

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk By Stephen M. Smythe, Deputy

1 MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
2 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
3 648 Kenneth Hahn Hall of Administration
500 West Temple Street
4 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

5 GREGORY M. BERGMAN (Bar No. 065196)
6 BRIAN J. BERGMAN (Bar No. 240584)
7 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd. Suite 900
8 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

9 Attorneys for Plaintiff and Cross-Defendant
10 LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

11
12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

15 LOS ANGELES COUNTY
16 METROPOLITAN TRANSPORTATION
17 AUTHORITY, a California Public Entity,

18 Plaintiff,

19 v.

20 JAPANESE VILLAGE, LLC, et al.,

21 Defendants.

22 JAPANESE VILLAGE, LLC,

23 Cross-Complainant,

24 v.

25 LOS ANGELES COUNTY
26 METROPOLITAN TRANSPORTATION
27 AUTHORITY,

28 Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

~~PROPOSED~~ ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 **ORDER**

2 IT APPEARING and the Court determining that Plaintiff is entitled to acquire
3 subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022,
4 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

5 IT FURTHER APPEARING and the Court determining that Plaintiff has deposited
6 the probable just compensation to be awarded in the State Treasury under Code of Civil
7 Procedure § 1255.010;

8 IT FURTHER APPEARING that there is an overriding need for the Plaintiff to
9 possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021,
10 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this
11 proceeding and that Plaintiff will suffer a substantial hardship if the application for
12 possession is denied or limited; and

13 IT FURTHER APPEARING and the Court determining that the hardship Plaintiff
14 will suffer if possession is denied or limited outweighs any hardship on the Defendants or
15 occupants that would be caused by the granting of the order for possession;

16 IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is
17 authorized and empowered to take possession and use of the subsurface tunneling and
18 grouting easements sought in the Complaint, and to remove from them all persons,
19 obstacles, improvements, or structures after the dates set forth below or, on the 30th day
20 following the date of service of this order, whichever is later.

21 Parcel No.	Date After Which Possession to Be Taken
22 5161-017-021	July 30, 2015
23 5161-017-022	July 30, 2015
24 5161-017-023	July 30, 2015
25 5161-017-033	July 30, 2015

26 Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

28 F:\1047\21\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

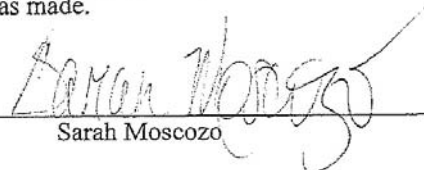
I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing “[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460” on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

- (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am “readily familiar” with the firm’s practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.
- (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

EXHIBIT "B"

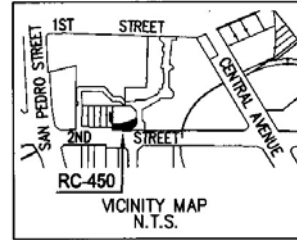
Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY
 PREPARED BY WAGNER ENGINEERING & SURVEY, INC.
 DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES
 ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83
 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

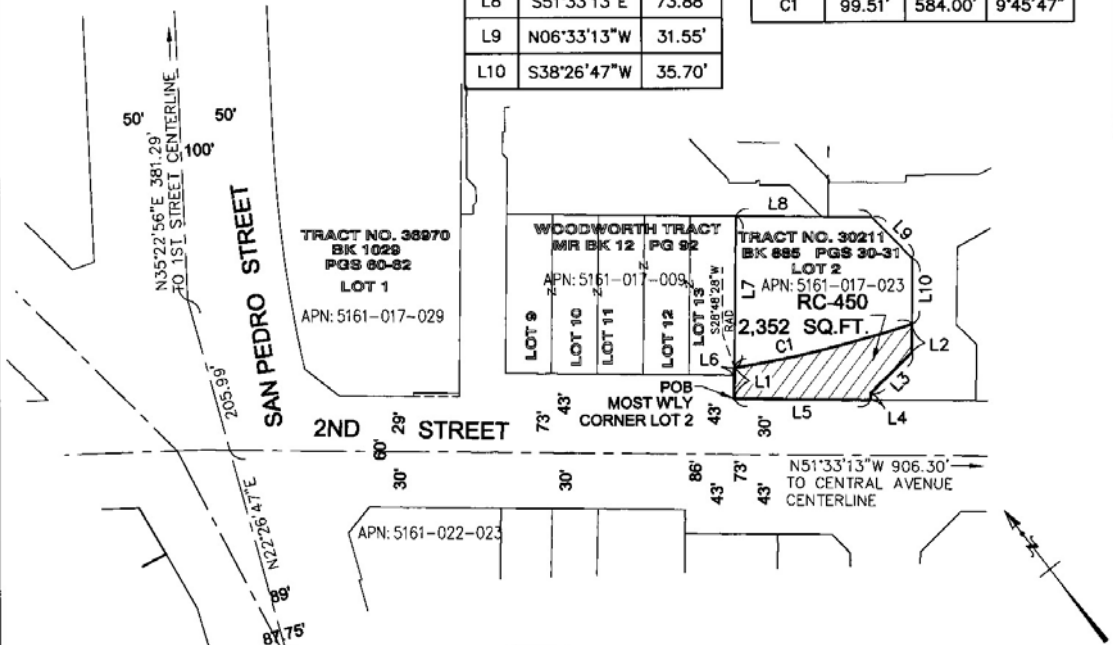
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 | ROW Ref: R-107 | No. | Date | Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'

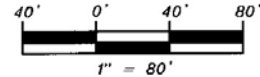


CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POB - POINT OF BEGINNING
 SSE - SUBSURFACE EASEMENT



TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

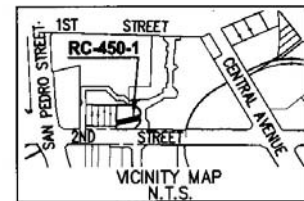
	APPROVED BY: <i>Kevin Ray</i> 7/18/12 PROJECT MANAGER DATE	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 12/16/11
	PREPARED BY: <i>Stephanie Wagner</i> CHECKED BY: <i>LS: 5752</i>		SCALE: 1" = 80'
	 15933 Parthenia St., Suite 100 Northridge, CA 91343		REV. No. DATE:
			REV. No. DATE:
			PARCEL No. RC-450

EXHIBIT "B"

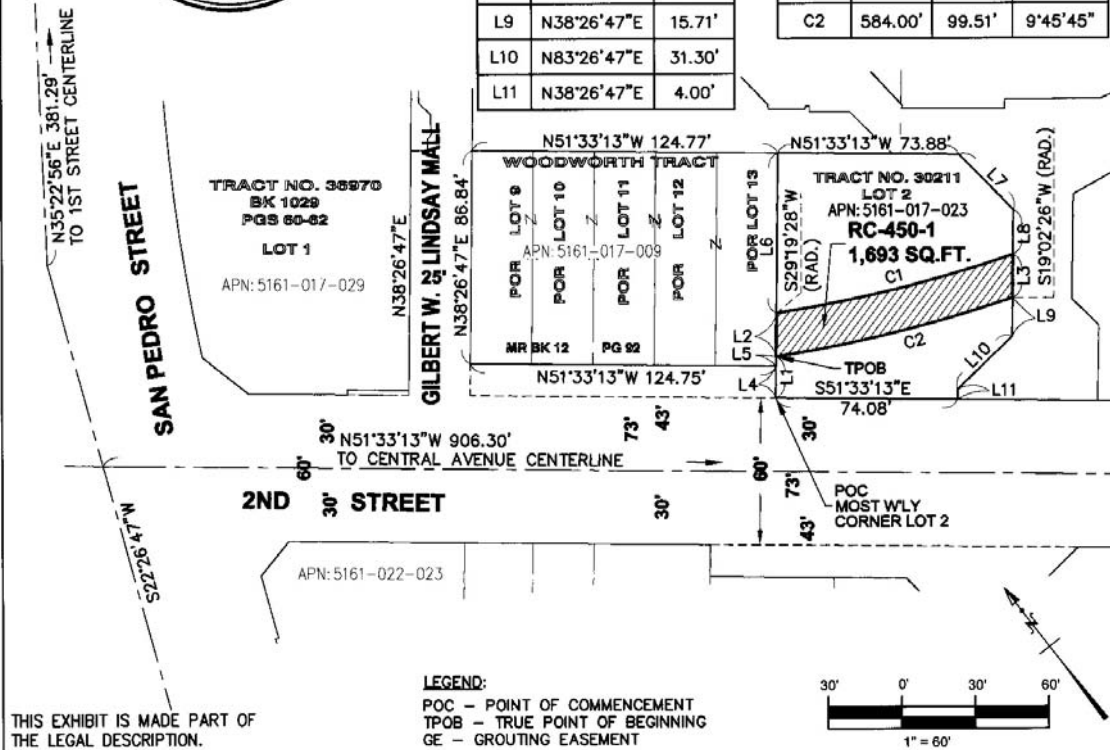
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE
APPROVED BY: <i>Grinn Ray</i> 7/18/12 PROJECT MANAGER DATE PREPARED BY: <i>Stephanie Wagner</i> WAGNER ENGINEERING & SURVEY, INC. 18833 Parkbush St., Suite 100 Northridge, CA 91343 CHECKED BY: LS: 5752	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 05/30/12	
		SCALE: 1" = 60'	
		REV. No. 1 DATE: 06/26/12	
		REV. No. DATE:	
		PARCEL No. RC-450-1	

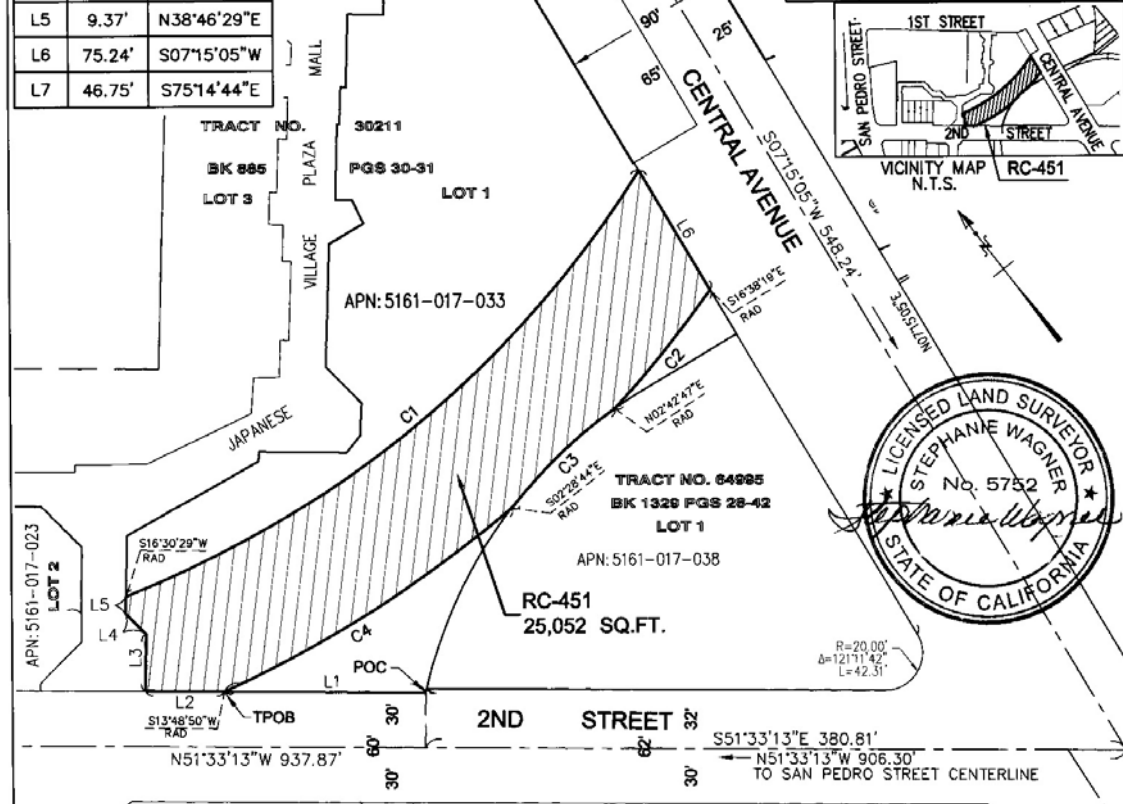
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 1

The data shown on plot are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 - June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107

LINE TABLE			CURVE TABLE			
LINE	LENGTH	BEARING	CURVE	LENGTH	RADIUS	DELTA
L1	109.13'	N51°33'13"W	C1	368.34'	584.00'	36°08'16"
L2	42.77'	N51°33'13"W	C2	82.77'	652.00'	7°16'26"
L3	30.89'	N38°48'46"E	C3	78.61'	260.80'	17°16'11"
L4	15.38'	N07°27'45"W	C4	185.40'	652.00'	16°17'33"
L5	9.37'	N38°46'29"E				
L6	75.24'	S07°15'05"W				
L7	46.75'	S75°14'44"E				



LEGEND:
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

APPROVED BY: *Loim Ray* 7/18/12 DATE

PROJECT MANAGER

PREPARED BY: *Stephanie Wagner* LS: 5752

WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 12/16/11
 SCALE: 1" = 80'
 REV. No. DATE:
 REV. No. DATE:
 PARCEL No. RC-451

EXHIBIT "B"

Grantor: JAPANESE VILLAGE
 Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-XD2

Assessor's Ref: 5161-017-033

ROW Ref: RC-107

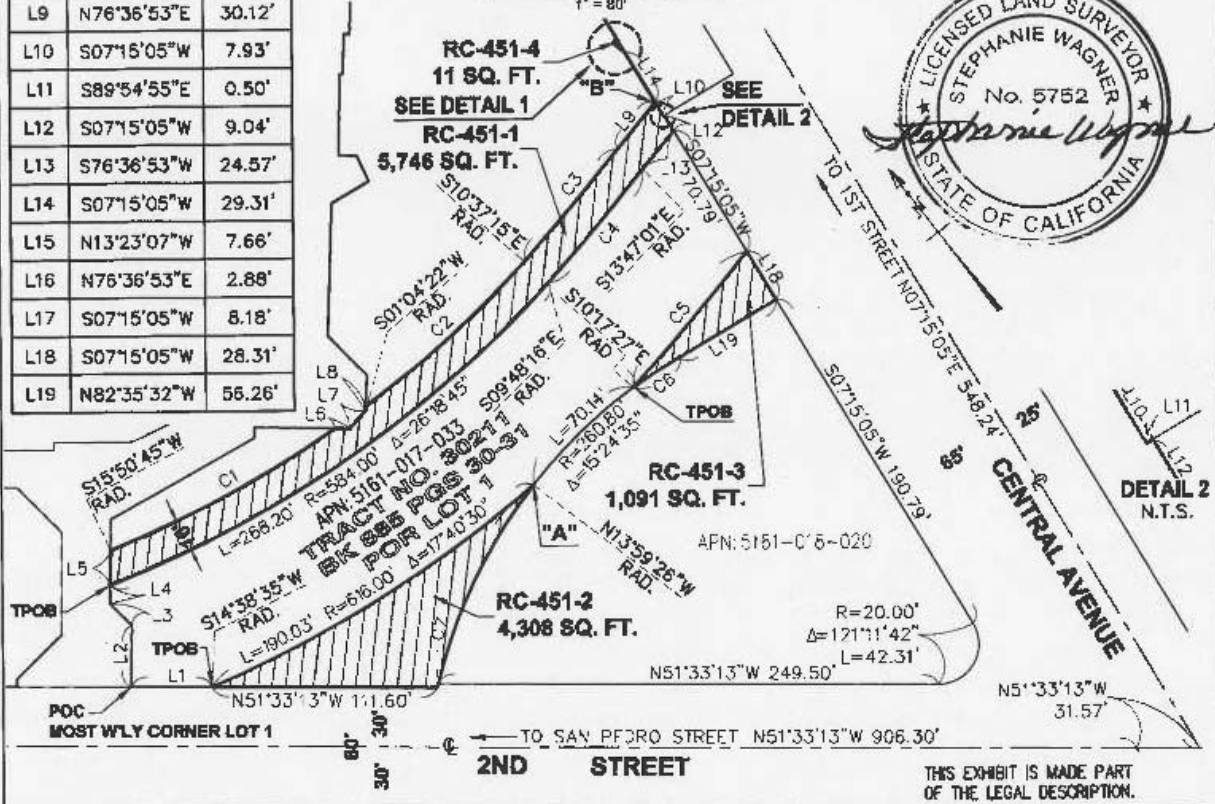
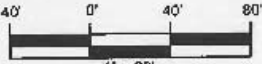
No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *Chris Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 WAGNER ENGINEERING & SURVEY, INC.
 10933 Parkman St., Suite 100
 Northridge, CA 91345

CHECKED BY: L.S. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 06/18/12
 SCALE: 1" = 80'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No. RC-451-1