.
 9
            You know, but then again, maybe it was my responsibility
10
    to go and see them.
11
            I blamed everybody but myself, and I probably should
12
    have done that too. I never made the effort to try to reach
    out. I lost the world to do it.
13
14
            I didn't want anybody to see who I had become, and, you
15
    know, I did my job really good out there.
16
          How much longer until you were discharged?
17
          About a year. I was out in December of 2008.
18
          And where were you at that point?
19
          Let me see, I was in Killeen, Texas.
20
          So, immediately after you were discharged, what was your
21
    living situation?
22
          Immediately, I was homeless. There was no debriefing.
23
    There was no -- I had to pay a thousand dollars for a shelter
24
    half. I want my money back.
25
            But they made sure that they got what they needed from
```

```
1
    me, and then pretty much did not expect me to survive the next
 2
    13 years.
            They don't want you to -- it seems like they don't want
 3
    you to reintegrate. They kind of want you to just be a spent
 4
    check and die out or something. I don't know. It's off.
 5
            I'm from Germany. They don't do stuff like this in
 6
7
    Germany. It's not like this over there.
            I shouldn't have to go to trial for my diagnosis of
 8
 9
           I had a judge and everything, just like you.
    PTSD.
            The judge, they ruled over whether or not I had PTSD.
10
11
    was like, it doesn't make sense.
12
            You know, no offense. This place sucks. America sucks.
    And it doesn't have to be this way. That's how I feel. I
13
14
    would rather be in Germany.
15
            And I don't know anybody over there, nor do I speak the
    language. I would rather try to go deal with that than to try
16
    to deal with some of the people here.
17
18
            I never seen anybody so cold or callous before against
    their own people. There is no black or white. We're all
19
20
    different shades of bronze skin and curly haired folks.
21
            I don't know why we are fighting each other when there
22
    is already a war going on, on multiple fronts everywhere.
23
    it's all culture shock to me.
24
          So, it sounds like at that time you didn't feel you were
25
    getting support with transitioning back to civilian life?
```

```
1
          I wouldn't know where to start to look for it. I found
 2
    the VA on accident.
            I found Vet Row on accident.
 3
 4
            Apple had -- I found Apple on accident, who told me
    about Vet Row.
 5
            So when I -- in order to get my come up when I was out
 6
 7
    there. I found God, literally, I found God. I was happy every
 8
    day that I got to knock somebody out. Or I was happy every day
    that nothing messed up. Or I was happier that I had my piano
10
    out there. I was building a house out of a tent. You know, it
11
    was cool. And it inspired other people around me, I think.
12
    That's when I decided to try to give back. Maybe I had to be
13
    that change that I'm looking for, because it doesn't exist.
14
          I'm definitely going to ask you more about your time at
15
    Veterans Row.
16
         Okay.
          But I want to just focus when you were in Texas for a
17
18
    little bit. How long were you homeless in Texas?
19
          About eight years.
20
          Okay. And all those years you were homeless, where were
21
    you staying in?
22
          I was on east Lancaster, in the homeless community down
23
    there. And wherever I could fit to lay my head down.
24
    Eventually, I just -- I discarded the idea of having a tent and
25
    had a winter suit on instead, constantly. I kind of lost my
```

```
1
    mind out there, I quess, is the best way to put that.
 2
            All sense of who I was, was gone, and it just became a
    game of survival. For real. I never seen cutthroat to that
 3
 4
    nature, and I live in LA today. Down there is much worse
    because there is no sense of community. There is no sense of
 5
    brotherhood. Everybody is trying to make it for themselves.
 6
 7
    And if you are not on their side or on their family's side or
 8
    whatever -- let's just say, my first day -- my first week in
    Forth Worth, Texas, was waking up to seeing a woman naked with
10
    her baby, their throats slit, cut ear to ear, and they were
11
    left on the train tracks to be ran over by the train.
12
            I didn't even hear anyone do that when I was asleep in
13
    that area. It was like, right there. And they are right there
14
    at that door, and I'm right here in the bushes. And I'm just
15
    sleeping. Tired. And I wake up to see that. And it does
16
    something to a man, you know.
17
          That was a traumatic time in your life?
18
          Yeah, you could say that.
19
          Over those years, did you spend any time in homeless
20
    shelters?
21
          Yes. I was in and out of shelters down there, constantly.
22
          How many nights do you think you spent in a shelter, if
23
    you know?
```

- 24 A I couldn't even tell you.
- Q What about in rehab? Did you spend any time in rehab?

```
1
          Yeah. I went to the Pine Street rehab down there.
    Α
 2
    Graduated too. I'm a pinecone. It was hard then because they
    wanted to know about my service then too, more than my recovery
 3
 4
    of drugs and whatnot. Everybody always wants to know, you
 5
    know. And I get it.
                          I get it. What was it like over there?
    What did you do? Did you kill anybody? But it's like I still
 6
 7
    haven't really gotten past any of it. I'm still there.
 8
          Those years you were homeless in Texas, were you ever
    hospitalized?
10
          Yeah. A few times. I was hospitalized coming out of the
11
    military. I was hospitalized coming out of Iraq. I stopped
12
    off at Stuttgart, Germany. I stopped off -- I was at Darnall
13
    Army Hospital in Fort Hood. I was in a civilian one.
                                                           I forgot
14
    the name of that hospital. It was at Forth Worth too.
15
         And at least some of these were psychiatric
16
    hospitalizations?
17
    Α
          Yes.
18
          Do you have an estimate of how many times that you have
19
    been hospitalized?
20
          846,723. No, I'm just kidding. But well over 100 times.
21
          I think you have already addressed this some, but, you
22
    know, those years you were homeless, was your time in Iraq on
```

It's still on my mind. It never leaves you. It sticks to

23

24

your mind in that period?

25 you. They don't debrief you on how to come back. How do they

```
1
    expect you to come back in the first place? Which is probably
 2
    why there is no education for how to reintegrate back into
    society available, because you are not supposed to be here.
 3
 4
          So, Lavon, were you connected to the VA in Texas?
          Yes.
 5
 6
          And did you get your service-connected disability rating
 7
    at that time?
          I did. I got my first 50 percent. It was in -- I think I
 8
    filed in 2009. I didn't get it for another three years or so.
10
    That was 50 percent. Then I went to the DAB and they got me to
11
    80 percent. Then I came to California, and it's like, wow, it
12
    jumped up to 90 percent. That was great, but it's still not
13
    enough.
14
          So, I want to talk a little bit about being in California.
15
    When did you come to California?
          I think it was 2017. That whole time was like a blur.
16
    was always some type of problem, always something going on.
17
18
          Okay. Did you come to Los Angeles?
          I did.
19
20
          And what was your living situation when you got to Los
21
    Angeles?
22
          I was immediately homeless here too, but it was fun.
23
    was so much fun. I walked 60 miles in a week and didn't even
24
    know it. I was walking around taking in the iconic sites of
```

LA. Like, I get to be here, cool. It was fun, you know.

2

3

4

5

6

7

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10

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12

14

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16

17

18

19

20

21

24

```
was tedious. I liked the little itty bitty detail work, you
    know. You find the corner, go around the corner, find the
    other corner. It's always a corner. But you know, I seen the
    bad parts. But all of it was the good -- like, the good parts.
    Santa Monica, you know, the beach.
         And when you were exploring Los Angeles, was there a time
    you came to the West LA VA medical center?
         Completely on accident.
         And what happened when you got there?
         I went there and I tried to get some help. A suggestion
    by the officers there. They caught me sleeping in the smoke
    pit, when they did have it over there. And they said if you
13
    are cold or hungry, turn yourself in and say you are suicidal.
    They will put you up for three days. You get some time to
    figure out what to do.
           So, that's what I did. I gave it a shot, and it spun
    out from there. Everything.
         And in that time period after you connected with VA, did
    you get a HUD-VASH voucher?
         I did. I did. I was on east 47th and Hooper, but it felt
    like they just dumped me there. After a year and a half, I was
22
    suicidal again.
23
            I was just out there by myself. And there was a few
    counselors that came out there once or twice, but nothing to
    write home about. But when I was suicidal, I took a bunch of
```

```
1
    pills that I received from the VA at the same time. And I
 2
    passed out for about three days. But in that time period, I
    kind of wake up a little bit in a daze. And I heard the cops
 3
 4
    knocking on the door, but I was too far gone to even answer the
 5
    door. And then they never came back.
 6
            Yeah.
 7
          The apartment you were in there, what neighborhood was it?
 8
          East 47th and Hooper. It was a mostly Hispanic
    neighborhood. I think. I don't even know where I'm at now,
10
    honestly. But over there --
11
          Roughly, South Central area?
12
          Yeah, South Central. That area.
13
         Had you spent time in that neighborhood before you moved
14
    there?
15
         No. Never have.
          Did you have friends or family or a community in that
16
17
    neighborhood?
18
          None.
19
          Were you receiving any medical care --
20
    Α
          No.
21
          -- in that neighborhood?
22
          No.
23
          How was it that you ended up in that specific apartment?
24
          They found it, and I said, okay, let's go, I guess.
25
    Whatever. I don't know where I'm going. I don't know where
```

```
1 I'm at. It didn't make any difference to me, so I took
```

- 2 | whatever was first found and offered. I had bad credit.
- 3 Q And when you were living there, did you ever make trips to
- 4 | the West LA VA for medical appointments?
- 5 A I did. Whenever there was an appointment, I always try to
- 6 | make it on time. I first discovered e-Bikes at that time, so I
- 7 | had that to ride all the way from my house, there to here.
- 8 Q Do you have a sense of how far that is?
- 9 A About 15 miles.
- 10 Q So, 30 miles roundtrip?
- 11 A Yes. About that, yeah.
- 12 Q And you talked a little bit about this already, but what
- 13 | was it like living in that apartment?
- 14 A It was lonely. Very lonely. My sisters, they came and
- 15 | visited me once or twice. And each one had their own set of
- 16 problems. It was right before the pandemic had hit. And my
- 17 | sisters -- I found out while she was there that she had
- 18 | COVID -- good thing I'm immune. But my mind at that time was
- 19 | like "my sister tried to kill me." That's how I felt. That
- 20 was the first thing that came to my mind, was that my own
- 21 | family came out there to infect me with COVID-19 and kill me.
- 22 | I started suspecting them. I started suspecting everybody.
- 23 | And the paranoia increased and increased from there. And now I
- 24 | stay by myself and play Xbox. Yeah.
- 25 | Q And you said you were in that apartment about a year and a

```
1
    half?
 2
          Yeah.
 3
         And why did you leave?
 4
          I couldn't take the loneliness anymore. The thoughts of
 5
              The voices by myself. Uh-uh. No.
                                                  No, thank you.
 6
          So where did you go?
 7
          I went and wandered for about a week. And wandered over
 8
    to the West LA VA. I found Apple. She told me about Vet Row.
    I went from there. Met with Rob Reynolds and everything and
    everybody. There, it was a better time. It was better.
10
11
    were in a hellhole, within a hellhole, outside of a hellhole,
12
    under a hellhole, next to an ever bigger hellhole just for us
13
    to make it, you know. Like, it's like being back in the sand
    again. That is where I really find my purpose. I thrive under
14
15
    pressure. And it's going to be a lot of pressure. But out
16
    there was the constant pressure of are we going to die today?
17
    And we almost all did, a few times, so -- but we did good
18
    though. We did good.
19
          So, when you were living out in Veterans Row, were you
20
    living in a tent?
21
          Yes.
22
          Okay. And about how long, if you remember, you were on
23
    Veterans Row?
24
          About a year. About a year.
25
         And from Veterans Row, where did you go?
```

```
1
          They put me into the hospital. They were 60 sheriffs
 2
    surrounding me. I guess they made the assumption that I was
 3
    dangerous. I get it. It's all good. I get that, the whole
 4
    danger part. I kind of find it flattering. But they put me
 5
    into the hospital. And at the same time, I lost almost
 6
    everything I owned. If it wasn't for Rob and Apple and
 7
    everybody up there that had my stuff, had my bikes -- I
 8
    probably would have been a different story that day. These
    guys really saved my ass.
10
          That was another psychiatric hospitalization?
11
          Yes, it was. LA VA.
12
         After you were discharged from that hospitalization, where
13
    did you go?
                Where did I go? I think I went back onto the
14
15
    street. No, I went to the tiny homes. I went to CTRS.
16
          Did you ever live in a tent at CTRS?
17
          I did.
    Α
18
          What was that like?
         Are you kidding? It sucked. What am I doing in a tent,
19
20
    when y'all can live in houses and whatnot and receive six
21
    figure paychecks. I'm just asking for my little bit that I'm
22
           I'm unemployable. I can't fucking do this anymore.
23
           And I guess they didn't really care.
24
            They put me in a tent anyway, along with the rest of us.
25
    I got stabbed there. It almost killed me. You know, I lost my
```

2

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16

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24

```
property there. Like, a lot of property. I had acquired a lot
of property and none of it was stolen, you know. That is one
of the things I could pride myself on is that none of my stuff
was stolen. I always acquired it honestly. Either I bought it
or I traded for it. I earned it.
       And they just threw all of my stuff in the trash.
was fires, you know. And that is the whole different set of
suspicions by itself.
       But -- I still have to do that tort claim too.
     So there was a time that you moved into the tiny homes?
The shed?
     Yes. That's exactly what it was. It was a shed. You
know, during those fires, the aluminum melted. The aluminum
melted. I have never seen it before in my life.
     Yeah. So, let me take a step back on that.
       What fires are you talking about?
     There were three fires up there at the CTRS. Two of them
were mine, but I don't think the third was my fault.
                                                     I think
it was the faulty wiring. Because I had looked into the tiny
home and I could see that the flames -- you know how they cause
the black marks on the wall? They were by the fuse box, and my
battery is on the other side of the room and it didn't catch
fire.
       But they blamed me for that and they discharged me from
the program.
```

```
1
            The first time, somebody had brought me a faulty battery
 2
    that was already charged, but was disconnected from the BMS.
    When you disconnect from the BMS, the battery can be
 3
 4
    overcharged. When it's overcharged, it will explode.
    what happened. I tried charging it. I was a little bit more
 5
 6
    amateur at the time, and I almost lost the hut. I almost lost
 7
    everything in that hut, but I managed to, you know, act
 8
    properly and quickly and get the battery outside the door.
    Barely, yeah.
10
          And you said that you were asked to leave CTRS?
11
          Yes. That was the third fire.
12
          And where did you go?
13
          Back to Vet Row. It was gone, but I was there. I was
14
    going to be last man out of there anyway, and I figured there
15
    were still homeless veterans. Maybe I can come out of here and
16
    maybe get back and be of service again. You know, at least the
    information desk.
17
18
            Where do I go for the bathroom? Up here.
19
            Just point the way. But yeah, I'm the one who had the
20
    problems, so yeah.
21
          And when you were living on -- back on the street outside
22
    on Veterans Row, is that San Vicente Boulevard?
23
          Yes.
          And were you ever asked to leave that location or made to
24
25
    leave?
```

2

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24

```
They threw my tents
Α
     Oh, yes. Many times. Many times.
away about four times. Four more times. E-Bikes put it in the
trash. My work went into the trash.
       That's all I'm good to the VA, as is a guy who you throw
away his shit, his therapy. The only thing he's got keeping
him alive, They threw them in the trash. And then step up to
the same thing to me again, recently, with another set of bikes
I earned and gotten and acquired.
       They just threw it into the trash can.
       I guess, you know, the VA kind of got out of that
because it was step up that did it. Sorry fellows, but...
     So from when you were out on Veterans Row or San Vicente
again, from there did you move into Building 208?
     Yes. From that time. And when they actually lowered --
they raised the standard for the income. That's when I was
able to get in. But they denied me a few times before that,
though.
     I was going to ask you about that. So, you had to apply
to get into that housing?
Α
     Yes.
     What do you remember of the application?
     I don't remember the application, actually.
                                                  I had a lot
of help doing that because I do not know what I'm doing. I
have no idea what I'm doing.
     Who did you get help from?
```

```
1
          It was from Rob Reynolds, I got from the builder vets, and
 2
    I got it from -- who was that? Who was that? It was the other
    folks that helped me out, but I don't remember off the top of
 3
 4
    my head their names.
 5
          And you said that you were denied at least once?
 6
          Yes.
    Α
 7
          And that was because your income was too high?
 8
    Α
          Yes.
          That's your understanding is your service-connected
10
    disability compensation?
11
          That's correct.
12
          And -- but you eventually did move into 208?
          I did.
13
14
          And what is your understanding of how you were able to
    move into the building?
15
16
          What do you mean?
17
          So, did your income change?
18
                                       They just raised the limit.
          Oh, no, that didn't change.
19
    But if I'm not mistaken that is not income, that's compensation
20
    that is owed to me.
21
            So why am I giving money that is owed to me back to the
22
    people who gave it to me in the first place?
23
            I didn't want to pay rent. I just said that initially,
24
    I didn't want to pay rent, that's why I was outside, and now
25
    I'm in a situation where I'm going to end up right back outside
```

```
1
    with nothing that I had to begin with in the first place.
 2
            So all of these times, all of these years that have gone
    by, these last four years and it's like it meant nothing,
 3
 4
    because I'm going right back outside with less than what I had
    when I was out there.
 5
            If that makes sense to anybody, let me know.
 6
 7
         You've been in the unit how long?
 8
         At least a year. At least a year and a half now.
         And how do you feel about living in a community of
10
    veterans?
11
          It's, like, the best thing for me. There's a bunch of
12
    guys here who actually get me, who get it. They know how to
13
    talk me down, how to keep me calm, and at the same time I can
14
    help them, you know, whatever they need, I help them out, too.
15
            A lot of people come and knock on my door, "Do you have
    this, Lavon?" "Yeah, I got a drill, here."
16
            And then I might not get it back, but God's always able
17
18
    to bless me with more.
         Do you get visits from any healthcare workers in your
19
20
    units?
21
         I do. I do. I get Nathan who gives me my shot every
22
    month.
23
          Who is Nathan?
24
        Nathan is my nurse. He's a nurse, he's cool. Really
25
    cool. Big guy, but he's cool.
```

```
1
            Then I got Dr. Greg, he sometimes comes by. It's rare,
 2
    but he does.
 3
          And, sorry, his name is Doctor?
 4
          Dr. Greg. Greg.
 5
          What kind of doctor is he?
 6
    Α
          Medical.
 7
          What does he help you with?
 8
          My knees, pain, whatever I need. You know, immunizations
    or whatever, labs.
          What about any social workers?
10
11
          Yes, Ron and Matt from MHICM, they come by and they say
12
         And they've been doing that since Vet Row for me, so I
13
    can't thank them enough for that.
            Rob Reynolds comes by. A lot of my fellow veterans,
14
15
    they come by and check on me, too.
          Overall, has living in Building 208 made it easier for you
16
    to access healthcare services from VA?
17
18
          Well, it's put me in a place where they can find me, I'll
19
    put it like that.
20
          Is there other healthcare that you're not currently
21
    getting that you'd like to get in the near future?
22
          Oh, yes. Yes, indeed, yes.
23
          Like what?
24
          I could use a few more dollars in my pocket. I have
25
    bills.
```

2

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25

```
I could use, like, ways to get my body strengthened up
again. I want my therapy to be recognized and properly
utilized, too.
       I want to be able to do something that gives back to the
VA so it can help other veterans in the same way, because their
curriculum right now, it doesn't help, but keep you focused on
the past.
       You're always talking about Irag, you'll never get past
       They keep you focused on that and it's, like, shut up,
but I wanted to offer something different, though.
       I've discovered the Law of Attraction when I was in
Texas, and -- down there, they started listening to me and it
started to incorporate some of the practices I was actually
practicing myself into their curriculum down there, which is a
good thing. And people actually found it to be really
effective by keeping positive thinking and positive thoughts in
the head. That I will manifest more of those in my life and I
won't have to wind up dead.
     So I have just a couple of more questions before I wrap
up.
       I'm curious why you decided to be a plaintiff in this
lawsuit?
     Why not? Are you kidding? I would be a voice for
```

somebody. I was that guy, you know, who was timid growing up,

who didn't really say anything. I was really shy, you know,

```
1
    but now this is a chance for me to speak up for that quy, you
 2
    know, the little ones, those vets.
            Nobody wants to hear us complain. I don't blame you, I
 3
 4
    don't want to listen to you guys complain either. I would
    rather come up with a solution on equal terms that we can all
 5
    agree upon. Like nobody has to suffer, nobody has to lose
 6
 7
    anything. I want it to be where everybody eats, you know.
 8
          As a resident of the West Los Angeles Campus do you want
    there to be more housing built there?
10
          Yes. Yes, I do.
11
          Why is that?
12
          We need it. There's a lot of veterans out there, too, but
    there's also other folks that are involved with veterans that
13
14
    probably need some help as well, because it's not just us.
15
            There's a lot of people out there that are homeless and
16
    I think we could probably extend some of the things we're using
17
    towards them too, you know. I don't know. But everybody
18
    should eat, though.
19
               MS. PIAZZA: Nothing further.
20
               THE COURT: Cross-examination at this time, counsel?
21
               MS. PETTY: Your Honor, no questions.
22
                   I do want to thank you, Mr. Johnson, for your
23
    service and for being here today.
24
               THE WITNESS: Thank you.
25
               THE COURT: Mr. Johnson, thank you very much, you
```

```
1
    may step down and watch that first step here, that little
 2
    ledge.
            Counsel, why don't we take a 15-minute recess, return at
 3
 4
    that time. Thank you very much.
 5
                                 (Recess.)
                            Everybody okay? Okay, Terri?
               THE COURT:
 6
 7
                   We're back on the record, all counsel -- please
 8
    be seated, thank you.
 9
            Back on the record, all counsel are present, the parties
10
    are present.
11
            If you would like to call your next witness, please.
12
               MR. ROSENBAUM: Good afternoon, again. Plaintiffs
    call Dr. Keith Harris.
13
               THE COURT: Oh, I'm sorry, if you would be kind
14
15
    enough to raise your right hand.
               THE COURTROOM DEPUTY: Do you solemnly swear that
16
    the testimony you shall give in the cause now before this
17
18
    Court, shall be the truth, the whole truth, and nothing but the
19
    truth, so help you God?
20
               THE WITNESS: I do.
21
               THE COURT: Thank you very much, sir. If you'd be
22
    seated. And as you are being seated, let me ask counsel,
23
    counsel, am I going to have privilege objections here or have
24
    the two of you spoken about what the anticipated direct and
25
    cross-examination is?
```

```
1
            If the Court needs to do any research tonight I want to
 2
    make certain I get my rulings right.
 3
            So what is your anticipation of any issues we may have?
 4
               MS. WELLS: At this point, Your Honor, we really
 5
    don't anticipate having any privilege.
 6
                THE COURT: So let's start and if we run into one
7
    then, give me the courtesy of researching tonight, okay?
 8
               MS. WELLS:
                            Okay.
 9
               THE COURT: First of all, I'm sorry. Dr. Harris
10
    would you state your full name, please?
11
               THE WITNESS: Keith Harris.
12
               THE COURT: Would you move a little closer, you've
13
    got a quiet voice.
14
            Is your first name you said Keith?
15
               THE WITNESS: Keith.
               THE COURT: K-E-I-T-H?
16
17
               THE WITNESS: Correct.
18
               THE COURT: And H-A-R-R-I-S?
19
               THE WITNESS:
                              Correct.
20
                              KEITH HARRIS,
21
                          having been duly sworn,
22
                          testified as follows:
23
               THE COURT: All right. Dr. Harris, thank you, it's
24
    a pleasure and this will be direct examination by plaintiffs.
25
                            DIRECT EXAMINATION
```

```
1
                     (Plaintiffs' direct examination)
 2
    BY MR. ROSENBAUM:
 3
          How are you, Dr. Harris?
 4
          Good. Mr. Rosenbaum, thank you.
 5
          Very nice to see you again.
 6
    Α
          Likewise.
 7
          You are the senior executive homelessness agent for
 8
    Greater Los Angeles?
          Yes.
    Α
10
          You'd had that position since December of 2021?
11
          Yes.
12
          You have been in this courtroom throughout the entire
13
    trial, you have been sitting at the table with other
14
    representatives of the VA and HUD?
15
          Yes.
          You heard the testimony just now of Mr. Petitt and
16
    Mr. Johnson?
17
18
          I did.
          Dr. Harris, how long should an unhoused veteran have to be
19
20
    on the streets of Los Angeles?
21
          As short as possible.
22
          Well, give me -- how about one day?
23
          I think if we could contact and house a veteran in one
24
    day, I think this would be wonderful.
25
          I have seen you downtown sometimes after court. You are
```

```
1
    staying downtown?
 2
          Yes.
 3
          And you walk to the courthouse?
          I do.
 4
          And when you walk to the courthouse, do you walk by
 5
 6
    encampments of persons who are unhoused from time to time?
 7
               I wouldn't say there is encampments between here and
 8
    the hotel, no.
          Do you see unhoused persons?
          It's unclear. We walk by a bus stop, it's not always
10
11
    clear the status of people there.
12
            I wouldn't say I'm positive anybody we're walking by
    between here and the hotel is homeless.
13
          Did you look this morning across the street on Broadway
14
15
    from the courthouse and see a number of persons who very well
16
    may have been unhoused?
17
          I actually didn't. I was in conversation the whole way
18
    down here this morning.
19
          Do you know where Skid Row is?
20
    Α
          Roughly.
21
          When we talked at the deposition, you had never been to
22
    Skid Row; isn't that correct?
23
          No, that's not correct.
24
          How many times have you been to Skid Row?
25
          Three to four times.
```

```
1
          What's the most recent time you've been there?
 2
          I was there for -- I would say it was last year's
 3
    point-in-time count. Sorry, two years ago. Two point-in-time
 4
    counts ago.
 5
          So give me a year?
          That would make it the 2022 point-in-time count.
 6
 7
          Do you have a view, sir, as to whether today in Skid Row
    there are unhoused veterans?
 8
          I'm sure there are. I don't have an accounting of them.
          Has it ever crossed your mind that you should get in touch
10
11
    with persons at the VA and say you should come down to Skid Row
12
    right now and see if you can find unhoused veterans?
13
          I have not had that exact thought, no.
14
          Well, you are aware that Mr. Petitt was part of the team
15
    that was looking for Osama bin Laden?
16
          Actually, the only information I know about Mr. Petitt is
    what we just heard.
17
18
          Can you explain to me why the military searches for Osama
    bin Laden continuously or did, and isn't in Skid Row
19
20
    continuously looking for unhoused veterans?
21
               MS. WELLS: Objection. That is argumentive.
22
               THE COURT: Sustained.
23
    BY MR. ROSENBAUM:
24
          How long -- do you know, sir, how long unhoused veterans
25
```

in Los Angeles have been on the streets of Los Angeles?

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24

```
Are you asking for -- I don't know, for instance, an
average time for all homeless veterans on the streets of Los
Angeles, no.
     Does the VA collect information about the duration of time
that a veteran is on Skid Row?
     Not specific to Skid Row, no.
     When the VA -- strike that.
       When the point-in-time count is taken place, is there
any effort to find out at that time with individuals who may
identify themselves as veterans, how long they have been on
Skid Row?
     So we have heard some testimony about the point-in-time
count already. There are two separate components to it.
       The larger one that people are more familiar with, the
procedure set by LAHSA is that you don't speak to the people
you are counting, so no.
       The other component is the one overseen by Dr. Henwood
from USC which includes a demographic survey of people they
contact.
       I have never seen the materials for that, I don't know
for sure if homeless history is taken, and, again, it wouldn't
be just about Skid Row.
     So the answer is you don't know?
     My answer is what I just said.
     How long, sir, should an unhoused veteran in Los Angeles
```

```
1
    go without supportive services?
 2
          I think every unhoused veteran and formerly housed veteran
    are likely better off with supportive services. I wouldn't put
 3
 4
    a number of days they shouldn't, because I think it's better if
    they have them.
 5
 6
          At the current time, you heard the testimony Mr. Kuhn,
 7
    correct?
          I did.
 8
    Α
          And you saw Mr. Silberfeld ask questions about the
10
    capacity on the VA grounds with respect to permanent supportive
11
    housing?
12
          Yes.
          Right now, since that testimony, isn't it true that there
13
    is still is no capacity for permanent supportive housing on the
14
15
    VA grounds today?
16
          If by capacity, you are defining that as an open unit?
17
            The last I saw there were a handful of open units across
18
    the buildings on campus, and by that, I mean probably less than
19
    five.
20
          Okay.
21
          They're nearly full, yes.
22
          You attend meetings of the -- help me with the name here,
23
    the Interagency Council on Homelessness in DC?
```

I have attended meetings. The United States Interagency

24

25

Council on Homelessness, yes.

```
1
          At those meetings there are representatives of the White
 2
    House there?
          Yes.
 3
    Α
 4
          Do you know the name of the person?
 5
          Well, it's going to vary depending on the meeting and the
 6
    year and all of that. Are you asking --
 7
          The last -- when was the last time you were there?
          Either June or July of last year. I think it was late
 8
    June.
10
          And did you see that representative at that time?
11
          I did.
12
          Did you say to that representative, "Los Angeles needs
13
    more resources so that unhoused veterans aren't on the streets
14
    of Los Angeles"?
15
          My role in that meeting was to speak on what has broadly
    been call the AMI issue here.
16
17
            I was there advocating for the result we finally got
18
    recently from HUD.
19
                THE COURT: And before we go further, although the
20
    person may change who's representative, who was the
21
    representative for the White House there?
22
               THE WITNESS: The name, sir?
23
               THE COURT: Yes, the name.
               THE WITNESS: Neera Tanden.
24
25
    BY MR. ROSENBAUM:
```

```
1
          Can you spell that, please?
 2
          N-E-E-R-A, T-A-N-D-E-N.
 3
               THE COURT: Just a moment.
 4
                (Pause in proceedings.)
               THE COURT: What position does she hold?
 5
               THE WITNESS: I believe it's Director of Domestic
 6
7
    Policy Council, but I'm not positive.
 8
               THE COURT: Thank you very much, I appreciate it.
 9
                   Counsel?
    BY MR. ROSENBAUM:
10
11
         Dr. Harris, I take from your answer that you did not
12
    regard it as within your role to make such a statement to the
13
    White House representative?
14
          It was more than that. If I may? That meeting is very
15
    tightly packed in terms of subject matter and topics are pretty
    brief.
16
17
            I already had more to present than I was allotted in
18
    terms of time, so it was outside scope, in addition to arguably
19
    outside my role.
20
        Did you talk to Secretary McDonough when you were out in
    DC at that time?
21
22
          Just in the meeting, not privately.
23
          Send a note to him saying, "We ought to talk to somebody
24
    from the White House about getting more resources out here, so
25
    that there are not unhoused veterans on the streets of Los
```

```
1
    Angeles"?
 2
          I did not.
 3
          Do you know if anybody from the VA that did that?
          I'm not aware of anyone having done that.
 4
          Outside of the meetings you attended -- strike that.
 5
 6
            Outside the meeting you mentioned, have you had
 7
    discussions with Secretary McDonough?
 8
    Α
          Yes.
          How many?
10
          In any form?
11
          Sure.
12
          Private, et cetera?
13
          Well, let's take private first.
14
          Well, I --
15
          Just the number, sir.
16
          I'm thinking.
17
          Thank you.
18
          The way I was going to answer that is that I traveled with
    the Secretary for three days in roughly February of 2022.
19
20
    sat in the government vehicle together. We ate together.
21
            I don't know how to put a number on that.
22
          When you were in the vehicle with the Secretary, did you
23
    ever say to him in sum or substance, "We need more resources in
24
    Los Angeles to get unhoused veterans off the streets"?
25
          I wouldn't say -- I wouldn't say I said that exactly, no.
```

```
1
          Okay. Did you ever say to the Secretary, "We ought to
 2
    meet with representatives who deal with Congress to see if we
 3
    can get more resources to Los Angeles to deal with unhoused
    veterans on the streets here"?
 4
          The Secretary and I have spoken about Congress, not about
 5
 6
    specifically getting resources for Los Angeles.
 7
          Or did you ever speak to the Secretary and say, you know,
 8
    "There are people here that think that the VA doesn't have the
 9
    authority to build houses, build housing, or subsidized housing
10
    and if that really is true, we ought to go to Congress to see
11
    if we can get that authority"?
12
          He and I did not discuss that issue, I know others -- I
    believe others have.
13
14
          What was his response?
15
          I'm not aware.
               MS. WELLS: Lack of foundation.
16
    BY MR. ROSENBAUM:
17
18
          What others are you referring to, sir?
19
               MR. ROSENBAUM: I'll withdraw the question
20
    momentarily.
21
    BY MR. ROSENBAUM:
22
          Who has spoken to him, sir?
23
          Well, as testified previously, I believed our Real
24
    Property Law Group, the Secretary -- they've provided
25
    consultation to the Secretary on that question.
```

```
1
          Anybody else?
    Q
 2
          Not that I'm aware of.
 3
          Do you know if Mr. Davenport ever said to Secretary
    McDonough, "You know, I think the VA doesn't have authority for
 4
    housing, to either build or subsidize it, we ought to go to
 5
 6
    Congress and get it"?
 7
          I do not know.
          Do you know if anybody did from the Real Property Group?
 8
          I do not.
    Α
          In your meetings was there ever any discussion, "We ought
10
11
    to go to the Secretary and talk to him about the importance of
12
    getting that authority, if, in fact, we don't have it"?
13
                MS. WELLS: Objection. Vague.
14
                THE COURT: Do you understand the question, sir?
15
                THE WITNESS: Maybe restate it.
16
    BY MR. ROSENBAUM:
17
          Sure.
18
          I think so, but I want to be sure.
          In any of the discussions that you've had with
19
20
    representatives of the VA, did anyone, in sum or substance,
21
    say, "Look, if we think that we don't -- that the VA doesn't
22
    have the authority to build housing or subsidize housing, we
23
    ought to go to the Secretary and see about getting that
24
    authority"?
25
          I am -- actually, I have not been a part of such a
```

```
1
    conversation, no.
 2
          Okay. Your role -- strike that.
 3
            In your discussions with the Secretary, has the
 4
    Secretary ever said, "I'm thinking about going to Congress and
 5
    asking for authority if, in fact, we don't have that
 6
    authority"?
 7
          No.
    Α
 8
          Okay. Have you ever seen a memo from Mr. Davenport on the
    issue of whether or not the VA has authority to build housing
10
    or subsidize housing?
11
          I don't recall seeing the memo. I've certainly heard the
12
    -- roughly the content that would be in such a memo.
13
          Okay. On how many occasions, sir?
          I don't know.
14
15
          Mr. Davenport was in this courtroom at one point, was he
16
    not?
17
    Α
          He was.
18
          He was sitting close to you?
19
    Α
          No.
20
          He was sitting right back here?
21
          Probably. I didn't track his whereabouts.
22
          How many days was he out here in the courtroom?
23
          I'm not sure about that either.
24
          You are sure he was here, though, right?
25
    Α
          Yes.
```

```
1
          During this trial?
    Q
 2
          Yes.
 3
          In your role, sir, can you be more specific what your role
 4
    entails in terms of the homeless -- being a senior executive
    homelessness agent of Greater Los Angeles?
 5
 6
          Sure. I am housed in the office of the Secretary, report
 7
    to the VA Chief of Staff. In that capacity I provide quidance,
 8
    support, strategic direction, advocacy to and on behalf of the
    local medical center in their efforts to serve homeless
    veterans and end veteran homelessness.
10
11
          You certainly agree it's important to end veteran
12
    homelessness, correct?
13
          I've spent my entire career on it, yes.
14
          How long has there been veteran homelessness?
15
          I don't know when the first documented homeless veteran
    was identified, so I don't know that.
16
17
          How about how long has there been veteran homelessness in
18
    Los Angeles?
19
          Same answer.
20
          You are aware that Los Angeles is sometimes referred to as
21
    "the homeless veterans capital of the United States"?
22
          I think it's the homeless capital of the United States.
23
          I know that, but I'm asking you something else.
            You're also aware it's been described as the homeless
24
```

veterans capital of the United States; isn't that right?

```
Yeah, that's right. It's got 10 percent of all homeless
 1
 2
    veterans in the country, nearly 20 percent of all unsheltered
    homeless veterans in the country.
 3
 4
          How long has it had been known or referred to, so far as
 5
    you know, as the homeless veterans capital of the United
 6
    States?
 7
          I don't know.
 8
          Give me estimate, sir.
          I have no basis for one, I'm sorry.
10
          Certainly back in 2011 when the Valentini case was filed;
11
    isn't that right?
12
          It would be appropriate based on the data I was just
13
    sharing, yes.
          And prior to 2011?
14
15
          Again, I don't know.
          Between 2011 and today, how many homeless veterans have
16
17
    died on the streets of Los Angeles?
18
          I don't know.
          Give me an estimate?
19
20
    Α
          No.
               I don't.
21
          Between 2011 and today, how many homeless veterans have
22
    committed suicide on the streets of Los Angeles?
23
          I don't know.
24
          Give me an estimate?
25
          Same. I have no basis for one. I'm sorry.
```

```
1 Q VA make any attempt to compile that information, sir?
```

- 2 A VA -- I know VA collects data on veterans suicide. I
- 3 | don't know if it's done specific to LA, to unhoused veterans,
- 4 to that time frame.
- 5 Q Ever curious and wonder how many homeless veterans have
- 6 | died in Los Angeles on the streets since any period of time?
- 7 | 2011? 2020? This year?
- 8 A I'm concerned about every veteran.
- 9 Q I know you are, sir. But I'm asking you, to your
- 10 | knowledge, has anyone said, "We ought to be compiling this
- 11 | information because that is the people we serve"?
- 12 A I'm not aware of such a conversation.
- 13 Q Has anyone, to your knowledge, sought to compile the
- 14 | number of suicides on the streets in Los Angeles by unhoused
- 15 | veterans?
- 16 A I don't know.
- 17 | Q You do know -- you do believe that every day that an
- 18 unhoused veteran is on the streets of Los Angeles, it is likely
- 19 | their conditions worsen; isn't that right?
- 20 A Yeah, I think that is fair to say.
- 21 | Q Mental health and physical health; is that right?
- 22 A Yes.
- 23 | Q Do you know, sir, how many unhoused veterans have been in
- 24 Los Angeles from, say, 2011 to today?
- 25 A I don't understand the question.

```
1
          Sure. Right now let's say that there are in the
 2
    neighborhood of 3,000 unhoused veterans in Los Angeles. Just
    take that as a working number, okay?
 3
 4
          Sure.
          Has anyone, to your knowledge, from the VA said, "Look,
 5
 6
    let's look, let's see if we can compile the total number of
 7
    individuals who have been unhoused on these streets say going
    back to 2011"?
 8
               I'm not aware of that exact -- of that analysis, no.
10
          Okay. One of the reasons that it's important to end
11
    veteran homelessness, you believe, is because after all, that
12
    is the mission of the VA; is that right?
13
    Α
          Yes.
          That -- it's hard to imagine a more urgent mission, isn't
14
15
    it, sir?
16
          Yes. I agree.
17
          And in terms of urgency, why don't you define what you
18
    understand the word urgent to mean?
19
          Pressing. Important to do quickly.
20
          Can't wait. Agree with me?
21
          Yes.
22
          Okay. And going back to your conversation with Roman, how
23
    many temporary supportive housing units are there currently on
24
    the West Los Angeles campus?
```

I'm not talking about the domiciliary or New Directions.

```
1
    You know, shorter term. I mean longer term than that.
 2
               MS. WELLS: Objection. Misstates the testimony.
 3
               THE COURT: Just a moment.
               MS. WELLS: He never had a conversation with
 4
 5
    Mr. Silberfeld.
 6
               MR. ROSENBAUM: I was referring too -- you are
 7
    right. I was referring to the chart that was made, so I will
 8
    rephrase the question. I apologize.
    BY MR. ROSENBAUM:
          Today on the VA campus in West LA, how many units of
10
11
    temporary supportive housing exist that are available for
12
    unhoused veterans?
         Could you define "temporary supportive."
13
          Sure. I don't mean domiciliary. I don't mean New
14
15
    Directions. I don't mean short-term emergencies. I mean for a
    longer period of time to fill the gap between that sort of
16
17
    housing and permanent supportive housing. The type that you
18
    heard Mr. Johnson and Mr. Soboroff talk about.
19
               MS. WELLS: Objection. Vague.
20
               THE COURT: Do you understand the question? I want
21
    to be certain.
22
               THE WITNESS: I do think I understand the question.
23
               THE COURT: If you can answer that then, I would
24
    appreciate it.
25
               THE WITNESS: Defined that way, I think the answer
```

- 1 is 0. Unless you want to count the nursing home, which I don't
- 2 know the number of beds.
- 3 BY MR. ROSENBAUM:
- 4 | Q You agree that another reason to end veteran homelessness
- 5 | is that you believe that we owe it to the veterans who
- 6 | sacrifice for our country; isn't that right?
- 7 A I'm sorry. My head was still on the last question. Do
- 8 | you mind me adding one more thing?
- 9 Q Of course. Go right ahead.
- 10 A The way you define that, there really is no such form of
- 11 | housing. If you rule out something like New Directions which
- 12 is Grant and Per Diem, which allows a to stay up to 24 months,
- 13 | that is essentially the cut off in terms of federal regulations
- 14 on transitional housing.
- 15 | O Okay.
- 16 | A What you are describing doesn't really exist, and in some
- 17 | ways, can't, because of existing laws and regs.
- 18 0 Which laws?
- 19 A The HEARTH Act. It's an acronym, H-E-A-R-T-H.
- 20 Q What does that say to your interpretation?
- 21 | A It defines transitional housing as up to 24 months.
- 22 | O What about -- let's start with your transitional. Besides
- 23 New Directions -- well, strike that.
- 24 How many units are available in New Directions today?
- 25 | A I would need -- I depend on charts for -- there is so much

```
1
    data related to GLA that I don't have it all memorized.
 2
    sorry.
          So if I understand the master plan, that, roughly speaking
 3
    says it will be 1,200 units by 2030?
 4
          You are asking about permanent supportive housing?
 5
 6
          Yes.
 7
          Yes.
    Α
          That is six years from today?
 8
          Yes. At the end of it, yes.
          How many units of supportive housing for veterans for a
10
11
    three-year period of time are available on the West LA Campus
12
    today?
13
          I don't understand that question.
          Well, if -- say someone needs a stay for three years. How
14
15
    many such units of supportive housing, if any, are on the VA
16
    campus today?
17
          233.
    Α
18
          But they are all filled right, with a handful --
          That's right. I wasn't clear if you were asking about
19
20
    open or all.
21
          Other than that, for three years or four year or
22
    five years?
23
              That requires permanent housing.
24
          Okay. And another reason that you agree that it is
```

important, vital to end veteran homelessness, is that

```
1
    homelessness is something you think our country ought to be
 2
    aiming for all people; isn't that right?
 3
          Ending?
    Α
 4
          Yes.
 5
          Yes.
          And you agree with me, do you not, sir, that -- and I
 6
 7
    think you just told me this a few moments ago -- being an
 8
    unhoused veteran carries with it a great number of negative
    consequences, correct?
10
          Agreed.
11
          It affects the quality of life?
12
    Α
          Yes.
          How is that?
13
14
          Sorry?
          How does it affect the quality of life?
15
          Well, I would hope it's pretty self-evident. Everything
16
17
    from -- I mean, you heard a lot of it just today.
18
    struggles of being on the street, constantly being on quard,
19
    difficulty sleeping, subject to extreme temperatures, extreme
20
    weather, to dangers from other people, to having trouble
21
    keeping your possessions as we heard from Mr. Johnson.
22
    is a million ways.
23
          You heard, in addition to Mr. Johnson and Mr. Petitt,
24
    Mr. Reynolds, did you not?
25
          I did.
    Α
```

```
1 Q What you heard from those three witnesses, sir, that is
```

- 2 | not the first time you have heard that; isn't that right?
- 3 A I have not ever heard today's stories.
- 4 | Q And in your work, with the team that you work on, you
- 5 | never heard stories like that before?
- 6 A No, that's not what I'm saying. You had asked me about
- 7 | their stories.
- 8 Q That was my fault.
- 9 A To be clear, Mr. Reynolds and I have spoken many times.
- 10 | I'm familiar with his. Yes.
- 11 | Q How many times have you heard stories like the ones you
- 12 heard from Mr. Petitt and Mr. Johnson and Mr. Reynolds in --
- 13 | since you took that position in 2021?
- 14 | A Oh. Since that. I mean, I have worked with homeless
- 15 | veterans my whole career. But since 2021, dozens.
- 16 | Q Over your entire career, many, many, many times; isn't
- 17 | that right?
- 18 A That's right.
- 19 | Q And you agree that the longer you are in the state of
- 20 | homelessness, the more the negative consequences; isn't that
- 21 right?
- 22 A I agree.
- 23 Q Homeless ages a person faster?
- 24 A Agreed.
- 25 | Q Creates the debilitating effects of aging?

```
1
    Α
               Certainly -- I wouldn't -- maybe not create, but
 2
    accentuates.
 3
          And you have told me you are aware of a study that it ages
 4
    the body about ten years beyond the calendar?
          That's the number I heard earlier in my career and has
 5
    stuck with me, yes.
 6
 7
          Could be even longer, right?
 8
          I imagine it could be, yes.
 9
          And it's harder, much harder, the longer you are on the
    streets to maintain the relationships we count on to stay
10
11
    healthy and happy, right?
12
          Absolutely.
13
          That was illustrated today too, wasn't it, sir?
14
          It sure was.
15
          And to have a happy dignified life?
16
          Yes.
17
          So that probably goes to for all 3,000 unhoused veterans
18
    on the streets of LA today?
19
    Α
          Yes.
20
          And Dr. Harris, there are individuals whom you consider to
21
    be experts on the subject of homelessness, are there not?
22
          There are.
23
          Dennis Culhane is one of them?
```

And Ben Henwood?

24

25

0

I did mention him in the deposition, yes.

- 1 A Yes.
- 2 Q In fact, you have spoken with Dr. Henwood on a number of
- 3 occasions over the past couple of years?
- 4 A Yes.
- 5 Q And if Dr. Henwood were to come into this courtroom with a
- 6 | set of suggestions about what the VA ought to be doing, I take
- 7 | it you would take that very, very seriously?
- 8 A Yes.
- 9 Q You have read some of Dr. Henwood's writings?
- 10 A I don't know about writings. I have seen a presentation
- 11 | from him. I have exchanged e-mails with him. I have read some
- 12 of the methodological papers related to the USC survey.
- 13 Q And you found them impressive with respect to their
- 14 | insights and conclusions.
- 15 A I have, yes.
- 16 | Q And in fact, you made a connection between Dr. Henwood and
- 17 | John Kuhn, did you not?
- 18 A Yes. That's correct.
- 19 | Q You are obviously familiar with what has been referred to
- 20 | in this courtroom as Housing First?
- 21 A Yes.
- 22 Q And your understanding -- and you have read about Housing
- 23 First?
- 24 A Yes.
- 25 Q It's kind of the credo of the VA, is it not?

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

```
Α
     Of the homeless programs, yes.
     It's something that the VA is very proud of in terms of
the principles of the Housing First?
     We certainly believe in them, yes.
     When you hear Housing First, what is the meaning, if any,
that you attribute to the word "first"?
     The meaning of that word is essentially -- I mean, it grew
out of a response to housing that required certain conditions
to be met, particularly around substance use.
       And sometimes housing providers require participation in
treatment, for instance, before housing, so it means
essentially without precondition.
     And you strongly subscribe to that principle, do you not,
sir?
     I do. If I may add, one of the pieces of Housing First
that I think gets neglected is a core tenant is choice, and
there are people who choose to participate in treatment before
housing, who want to gain sobriety before housing. So those
are not antithetical to Housing First. And that's often
misunderstood. If a person chooses those, the model is
supportive of that.
            Turning even more deeply, sir, to the matter of
veteran homelessness, it is your understanding that veteran
homelessness can be related to the military experience; isn't
that right?
```

```
1 A Yes.
```

- 2 Q In fact, we saw illustrations of that this afternoon, did
- 3 | we not?
- 4 A We did.
- 5 | Q And again, that is not the first time you are familiar
- 6 | with that having a major impact on causing veteran
- 7 | homelessness, are you, sir? The military experience.
- 8 A What I would say here is that the causes of homelessness 9 are really complex.
- And part of what I think is unknown is precursors to
- 11 | homelessness that precede the military. I certainly agree with
- 12 | you that experiences in the military can contribute and
- 13 | contribute greatly.
- 14 Q And even if there are other experiences, the military
- 15 experience can compound those causes, can they not?
- 16 A Yes, certainly.
- 17 | Q And another one of the tenants of Housing First, revolves
- 18 on the role of case management, does it not, sir?
- 19 A Yes.
- 20 Q And could you please define for the Court what you
- 21 understand "case management" to mean?
- 22 A It's akin to supportive services. There is a wide range
- 23 of activities that can fall within case management. It's
- 24 broadly supporting an individuals needs.
- 25 | Q That is an essential part of the Housing First program; is

```
1
    that right?
 2
          It is.
 3
          It is integral to that program; is that right?
          It is.
 4
 5
          Getting unhoused persons connected with the resources they
 6
    need?
 7
          Yes.
    Α
 8
          Helping them problem solve?
          Yes.
    Α
          And again, sir, it's your experience that housing provides
10
11
    stability; is that right?
12
          It is.
    Α
13
          And it protects people from some of the potential harm
14
    from living on the streets?
15
          For much of it, yes.
          And again, sir, that is another reason why it's so urgent
16
17
    that individuals who are unhoused get that housing as rapidly
18
    as possible?
19
          Yes.
20
          In fact, it's part of the healthcare program; isn't that
21
    right?
22
          Yes.
23
          Housing is health; health is housing. Would you agree
24
    with me, sir?
25
          I think that is a fair way to put it.
```

```
1
          Okay. And the time on the streets, you are telling me,
 2
    tends to compound in terms of the mental and physical health
    impacts on veterans; isn't that right?
 3
 4
          Yes. And I would expand a little bit. I think it's both
 5
    the risks and impacts of being on the street, as well as what
 6
    you might call deferred maintenance. You know, things that --
 7
    normal preventative care isn't occurring either.
 8
          Yeah. That is a great point.
            If care is available for individuals who experience some
10
    of the things that people did during their service, that can
11
    actually prevent homelessness, can it not?
12
    Α
          Sure.
13
          In fact, that is the best way to end homelessness, is to
14
    prevent it in the first place?
15
          Yes.
16
          And to have a program that makes sure that every veteran
17
    gets what they need, so in terms of maximizing likelihood they
18
    don't end up on the streets; isn't that right?
19
          Yes.
20
          Okay. And it wouldn't be as good as that, but it's better
21
    to get to them after they have been one day on the streets as
22
    opposed to one month, or one year. Would you agree with me
23
    about that?
24
          Yeah. I think the sooner the better is safe to say.
25
          It's kind of obvious, isn't it, sir?
```

- 1 | A I think so.
- 2 Q And another part of case management is to help veterans
- 3 | sustain their housing once they have it?
- 4 A Yes.
- 5 Q And your experience is that unhoused veterans struggle
- 6 | with problem-solving; isn't that right?
- 7 A Well, they are certainly not the only ones who struggle
- 8 | with that.
- 9 Q Well, you know, you and I might struggle with it, but it
- 10 | doesn't compare to an unhoused veteran, does it, sir?
- 11 A I want to be careful not to stereotype here.
- 12 | Q All right. Well, let me modify. Many unhoused veterans
- 13 | struggle with problem-solving; isn't that true?
- 14 A What I would -- what I feel comfortable saying is that a
- 15 difficulty problem-solving can be a contributor to falling into
- 16 homelessness.
- 17 Q And remaining in homelessness?
- 18 | A Yes.
- 19 Q And veterans struggle with pretty significant obstacles
- 20 they face on the streets, do they not?
- 21 A You mean homeless veterans.
- 22 Q Yes, sir.
- 23 A Yes.
- 24 Q And things like transportation or planning or budgeting?
- 25 A Yeah. Those are common obstacles, common challenges.

```
1
          You know what SMI is?
    Q
 2
          I do.
 3
          Stands for serious mental illness?
 4
          Yes.
 5
          It's a collection of psychological disorders like
 6
    schizophrenia, bipolar disorders, severe forms of depression,
    anxiety, and other psychoses?
 7
 8
    Α
          Yes.
          Do you know what traumatic brain injury is?
10
          Yes.
11
          And PTSD?
12
    Α
          Yes.
13
          There are unhoused veterans today in Los Angeles who
14
    suffer from severe mental illness; isn't that right?
15
          Yes.
    Α
          Do you know the numbers?
16
17
          Well, I was just going to say, I can't give you that
18
    number, no.
19
    Q
          Okay.
20
          I'm assuming it to be the case, actually, in saying yes.
21
          Okay. The by-name list, does that include whether or not
22
    an individual suffers from severe mental illness?
23
          It does not.
24
          Or traumatic brain injury?
25
    Α
          No.
```

```
1
          Or PTSD?
    Q
 2
          No. Not on the by-name list.
 3
          Or schizophrenia?
 4
          No.
          Or addiction?
 5
 6
          Addiction, I don't think so, is on there either, no.
 7
          Okay.
    0
          If I may, the purpose of the information on the by-name
 8
    list is to drive referrals to different housing options and
    none of those things you just listed are common eligibility
10
11
    criteria.
12
            Of the 60 project-based units in the city, for instance,
    only two require SMI. And those are not even all of the units
13
14
    in that building.
15
            So, we collect data on many of the things you just
16
    mentioned, but they are not on the by-name list.
17
          Incidentally, there are unhoused veterans in Los Angeles
18
    who are not on the by-name list; isn't that right?
          Well, that is sort of proving a negative. I think it's
19
20
    safe to assume there are unhoused veterans we don't know about,
21
    that none of us maybe know about. But I can't tell you here is
22
    who they are, or they would be on the by-name list.
23
          You are aware that the hallmarks of SMI are psychosis,
24
    hallucination, and delusions; is that right?
25
          Those are certainly hallmarks, yes.
```

```
1
          What do you think it's like to be on the street and
 2
    experiencing psychosis, hallucinations, and delusions?
 3
               MS. WELLS: Objection. Lack of foundation. Vague.
 4
               THE COURT: Do you understand the question, sir?
               THE WITNESS: I do.
 5
               THE COURT: You can answer it. Overruled.
 6
 7
               THE WITNESS: I think it would be terrifying.
    BY MR. ROSENBAUM:
 8
 9
          When you had your discussions with the Secretary, did you
    ever say, in sum or substance, there are individuals on our
10
11
    streets for which we need more resources who are suffering from
12
    psychosis, hallucinations, and delusions?
13
    Α
          No.
          Okay. Do you know if anybody from the VA has ever said
14
15
    that to the Secretary? Anyone from the VA in Los Angeles?
16
          I don't have evidence of that, no.
17
          And the hallmark of bipolar disorder is, among other
18
    things, an ability to modulate, right?
          Modulate emotions, is that what you mean?
19
20
    Q
          Yes, sir.
21
          Yes.
22
          And severe depression?
23
          Can be, yes.
24
          Can be so difficult it's even hard to get off the ground;
25
    isn't that right?
```

```
1 A Severe depression certainly is that, yes.
```

- 2 Q You heard some of that today, did you not, sir?
- 3 A Well, I didn't actually. I may have missed that
- 4 | particular piece. I certainly heard a couple of very painful
- 5 histories.
- 6 Q What do you think it's like to be on the streets and not
- 7 | be able to modulate one's behavior?
- 8 A Very distressing.
- 9 Q Words don't really do it justice, do they?
- 10 A No. Didn't sound like it when I said it.
- 11 | Q When you speak -- you told me you have spoken to -- I
- 12 don't want to misrepresent it, so please correct me if I'm
- 13 | wrong -- dozens of unhoused veterans in Los Angeles?
- 14 | A You had asked me about stories I had heard, and I was
- 15 | saying I have heard dozens of stories.
- 16 | Q What is it like to listen to those stories?
- 17 A It's really painful. It's emotional.
- 18 Q Has there ever been any discussion about having -- you are
- 19 aware that in Congress there is a House Veterans Committee, and
- 20 a Senate Veterans Committee?
- 21 A I have testified to both.
- 22 | Q In fact, the candidate for vice president, the democratic
- 23 party, he served on the senate veterans committee, did he not,
- 24 | sir?
- 25 A Was he a senator?

```
1 | Q House committee, I'm sorry.
```

- 2 A I don't know his -- congressional history, but I do think
- 3 | I saw that somewhere.
- 4 | Q Okay. Has there ever been any talk here in Los Angeles
- 5 | about saying we ought to seek a hearing in front of the House
- 6 or the Senate committee and bring forward what we're hearing on
- 7 | the streets here, in terms of what those experiences are like?
- 8 A So, in my capacity, it's been made pretty clear to me that
- 9 | it would be outside our role or scope to be suggesting to
- 10 | Congress what they ought to focus their hearings on.
- 11 | Q Well, the VA -- there is a committee or a group that you
- 12 can go to if you want to make certain presentations to
- 13 | Congress. Isn't that available to the VA?
- 14 | A I'm not aware of that, no. Congress invites us to such
- 15 hearings.
- 16 | Q Secretary of the VA is on -- is part of the president's
- 17 | cabinet?
- 18 | A Yes.
- 19 Q With TBI, it's your understanding, is it not, that what
- 20 | that entails is damage to the frontal cortex?
- 21 A Yes.
- 22 Q What is that like?
- 23 A Well, that affects some of the things we have been talking
- 24 about. It effects planning, various executive functions, it
- 25 also affects management of moods or modulation of mood, like we

```
1 | talked about a moment ago.
```

- 2 Q Planning and decision-making as well?
- 3 A Yes.
- 4 Q You told me a little bit ago that you have been involved
- 5 on the issue of AMI that we have talked about in this
- 6 | courtroom?
- 7 A Extensively.
- 8 Q Beginning when?
- 9 A Well, I don't recall exactly when. Probably early 2022,
- 10 | maybe late 2021.
- 11 | Q And this has been one of your principal projects; is that
- 12 right?
- 13 A The most principal project. I have spent much of my life
- 14 | for the past year and a half plus on this issue, yes.
- 15 | Q And you have made presentations in front of the
- 16 | interagency committee we talked about?
- 17 A I did one such presentation, yes.
- 18 Q Okay. And have you spoken to the Secretary about this?
- 19 A Yes.
- 20 | Q Your position is that what Mr. Johnson, Mr. Petitt said,
- 21 | isn't it, that disability compensation has no place in
- 22 determining income? Isn't that your position, sir?
- 23 A Not exactly.
- 24 Q Well, why do you correct me?
- 25 A I'm not positive those two gentlemen would agree with me

```
1
    on this, but the position I landed at after a lot of research
 2
    and talking with a lot of people, was that disability benefits
    had no place in determining eligibility for housing.
 3
 4
          Okay.
    0
 5
          But that it was appropriate for it to have a role in
    determining a tenant's portion of rent, and so it's a little
 6
 7
    different I think from what you were saying.
 8
          Okay. How many persons -- have you ever spoken to anyone
    in the VA who disagrees with that position?
10
          No.
11
          That's all the way up to the Secretary?
12
    Α
          Yes.
13
          And this position, sir, as far as you know has been held
    by the Secretary at least since you got started in 2021?
14
15
          Well, I certainly want to be careful to not speak for the
16
    Secretary.
17
            What I -- having said that I'm going to now speak for
18
    the Secretary and just say that his stance consistently has
19
    been to defer to HUD and Treasury, and their respective counsel
20
    because literally all of the laws governing this issue are
    theirs.
21
22
          But his personal position is that in agreement with you,
23
    in terms of appropriate necessary; isn't that right?
24
          He -- yes. He agreed with me on the solution I just
```

25

described where I landed.

```
1
            Where we differed is, I advocated all along that I
 2
    thought HUD could take administrative action on this issue.
 3
    I'll just finish that thought. And he, and I think the agency
 4
    as a whole, deferred to HUD and HUD's stance was that they
    could not do that until recently.
 5
 6
          Until after this Court made a ruling, isn't that right, in
 7
    terms of the time?
          I was not part of their internal deliberations, it's quite
 8
    possible they reached that position before the Court ruling.
10
          You weren't aware of them having reached that decision
11
    prior to the Court ruling, were you, sir?
12
          That's correct.
13
          You are not aware of the VA ever making a legislative
    proposal to obtain from Congress specific authorization to
14
15
    construct and develop permanent supportive housing; isn't that
16
    right?
17
          That's correct.
18
          Returning to AMI for a moment, when you made that
19
    proposal, who was in the room?
20
    Α
          Which proposal?
21
          The proposal -- you made a presentation, a PowerPoint,
22
    about the AMI?
23
          I've made many.
24
          Okay. When would you make your most recent one? You know
25
    what, that is a very unclear question, I apologize.
```

```
1
            You told us you made a presentation to this interagency
 2
    committee, correct?
          That's right.
 3
 4
          Okay, I'm sorry, I was unclear.
                   And what date was that?
 5
          I had said it roughly June of 2023.
 6
    Α
 7
          Over a year ago?
 8
          Yes. That was not the last presentation I gave on this.
    I actually don't recall when the last time -- I have presented
10
    in public on this issue probably five or six times.
11
          Okay. At the June 23 meeting who was present -- first of
12
    all, what offices or agencies were present?
13
          I might not be able to list them all, the council I think
14
    has upwards of 20 agencies as members. And I'd have to see a
15
    roll call for it, but certainly HUD, HHS, probably Social
16
    Security and Labor, Education, I don't know, though, I would
17
    need to see minutes or something.
18
          The White House was there too, right?
19
          Yes, sorry.
20
          What was the White House's position?
21
          With respect to?
22
          You were making a proposal that you just described to us
23
    that said, look, in terms of eligibility for housing,
24
    disability compensation should not be included in the income
25
    calculation; isn't that right?
```

```
1
          Not exactly. I want to clarify what my purpose was in
 2
    presenting at that meeting.
            One of the primary agenda topics at that meeting was
 3
 4
    this issue that is broadly called the AMI issue.
 5
          Okay.
 6
          I was asked to essentially tee up the council discussion
 7
    and so I approached that by providing both some brief summary
 8
    data that I had compiled here in Los Angeles, and summarized
    the proposals that had been made to date to resolve this, and
    summarize the agency positions as they had been shared with us
10
11
    to date.
12
            So, I wasn't there to propose this fix. It was more to
    tee up the council's discussion and deliberation.
13
14
          Did you express the VA position as you discussed it with
    me this afternoon?
15
          I did. There is a slide where I said something to the
16
    effect VA has proposed A and B.
17
18
          Incidentally there a large number of --
19
                        (Reporter Clarification.)
20
               THE WITNESS: A and B. Just without having the
21
    slide, yeah, we had made a couple of proposals.
22
    BY MR. ROSENBAUM:
23
          You told me during the deposition that there is a large
24
    number of HUD-VASH project-based units in Los Angeles, that are
25
    set at 30 percent AMI; isn't that right?
```

```
1
          That's right.
    Α
 2
          Of 46 buildings operating, 38 either had some or all of
    their units set at 30 percent AMI; isn't that right?
 3
 4
          That was my understanding at the time. The numbers have
    changed a bit. There are now 60 active project-based buildings
 5
 6
    and I don't remember the number, but the percentage is that
 7
    70 percent of them have either some or all of their units
 8
    capped at 30 percent of AMI.
          Okay.
          So it's still a lot.
10
11
          So just for 30 percent AMI, a 100 percent
12
    service-connected veteran isn't going to qualify for a
    30 percent AMI unit; isn't that right?
13
14
          That's right.
15
          Now getting back to that meeting. Did the White House
    have a response when these recommendations -- when you went
16
17
    through what you were teeing up?
18
          I actually don't recall if the White House had a response
19
    to what was teed up. Our secretary did.
20
            I know -- I truly don't recall if the White House had a
21
    response to what I presented.
22
          And did you talk to the Secretary after the presentation?
23
          No.
24
          Did you have subsequent communications with the Secretary
```

25

after your presentation?

```
1
          Not any private communications. But in subsequent
 2
    meetings where I was speaking on this issue, we spoke about it,
 3
    yes.
 4
          Did you -- and this is what we call a compound question.
 5
    If you want me to separate it I will.
                   Did you or anyone from the VA say to the
 6
 7
    Secretary, "We ought to find out what the White House thinks
    about this"?
 8
          I certainly did not. I don't know if anyone else did.
10
          Just to deepen a little bit here, you are on record as
11
    saying that when a veteran's disability benefits disqualifies
12
    him or her from eligibility for permanent supportive housing,
13
    that's what strikes you as unfair; isn't that right?
14
          Yes.
15
          In fact, your position is beyond these disability benefits
    being -- that are provided to the veterans, they're based on
16
17
    injuries incurred in service to our country, that alone strikes
18
    you as unfair, that is part of your position; isn't that right,
19
    sir?
20
          Yes, it is.
21
          And then you -- also it's part of your position that it
22
    has made more unfair when you think about the fact that
23
    veterans -- that the veterans we're talking about have no
24
    choice as to whether or not they were in the military.
25
                   That is another part of your reasoning; is it
```

```
1
    not, sir?
 2
          Yes.
 3
          So their injuries -- strike that.
 4
            Another part of your position is their injuries are
 5
    essentially in some ways the reason that they are not eligible
 6
    for homeless housing; isn't that part of your position as well?
 7
          Yes.
    Α
          That strikes you as totally irrational, doesn't it not,
 8
    sir?
          And unfair, primarily, yes.
10
11
          They didn't sign up for their injuries; isn't that right,
12
    sir?
13
          That's right.
14
          You think that's a good way of putting it?
15
          I do.
    Α
16
          And to your knowledge Dr. Braverman agrees with that?
17
    Α
          Yes.
18
          And you have never heard John Kuhn disagree with that?
19
          Correct.
20
          And, again, I think you told me this, but bear with me
21
    here. It's your understanding that Secretary McDonough's
22
    position is that he'd like to see a solution where severely
23
    disabled veterans are not being disqualified for permanent
24
    supportive housing units based on their disability; isn't that
25
    right?
```

```
1
                 In fact, if I can expand on that for a second.
    Α
 2
            When I said our Secretary did respond to my
 3
    presentation, his response was to turn the attention to HUD and
    Treasury and say basically, "Have you fixed this?" Because the
 4
    understanding coming into that meeting was that those two
 5
 6
    agencies would have spent time developing a fix and there was
 7
    not a formal fix on the table or Secretary was not entirely
 8
    pleased with that. And so, yes, I say all of that just to say
    he agrees, too.
10
          Yeah, I want to drill down on that in a moment.
11
            At the end of that July 2023 meeting, that's the meeting
12
    we're talking about; is that right?
13
          Yeah, I can't remember if it was June or July.
14
          Yeah. We're talking about the same meeting, right?
15
          Yes, it sounds like it.
16
          Over a year ago?
17
    Α
          Yes.
18
          At the end of that meeting it was your understanding that
19
    HUD and Treasury would put their heads together and come up
20
    with something; isn't that right?
21
          Yes.
22
          HUD had taken a position that it didn't have any authority
23
    to change that policy; isn't that right?
24
          Basically, yes.
25
          And then at the next meeting HUD came back with nothing;
```

```
1
    isn't that right?
 2
          I may not have been present for the next meeting, so I
    can't speak to that.
 3
 4
          Well, you are aware that HUD and Treasury said -- I think
    you just told me a moment ago, that they would bring solutions
 5
    to a meeting; isn't that right?
 6
 7
          That was my impression of the meeting I attended.
          And, in fact, they did not; isn't that right?
 8
          They had been meeting, they had been discussing, they had
    not arrived at a solution.
10
11
            What subsequently came out was a legislative proposal
12
    from Treasury, that would address the LYTEC program
13
    specifically.
14
          Let me go back a moment though.
15
            Your understanding was that HUD and Treasury would put
    their heads together and they would come back with something;
16
17
    isn't that right?
          I'm not sure if you're talking about what -- my
18
19
    understanding preceding the meeting I attended?
20
    Q
          Yes.
21
          Yes. That was my understanding.
22
          The Secretary of the VA was not pleased when they did not;
23
    isn't that right?
24
          He had hoped for a solution, as we all had.
```

Okay. And the legislative proposal, has that actually

25

```
1
    been presented in Congress so far as you know?
 2
          I'm not positive about that. Congress has proposed its
 3
    own fix to this. There have been a couple of different bills
 4
    introduced addressing this problem.
          Have any of them passed Congress, as far as you know?
 5
 6
          No, they have not.
 7
          Have any of them got out of committee?
 8
         Not to my knowledge.
    Q
          Okay.
               MR. ROSENBAUM: Your Honor, I don't know how long
10
11
    you want to go today. This is a good point for me.
12
               THE COURT: Anytime you'd like to break or as long
13
    as you'd like to go.
            In other words, you control the timing. It's 5:30,
14
15
    whatever you'd like.
16
               MR. ROSENBAUM: Let's take a break here, please.
17
               MR. DU: Your Honor, before we break there is one
18
    housekeeping matter I would like to address with the Court.
            We have a witness issue that I think we're close to
19
20
    resolving, but counsel for SafetyPark has requested to be heard
21
    on the issue, and is requesting to be heard tomorrow morning if
22
    the Court is available to discuss.
23
               THE COURT: Now the mystery deepens. What's the
24
    issue? I haven't seen SafetyPark's counsel up to this time so
25
    they're always welcome.
```

```
1
               MR. DU:
                       We haven't either, Your Honor.
 2
    SafetyPark's counsel --
 3
               THE COURT: Is there a mass concern occurring out
 4
    there or what is going on?
 5
                        They refused to accept the subpoena on
    behalf of the witness, contrary to our understanding, and would
 6
 7
    like to be heard on the issue, though the parties would like to
 8
    use a deposition at this point, but.
 9
               THE COURT:
                           Just a moment. Who's the witness?
                        Barbara Davis.
10
               MR. DU:
11
               THE COURT: And who is Barbara Davis?
12
               MR. DU:
                       She is -- I forget her title at SafetyPark.
13
    The general administrator at SafetyPark.
14
               THE COURT: And did you serve a subpoena on her?
15
                       We initially served the subpoena on her
16
    counsel, when we -- about three to four ago, we found her back
    this week.
17
18
               THE COURT:
                           You found her what?
                        We served her counsel three to four weeks
19
               MR. DU:
20
    ago, and her counsel -- we've been updating her counsel on when
21
    we expected her to testify, and her counsel just informed us
22
    two days ago that he was not willing to accept the subpoena.
23
               THE COURT: He was now willing to accept --
24
               MR. DU: Not willing to accept.
25
               THE COURT: Not willing to accept it.
```

```
1
               MR. DU:
                       So we went ahead and served her personally
 2
    again yesterday.
 3
               THE COURT: So she's been served personally? You
 4
    might, as a courtesy, regardless of my hearings and the input I
    get, have her present. It will save time. And if I sustain
 5
 6
    the objection, she won't be testifying. She may be
 7
    unavailable, I'm not sure, but what I don't want to do is if I
    rule that she is testifying, I don't want to waste time and get
 8
    her here.
10
            So would you pay counsel that courtesy.
11
               MR. DU:
                       I will let him know. But he's telling me
12
    he's not accepting the subpoena and would like the Court to
13
    hear what he has to say tomorrow morning.
14
               THE COURT: It's not his choice. If you personally
15
    served that person, that person will be here.
16
            Now, if you'd like, I've got a way to get them here very
17
    quickly. I don't think you want my marshals journeying forth.
18
    That person will be here.
19
            Now, I don't want to use you as the messenger, but that
20
    person will be here.
21
               MR. DU: I will let counsel know, Your Honor.
22
               THE COURT: Let them know there's two ways to get
23
    them here: Courteously or in a swift ride in a car.
24
               MR. DU: Yes, Your Honor.
25
               THE COURT: Am I clear?
```

```
1
                       Crystal clear. I will --
               MR. DU:
 2
               THE COURT: Convey that to counsel. If you can be
 3
    of any help, I don't think you can, because SafetyPark's really
 4
    not, but let me say this gently, I'm not kidding.
            So 8 o'clock tomorrow.
 5
               MR. ROSENBAUM: 8 o'clock.
 6
 7
               THE COURT: Thank you very much. Thank you.
 8
                  By the way, if you served the agency, just the
 9
    agency, that is a different matter, but when you personally
10
    serve that person, I expect that person here as a courtesy,
11
    regardless of my ruling, may not be testimony, I don't know.
12
            Let her counsel know we start promptly at 8 o'clock in
13
    the morning. Thank you.
            Also, produce that -- counsel, if that person is not
14
15
    here, and I rule against counsel, produce that subpoena.
16
                       There are two subpoenas that we issued, one
    was to counsel, one was personally served. We'll bring both,
17
18
    Your Honor.
19
               THE COURT: I'm not interested in counsel, as much
20
    as I am to personal. You make sure it's valid, because if I do
21
    take action, I need to make certain it's a valid subpoena.
22
               MR. DU: Yes, Your Honor.
23
                 (The proceedings concluded at 5:26 p.m.)
24
25
```

```
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: 23rd 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
```

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