S267453

IN THE SUPREME COURT OF CALIFORNIA

BETTY TANSAVATDI,
Plaintiff and Respondent,

v.

CITY OF RANCHO PALOS VERDES,
Defendant and Petitioner.

Review of a Decision by the Court of Appeal,
Second Appellate District, Division Four, Case No. B293670
Los Angeles Superior Court Case No. BC633651 c/w BC652435

RESPONDENT BETTY TANSAVATDI'S ANSWER TO AMICUS CURIAE BRIEFS

MARDIROSSIAN AKARAGIAN LLP
GARO MARDIROSSIAN (SBN 101812)
*ARMEN AKARAGIAN (SBN 242303)
ADAM FEIT (SBN 267965)
6311 Wilshire Boulevard
Los Angeles, California 90048-5001
Telephone (323) 653-6311
garo@garolaw.com
armen@garolaw.com
adam@garolaw.com

THE LINDE LAW FIRM
DOUGLAS A. LINDE (SBN 217584)
ERICA A. GONZALES (SBN 234922)
6701 Center Drive, Suite 610
Los Angeles, California 90045
Telephone (310) 203-9333
dal@linde.law
eag@linde.law

ESNER, CHANG & BOYER
HOLLY N. BOYER (SBN 221788)
SHEA S. MURPHY (SBN 255554)
234 East Colorado Boulevard, Suite 975
Pasadena, California 91101
Telephone (626) 535-9860
hboyer@ecbappeal.com
smurphy@ecbappeal.com
ATTORNEYS FOR PLAINTIFF AND RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

I. INTRODUCTION

Nowhere do the Amicus Curiae Briefs argue that the legislature never intended for a public entity to be completely immune from suit merely because an improvement is constructed in accordance with an approved plan or design. In fact, the Department of Transportation readily acknowledges that this Court, through *Cameron v. State of California* (1972) 7 Cal.3d 318, resolved the issue presented here in favor of Plaintiff Betty Tansavatdi (hereinafter "Plaintiff"). The Department of Transportation states on page 12 of its brief: "The Court [*Cameron*] went on to state, however, that if the superelevation were part of the plans and covered by the design immunity, the public entity may still be liable for an independent, separate, concurring cause of the accident." (Id. at p. 329). Rather than accept this to be the law of this state for more than 40 years, the Department of Transportation tries to water down this holding by claiming it is "dicta."

Since at least 1963, public entities in this state have had an obligation to warn of a concealed dangerous condition even if they enjoyed design immunity under section 830.6. The Appellate Court below correctly found this to be the holding in *Cameron* and correctly applied it to the issue presented here. This Court should reaffirm *Cameron*, affirm the Opinion below, and continue to follow the legislative intent when it adopted sections 830.6 and 830.8.

II. LEGAL ARGUMENT

A. The Government Claims Act, Including Government Code Section 835, Supports Plaintiff's Position Making a Public Entity Liable for Failure to Warn Even if It Enjoys Design Immunity.

Section 835 provides that a public entity may be liable under certain circumstances for injuries caused by a dangerous condition of its property. Specifically, "[s]ection 835 provides that a public entity may be held liable for such injuries 'if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, [and] that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred.' In addition, the plaintiff must establish that either: (a) '[a] negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition,' or (b) '[t]he public entity had . . . notice of the dangerous condition . . . a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.' [Citation.]" (*Cordova v. City of Los Angeles* (2015) 61 Cal.4th 1099, 1105.)

Thus, as can be seen from this language, section 835 establishes two distinct alternate duties and grounds for liability. Under subdivision (a), the public entity owes what amounts to a general duty of care for dangerous conditions, becoming liable where the entity wrongfully or negligently creates a dangerous

condition, i.e., engages in "active negligence." Under subdivision (b), the public entity owes an affirmative duty of care, becoming liable where it has notice of a dangerous condition but fails to take measure to "protect against" it, i.e., "passive negligence."

Section 830.6, design immunity, provides a defense to liability under section 835. Section 830.8, the trap exception, in turn provides an exception to the defense of design immunity. Sections 830.6 (design immunity) and 830.8 (trap exception) are part of the comprehensive legislation adopted in 1963, the Government Claims Act, which provides for direct liability on the part of the public entities for injuries caused by dangerous conditions. It is clear that section 830.6 (design immunity) limits liability for an injury caused by an improvement constructed according to an approved plan or design. But when adopting section 830.6, the legislature never intended, as claimed by the Amicus Briefs, for the public entity to be forever immune when the improvement, as used by the public, is dangerous, defective, or a trap for the unwary.

The legislature – in enacting both sections 830.6 and 830.8 simultaneously (and in subsequent amendment discussed further herein) – went out of its way to point out that design immunity is not absolute.[1] The determination of whether to place warning signs is ordinarily part of any plan for highway improvement, and if section 830.6 confers immunity for plan and design forever and without regard to actual interaction of the public with the

[1] See, e.g., section 831 (weather conditions) and 831.8 (reservoirs, canals, conduits and drains). Both provide exceptions to immunity in limited circumstances.

roadway design, the limitation on the immunity granted by section 830.8 for traps for the unwary would be pointless and misleading. In fact, if one were to adopt the Department of Transportation's view, then a public entity would never have to warn of a dangerous condition even if it were not apparent to a person who was using the property with due care. (See, Brief, at p. 7.)

Through section 830.8 (trap exception), the legislature recognized that there can be liability for failure to place warning signs. The Court's decision in *Cameron, supra,* 7 Cal.3d 318, properly reconciled sections 830.6 and 830.8.

The plaintiffs in *Cameron* sustained injury when they lost control of their car on a highway. Their complaint alleged that the injuries were caused by a dangerous condition on the highway, namely uneven banking, also referred to as "superelevation," on a curve in the road. (*Id.* at p. 323.) The state countered that the uneven banking "was part of a duly approved design or plan of the highway." (*Id.* at p. 324.) This Court reversed the trial court's entry of a judgment of nonsuit in favor of the state, finding that the state had failed to meet its burden of establishing all the elements of design immunity as a matter of law, given evidence that the superelevation did not appear in the plan. (*Id.* at p. 326.)

This Court then considered a second issue raised in the plaintiff's petition: "2. The settlement of the important question of law revolving about the scope and application of Government Code Section 830.6 in light of the 'trap exception' of Government

Code Section 830.8." (Plaintiff's Motion for Judicial Notice ["MJN"], Exhibit 3, Appellant's Petition in *Cameron*, at p. 2.) The very same issue is now before this Court.

This Court then resolved that issue raised by Cameron in Cameron's favor and held (not just mentioned in dicta as claimed by the Department of Transportation) that the state's failure to warn of a dangerous condition was an independent, separate concurring cause of the accident. (*Cameron, supra,* 7 Cal.3d at p. 329.) Such was because the driver entering the curve in question at a lawful speed and exercising due care was unable to perceive the uneven superelevation; that the superelevation would trap the driver into thinking the curve would continue to the left, while in fact it continues to the right; that the driver, too late to remedy the situation, would discover himself going too fast; and that warning signs, indicating the proper speed to negotiate the curve, if obeyed by the driver, would eliminate the dangerousness from the condition of uneven superelevation. (*Id.* at p. 327.)

The affirmative duty of care under section 835's subdivision (b) that gives rise to the duty to warn is wholly distinct from the standard duty of care under subdivision (a). (*Cameron, supra,* 7 Cal. 3d at p. 327.) Active and passive forms of negligence identified in section 835 are two independent theories of liability. Although "'[t]here may be two concurring, proximate causes of an accident . . . these separate, concurring causes may be produced by a single defendant, who is guilty of an affirmatively negligent act and of a passively negligent omission . . . .'" (*Cameron, supra,* 7 Cal.3d at p. 328.)

Cameron then explained that the affirmative duty for passive negligence identified in subdivision (b) is always present whether or not the dangerous condition was a product of active negligence under subdivision (a). *Cameron, supra,* 7 Cal.3d at p. 328, held that "[r]egardless of the availability of (an) active negligence theory (creating a danger), plaintiffs (are) entitled to go before a jury on (a) passive negligence theory, i.e., an accident caused by the (entity's) failure to warn the public against (the) danger known to it but not apparent to a reasonably careful . . . user." (*Cameron, supra,* 7 Cal.3d at p. 328.)

When finding for Cameron, the Court distinguished design immunity (superelevation of the roadway) from negligence in failing to warn of a dangerous curve and posting of the safe speed. (*Cameron, supra,* 7 Cal. 3d 318.) The Court concluded that "if there had been proper warning of a dangerous curve and posting of the safe speed, the dangerous condition of the highway would have been effectually neutralized. The state's failure to so warn was an independent, separate concurring cause of the accident." (*Ibid.*)

There are certain hazardous conditions independent of a design, which create a concealed trap for reasonable roadway users, thus requiring a warning. The state in *Cameron* could be simultaneously immune for a curve that caused cars to escape the roadway, and liable for the failure to post a sign as to a safe speed to navigate the curve, even if it had considered the dangerous features of the curve as part of the design.

This makes sense because, notwithstanding competent design pursuant to approved plans, roadway dangers may persist independent of the design. For example, it may be reasonable that a public entity does not need to install guardrails throughout hundreds of miles of unpredictably winding mountain roads, but that does not mean that the unpredictably winding mountain roadway is safe or that there is no obligation to warn motorists of the conditions they are about to encounter. Further examples include blind curves (i.e., a curve on a roadway in which drivers cannot see approaching traffic) or ice forming on bridges. The design may be reasonable, but without a warning, the roadway user may not visibly appreciate the risk and slow down. Without the trap exception of section 830.8, the public entity has insufficient incentive to warn the public about a concealed danger and would have no obligation to place signs on the roadway warning motorists of the impending, but unapparent, danger.

The language of section 830.6 (design immunity) limits its immunity to injuries caused by a plan or design only. To extend the section to grant a general immunity for an injury caused by all conditions of the actual improvement would require going beyond the scope of design immunity intended by the legislature. It would also result in less warnings, less safe roadways, and a gross unfairness to those individuals injured by the condition of the property. The Amicus Curiaes' position, if adopted by this Court, would also negate the exceptions to immunity for the effects of weather in section 831 and the exceptions to immunity for children in canals in section 831.8.

B. The Legislative History Establishes That a Public Entity Remains Liable For its Failure to Warn Even if It Gets Design Immunity.

In response to *Cameron*, numerous bodies, including the Joint Committee on Tort Liability, the Department of Transportation, and the California Attorney General urged the legislature to revise the design immunity statute (section 830.6) to legislatively eliminate the holding in *Cameron*. The legislature refused.

Section 830.6 was originally enacted in 1963. In 1978, approximately six years after *Cameron* was decided, the legislature considered making changes to section 830.6 in light of this Court's holdings in *Cameron* and *Baldwin v. State of California* (1972) 6 Cal.3d 424. As a result, the Attorney General expressly urged the legislature to add language to the statute to overrule this Court's holding in *Cameron*. (See Appellant's MJN, Exhibit 2, DOJ Letter, September 12, 1978.)

In support of its position, the Attorney General argued "A further inroad to design immunity is contained in the concept of liability for failing to warn of a dangerous condition . . . While an entity may be immune for the existence of a dangerous condition of property, a court may still hold the entity liable for failure to post warning signs regarding that condition. This result seems contrary to the legislative history of the dangerous condition sections and the design immunity. It is recommended that the 'design immunity' of governmental entities be restored . . . [to] overcome the erosion of Baldwin and Cameron. This might be

accomplished by adding the following language to existing statutes: 'The immunity created by Government Code section 830.6 shall not be made inapplicable by the passage of time, changed physical conditions, or other changed circumstances. If it is established that the public entity is immune from liability for a dangerous condition, there shall be no liability imposed on a public entity for the failure to warn of that dangerous condition.'" (See MJN, Exhibit 2, DOJ Letter, September 12, 1978.) Despite the urging of the State Attorney General, the legislature rejected the invitation to overturn *Cameron*. (See Historical and Statutory Notes, Gov. Code, § 830.6.)

Similarly, through a 1978 Staff Report prepared by the Joint Committee on Tort Liability, the Joint Committee urged the legislature to abrogate *Cameron* when making its revisions to section 830.6. As did the Attorney General, the Joint Committee complained that subsequent to the enactment of section 830.6, case law including *Baldwin* and *Cameron* had "carved out several exceptions" to design immunity. (Appellant's MJN, Exhibit 1, 1978 Staff Report.) The Committee also recognized that since *Cameron* "a public entity may be liable for failure to provide warning signs if such were necessary to warn of a dangerous condition not reasonably apparent nor anticipated by a person using the highway with due care . . . even though design immunity may have been applicable, since the failure to warn was an independent basis for recovery." The Committee then strongly recommended "that Government Code Section 830.6 be reenacted, affirming the Legislative intent to provide immunity

for design. A statement in the Legislation should provide that its purpose is to reenact section 830.6, obviating the holding in Cameron." (MJN, Exhibit 1, 1978 Staff Report.)

Despite the urging of numerous bodies, the legislature refused to obviate *Cameron*, only amending section 830.6 in ways that did not affect the holding of *Cameron*, or the trap exception of section 830.8.

In addition to the legislature's refusal to obviate or contradict *Cameron*, the statutory language of section 831 also demonstrates that the legislature contemplated that section 830.6 (design immunity) would not eternally immunize public entities for dangerous conditions under section 830.8. Section 831 provides that a public entity shall not be liable for injury caused by the "effect on the use of streets and highways of weather conditions as such." (Gov. Code, § 831.) However, the section also states that "Nothing in this section exonerates a public entity or public employee from liability for injury proximately caused by such effect if it would not be reasonably apparent to, and would not be anticipated by, a person exercising due care. For purposes of this section, the effect on the use of streets and highways of weather conditions includes the effect of fog, wind, rain, flood, ice or snow but does not include physical damage to or deterioration of streets and highways resulting from weather conditions." (Gov. Code, § 831.)

Streets and highways are ordinarily planned and approved by public entities, and the plans ordinarily specify the materials to be used in the improvements. In enacting section 831

simultaneously with the design immunity section in 1963, the legislature must have contemplated that there could be liability for failure to maintain planned streets and highways free from defects under section 835 and that the immunity conferred by section 830.6 for planned improvements would not forever preclude such liability.

Similarly, section 831.8 (granting immunity with respect to reservoirs, canals, conduits, and drains) contains an exception to the immunity for persons under the age of 12 where certain conditions are met. (Gov. Code, § 831.8.) Unplanned, undesigned and unapproved reservoirs, canals, conduits, and drains are so rare, if not entirely nonexistent, that it would be unreasonable to assume that the exception to immunity in section 831.8 is only applicable to such improvements, and the legislature must have contemplated that liability for dangerous conditions under section 835 could extend to planned improvements of the kind named in section 831.8 and that section 830.6 did not forever preclude such liability.

Design immunity is just one part of an integrated plan for allocating risks and costs caused by a condition of public property. To alter one element of that plan would cause disruption of the entire plan. Reading the immunity statutes as a whole, the trap exception of section 830.8 is not somehow cancelled by the design immunity of section 830.6. *Cameron* and the Court of Appeal in this case, correctly interpreted the law and is consistent with what the legislature intended when it enacted sections 830.6 and 830.8 in 1963.

C. *Weinstein, Compton*, and *Thompson* are Not Persuasive nor Should They Be Relevant to the Court's Determination Here.

The Department of Transportation's Amicus Briefs relies on *Weinstein v. Department of Transportation* (2006) 139 Cal.App.4th 52, *Compton v. City of Santee* (1993) 12 Cal.App.4th 591, and *Thompson v. City of Glendale* (1976) 61 Cal.App.3d 378.

In *Weinstein*, the plaintiffs were injured when another car crossed the median and struck their vehicle head on. (*Weinstein, supra,* 139 Cal.App.4th at p. 54.) The plaintiffs contended that the design of the roadway was inadequate to prevent cross-over accidents. (*Id.* at p. 55.) Design immunity applied because the state's independent traffic engineering expert, Edward Ruzak, submitted a declaration confirming that the absence of a median barrier, shoulder width, and horizontal alignment of the roadway were all aspects of the design as planned and built. (*Id.* at p. 58.) (Mr. Ruzak submitted a declaration in this action in opposition to the City's motion for summary judgment.) The plaintiffs in *Weinstein* contended that failure to post a warning about an upcoming lane drop was an independent basis for liability. (*Id.* at p. 61.) The *Weinstein* court distinguished *Cameron* as "involv[ing] the failure to warn of a *hidden dangerous condition* that was not part of the approved design of the highway" since the danger in *Weinstein* was not hidden and was quite obvious. (*Ibid.*, emphasis added.)

The Department of Transportation gives *Weinstein* greater credence than warranted. It does not negate section 830.8 (trap

exception) and, further, it recognizes the importance of *Cameron* that liability remains, notwithstanding design immunity, for failure to warn of a "hidden dangerous condition." (*Weinstein*, *supra,* 139 Cal.App.4th at 61.) Even the Court of Appeal in the instant matter described the City of Rancho Palos Verdes's reliance on *Weinstein* as "mistaken," and correctly applied *Cameron's* logic that "design immunity for a dangerous condition would not necessarily shield the state from liability for a failure to warn of the same dangerous condition."

In *Compton*, the plaintiffs claimed that a "trap" was created by a bridge's "cresting" and a horizontal curve which purportedly created a sight restriction. The City of Santee moved for summary judgment arguing the bridge was not a dangerous condition of public property as a matter of law, the City of Santee did not have notice of the allegedly dangerous condition of the bridge, and it was immune from liability pursuant to the provisions of section 830.6.

The trial court granted the motion on the immunity ground, concluding the City was protected by the design immunity provision of section 830.6. (*Compton, supra,* 12 Cal.App.4th at p. 595.) Compton appealed contending the trial court erred in granting the motion, arguing a genuine issue of material fact existed as to whether the design immunity was lost based on the City's "notice of changed circumstances." While the appellate court did briefly analyze section 830.8, it believed that since the plaintiff had not shown that the City had notice of a

dangerous condition, an analysis under 830.8 was not necessary in the first place. (*Id.* at p. 600.)

The Department of Transportation also cites to *Thompson v. City of Glendale* (1976) 61 Cal.App.3d 378, a case which did not include a failure to warn claim. In *Thompson*, the plaintiff suffered injuries on a public stairway. The plaintiff alleged that the combination of walkway ramp, stairway, and center handrail were hazardous and caused the accident, and that these conditions did not comply with requirements of the Uniform Building Code (a position rejected by both the trial and appellate courts). *Id.* at 386. The Court in *Thompson* properly held that the plaintiff's theory of liability did not include a claim that the injury was caused by negligence independent of the design of the stairway and handrail, or failure to warn of that condition. *Id.* at 387. Here, however, the instant matter does involve a dangerous condition separate and independent from the approved design.

Weinstein, *Compton,* and *Thompson* should not be relevant to this Court's analysis here nor are they persuasive authority.

D. The Department of Transportation Fails to Recognize That the Issue Before This Court Is Purely a Legal Issue.

The issue presented in this appeal is purely a legal issue. The City of Rancho Palos Verdes below did not raise any factual issue regarding the adequacy of any signage, or that its plan or design included warnings or signs for the dangerous condition created by the termination of the bike lane. In fact, the City of Palos Verdes only raised the issue of design immunity as it

applies to a failure to warn in a footnote. (See 1 AA 44, fn. 2.) The City of Palos Verdes did not independently move for summary adjudication on the claim for failure to warn, nor did the court's order granting summary judgment extend beyond the design immunity analysis. (See 5 AA 1539-1547.) Thus, Plaintiff had no obligation to "analyze how a cause of the injury in this case was independent of the design" as claimed now by the Department of Transportation. (See Department of Transportation Brief page 13).

Even the Court of Appeal below (acknowledged by the Department of Transportation on page 6 of its brief) agreed the trial court did not consider appellant's failure to warn theory since the issues were not fully addressed. The issue before this Court and as specifically framed by this Court is exclusively whether the existence of a failure to warn claim is barred as a matter of law if design immunity applies to the underlying concealed dangerous condition. The short answer to that question for over 40 years now is it does not.

E. The Amicus Curiaes' Position Here Is Contrary to Public Policy and Would Preclude All Liability Under Chapter 830 *et seq.*

The Amicus Curiaes' position, if adopted by this Court, would affect the reading of numerous statutes, including sections 830.6, 830.8, 831, 831.8 and others. The determination of whether to place warning signs is ordinarily part of any plan for a highway improvement, and if section 830.6 confers immunity for plan and design forever and without regard to the actual

operation of the improvement, the limitation on the immunity granted by section 830.8 for traps for the unwary would be pointless and misleading, as would too the exceptions for weather immunity, and the exception for children injured in canals. These limitations on immunity can only be viewed reasonably as a legislative recognition that, under section 835 providing for liability for dangerous conditions, there can be liability for failure to place the necessary warning signs.

A failure to warn claim is based on a concealed dangerous condition independent of an approved design, that necessitates a warning. The Amicus Curiaes' position would abrogate section 830.8 and the duty by any governmental entity to provide any warning signs. Presumably all public roadways are designed by a public entity. If this Court were to adopt the City's position, the public entity would merely have to show that the plan or design was approved in advance by the proper legislative body or by a person with the proper authority and that there is substantial evidence demonstrating reasonableness. Once that occurred, the entity would be immune from all liability, regardless of it having created a dangerous condition.

Some roadways cannot be designed safely because of the earth's natural topography. Such roadways include curves on mountains, roadways which traverse over a steep hill with a blind intersection on the other side of the hill, and roadways which have reduced visibility due to line-of-sight issues. Despite such roadways being inherently dangerous, the public entity still erects the roadway because of the utility and need for the

roadway. Citizens use these roadways thousands of times daily to access various mountain communities, such as Lake Tahoe, Yosemite, and Lake Arrowhead. However, motorists who use these roadways may not realize the hidden danger in the roadway until it is too late. As a result, entities, must provide adequate warning to motorists of the hidden dangers so that they can properly navigate the danger or avoid it all together. If this Court were to adopt the Amicus Curiaes' view of the world, then a public entity would never again have to provide a warning about the danger in any roadway (whether hidden or obvious), including any signs which warn motorists to slow down due to the upcoming curve, because the entity would be immune from all liability. This should not be and cannot be the standards that public entities have to abide by when they erect roadways which all of us depend upon greatly on a daily basis.

III. CONCLUSION

Notwithstanding design immunity, an entity should nevertheless remain liable for failure to warn of a dangerous condition when the failure to warn is itself negligent, and is an independent, separate, concurring cause of the accident. (*Cameron, supra,* 7 Cal.3d at p. 329.) That has been and should remain to be the law in this state.

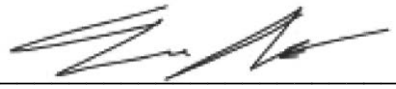
The Court of Appeal correctly remanded the matter to the trial court to consider Plaintiff's failure to warn claim, which was pled in the complaint, but not considered by the trial court in granting summary judgment. Under section 830.8, the City must remain liable for its negligence in failing to warn of a dangerous

condition independent of its design immunity. This Court should affirm the Court of Appeal decision in *Tansavatdi v. City of Rancho Palos Verdes* (2021) 60 Cal.App.5th 423, and send the matter back to the trial court.

Dated: November 22, 2021

Respectfully submitted,

MARDIROSSIAN AKARAGIAN LLP

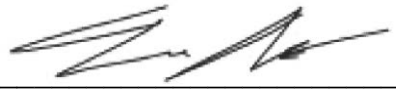


Garo Mardirossian
Armen Akaragian
Adam Feit
Attorneys for Plaintiff and Respondent

CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains 4,398 words, including footnotes. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

Dated: November 22, 2021 **MARDIROSSIAN AKARAGIAN LLP**



Garo Mardirossian
Armen Akaragian
Adam Feit
Attorneys for Plaintiff and Respondent

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 6311 Wilshire Boulevard, Los Angeles, CA 90048-5001.

On the date set forth below, I served the foregoing document described as follows: **RESPONDENT BETTY TANSAVATDI'S ANSWER TO AMICUS CURIAE BRIEFS**, on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

(X) BY ELECTRONIC SERVICE VIA TRUEFILING: Based on a court order, I caused the above-entitled document(s) to be served through TrueFiling at https://www.truefiling.com addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the TrueFiling Filing Receipt Page/Confirmation will be filed, deposited, or maintained with the original document(s) in this office. Pursuant to the Court's website, submission through TrueFiling that is accepted for filing by the Supreme Court constitutes service on the Court of Appeal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 22, 2021, at Los Angeles, California.

Ma. Lourdes V. Malam

SERVICE LIST

Tansavatdi v. City of Rancho Palos Verdes
Supreme Court Case No. S267453
Court of Appeal Case No. B293670
Los Angeles Superior Court Case No. BC633651 c/w BC652435

Frank J. D'Oro, Esq. David M. Ferrante-Alan, Esq. Wesierski & Zurek LLP 100 Corson Street Suite 300 Pasadena, CA 91103 Telephone (213) 627-2300 Facsimile (213) 629-2725 Email fdoro@wzllp.com Email DFerrante-Alan@WZLLP.COM Email sfennell@wzllp.com	Attorneys for Defendant and Petitioner CITY OF RANCHO PALOS VERDES
Daniel P. Barer, Esq. Anna L. Birenbaum, Esq. Pollak, Vida & Barer 11500 West Olympic Boulevard Suite 400 Los Angeles, CA 90064 Telephone (310) 551-3400 Facsimile (424) 535-1225 Email daniel@PollakVida.com Email Anna@PollakVida.com	Attorneys for Defendant and Petitioner CITY OF RANCHO PALOS VERDES
Alexander M. Giannetto, Esq. JohnPaul N. Salem, Esq. Bremer Whyte Brown & O'Meara, LLP 501 West Broadway Suite 1750 San Diego, CA 92101 Telephone (619) 236-0048 Facsimile (619) 236-0047 Email agiannetto@bremerwhyte.com Email jsalem@bremerwhyte.com Email mowen@bremerwhyte.com	Attorneys for Defendants/Cross-Defendants/Cross-Complainants DARYL FLOOD RELOCATION, INC. and KEVIN TROY BOX

Douglas A. Linde, Esq.
Erica A. Gonzales, Esq.
The Linde Law Firm
6701 Center Drive West
Suite 610
Los Angeles, CA 90045-1597
Telephone (310) 203-9333
Facsimile (310) 203-9233
Email dal@lindelaw.net
Email eag@lindelaw.net

Attorneys for Plaintiff and Respondent
BETTY TANSAVATDI

Holly N. Boyer, Esq.
Shea S. Murphy, Esq.
Esner, Chang & Boyer
234 East Colorado Boulevard
Suite 975
Pasadena, CA 91101
Telephone (626) 535-9860
Facsimile (626) 535-9859
Email hboyer@ecbappeal.com
Email smurphy@ecbappeal.com

Attorneys for Plaintiff and Respondent
BETTY TANSAVATDI

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **TANSAVATDI v. CITY OF RANCHO PALOS VERDES**
Case Number: **S267453**
Lower Court Case Number: **B293670**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **aakaragian@garolaw.com**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	Appellant's Answer to Amicus Curiae Briefs

Service Recipients:

Person Served	Email Address	Type	Date / Time
Omead Masha California Dept. of Transportation 313817	omead.masha@dot.ca.gov	e-Serve	11/22/2021 11:46:13 PM
David Ferrante-Alan Wesierski & Zurek LLP	dferrante@wzllp.com	e-Serve	11/22/2021 11:46:13 PM
Douglas Linde The Linde Law Firm	dal@lindelaw.net	e-Serve	11/22/2021 11:46:13 PM
Johnpaul Salem Bremer Whyte Brown & O'Meara LLP 286518	jsalem@bremerwhyte.com	e-Serve	11/22/2021 11:46:13 PM
Chantell Bailey California Department of Transportation	chantell.bailey@dot.ca.gov	e-Serve	11/22/2021 11:46:13 PM
Jennifer Sturwold Pollak, Vida & Barer	jennifer@pollakvida.com	e-Serve	11/22/2021 11:46:13 PM
Benjamin Siminou Singleton Schreiber McKenzie & Scott LLP	bsiminou@ssmsjustice.com	e-Serve	11/22/2021 11:46:13 PM
Marina Maynez Esner, Chang & Boyer	mmaynez@ecbappeal.com	e-Serve	11/22/2021 11:46:13 PM
Sheeny Bang Esner, Chang & Boyer	sbang@ecbappeal.com	e-Serve	11/22/2021 11:46:13 PM
Anna Birenbaum Pollak Vida & Barer 217588	anna@pollakvida.com	e-Serve	11/22/2021 11:46:13 PM
Alexandra Atencio Hanson Bridgett LLP	apercy@hansonbridgett.com	e-Serve	11/22/2021 11:46:13 PM
Kelsey Wong Esner, Chang & Boyer	kwong@ecbappeal.com	e-Serve	11/22/2021 11:46:13 PM
Daniel P. Barer Pollak, Vida & Barer	daniel@pollakvida.com	e-Serve	11/22/2021 11:46:13 PM

150812			
Grace Mohr Hanson Bridgett LLP	gmohr@hansonbridgett.com	e-Serve	11/22/2021 11:46:13 PM
Holly Boyer Esner, Chang & Boyer 221788	hboyer@ecbappeal.com	e-Serve	11/22/2021 11:46:13 PM
Shea Murphy Esner, Chang & Boyer 255554	smurphy@ecbappeal.com	e-Serve	11/22/2021 11:46:13 PM
Alexandra Atencio Hanson Bridgett LLP 227251	aatencio@hansonbridgett.com	e-Serve	11/22/2021 11:46:13 PM
Armen Akaragian Mardirossian & Associates, Inc. 242303	aakaragian@garolaw.com	e-Serve	11/22/2021 11:46:13 PM
Benjamin Siminou Singleton Schreiber McKenzie & Scott, PPL 254815	ben@siminouappeals.com	e-Serve	11/22/2021 11:46:13 PM
Brandon Walker California Department of Transportation	brandon_walker@dot.ca.gov	e-Serve	11/22/2021 11:46:13 PM
Lourdes Malam Mardirossian & Associates, Inc.	LMalam@garolaw.com	e-Serve	11/22/2021 11:46:13 PM
Garo Mardirossian Mardirossian & Associates	gmardirossian@garolaw.com	e-Serve	11/22/2021 11:46:13 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

11/22/2021

Date

/s/Armen Akaragian

Signature

Akaragian, Armen (242303)

Last Name, First Name (PNum)

Mardirossian & Associates, Inc.

Law Firm