

1 William Litvak, Esq. (SBN 90533)
2 Caroline K. Castillo, Esq. (SBN 236987)
3 James M. Cunningham (SBN 322508)
4 DAPEER, ROSENBLIT & LITVAK, LLP
5 11500 W. Olympic Blvd., Suite 550
6 Los Angeles, CA 90064
7 Telephone: (310) 477-5575
8 Facsimile: (310) 477-7090

9 Attorneys for Plaintiff
10 CITY OF AGOURA HILLS

EXEMPT FROM FILING FEE – GOV. CODE §6103

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13 CITY OF AGOURA HILLS, a municipal
14 corporation,

Plaintiff,

15 vs.

16 JAMES MAYFIELD, an individual; SHEILA
17 ZAMEL, an individual; WHISPERING
18 OAKS CHURCH, INC., a California
19 Corporation; and DOES 1-50, inclusive,

20 Defendants.

) CASE NO. 20VECV01312

)
) [Assigned for all purposes to Hon. Virginia
) Keeny in Dept. W]

21 **CITY OF AGOURA HILLS'**
22 **OBJECTION TO DECLARATION**
23 **OF JAMES MAYFIELD IN**
24 **SUPPORT OF DEFENDANT'S**
25 **SPECIAL MOTION TO STRIKE**

26 [Filed concurrently with Opposition,
27 Declarations of Ramiro Adeva, Amir
28 Hamidzadeh, Allen Tripolskiy; Exhibits to
the Declarations, and Objections to the
Declaration of James Mayfield; Request for
Judicial Notice]

) Complaint filed: November 12, 2020

) Date: February 26, 2021

) Time 8:30 a.m.

) Dept: W

Plaintiff CITY OF AGOURA HILLS makes the following objections to the Declaration of JAMES MAYFIELD filed by Defendants' in support of their Special Motion to Strike.¹

No.	EVIDENCE OBJECTED TO	GROUND'S FOR OBJECTION	COURT'S RULING
1.	Declaration of James Mayfield ¶ 1: "Our residence is located on approximately three acres of land in an extremely rural area of "Old Agoura," currently Zoned "RV", and when built was zoned "A-1" by the Los Angeles County Department of Regional Planning ("County")."	1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the conclusion stated or sufficient qualifications to reach such conclusion. 2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)) 3. Impermissible legal argument. The Defendant presents legal argument about the zoning codes in effect when the structures were built on the Subject Property without any facts. (<i>Marriage of Heggie</i> (2002) 99 Cal.4th 28, 30.) 4. Impermissible conclusion. The Defendant presents a conclusion about the zoning codes in effect when the structures were built. <i>Kramer vs. Barnes</i> (1963) 212 Cal.App.2d 440, 446 ("Affidavits that set forth only conclusions, opinions or ultimate facts are insufficient."); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107 (Declarations must show evidentiary facts, not conclusions.)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

¹ The declaration was not on a pleading nor was it numbered. For ease of reference, this Objection numbered the paragraphs consecutively.

2	Declaration of James Mayfield ¶ 2: “Our home was constructed in 1979, under the jurisdiction of the Los Angeles County Department of Regional Planning, at a time before the City of Agoura Hills (“City”) had not even been incorporated.”	<p>1. Personal Knowledge. (§ 702.) The Defendant lacks any personal knowledge about the construction and codes applicable to a home built in 1979, which he did not purchase until approximately 2003.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertions.</p> <p>3. Impermissible conclusion. The Defendant presents a conclusion about jurisdiction of the construction of the home, which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639, (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Speculation. The statement offered is speculative as it fails to identify any specific facts or instances to support the assertion made, which is improper.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
3.	Declaration of James Mayfield, ¶ 2: “Plaintiffs failed to mention any of this history in their complaint, nor did the City mention this to the judge in in the process of obtaining their inspection warrant.”	<p>1. Argumentative. The statement offered is argumentative, which is improper.</p> <p>2. Irrelevant. (§ 210, 350) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
4.	Declaration of James Mayfield, ¶ 3: “Over the	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	last 40 years, since the residence and outbuildings were constructed, things have changed in the Las Virgenes area.”	<p>foundation to establish the assertion.</p> <p>2. Personal Knowledge. (§ 702.) The Defendant lacks personal knowledge about changed community conditions over a 40-year period. Defendant acknowledges that he purchased the Subject Property less than fifteen years ago.</p> <p>3. Impermissible conclusion. The Defendant presents conclusions about changing conditions in the Las Virgenes area without stating the facts of those purported changing conditions, which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639, (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the opinion stated. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p> <p>5. Irrelevant. (§ 210, 350) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in Defendant’s Special motion to Strike.</p>	
22 23 24 25 26 27 28	<p>5. Declaration of James Mayfield, ¶ 3: “Gone are many of the wide-open spaces, the ranchos and ranchettes. And, with the encroachment unending grids of suburban sprawl, so also came the new</p>	<p>1. Personal Knowledge. (§ 702.) The Defendant lacks any personal knowledge about changed conditions in the community, or urban visions of new municipalities.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion.</p> <p>3. Impermissible conclusion. The Defendant presents conclusions about</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1	municipalities, with	suburban sprawl and new	
2	their bureaus and	municipalities without stating the	
3	their urban visions	facts of the sprawl and new	
4	to transform these	municipalities with urban visions to	
5	historic	transform historic communities.	
6	communities.”	(<i>Hayman v. Block</i> (1986) 176 Cal.3d	
7		629 (Declarations must show	
8		evidentiary facts, not conclusions.);	
9		<i>Pajaro Valley Water Mgmt. Agency v.</i>	
10		<i>McGrath</i> (2005) 128 Cal.4th 1093,	
11		1107.)	
12		4. Irrelevant. (§ 210, 350) The	
13		statement is irrelevant to any disputed	
14		fact that is of consequence to the	
15		determination of issues in	
16		Defendant’s Special Motion to Strike.	
17		5. Improper lay opinion. The	
18		Defendant has failed to present	
19		sufficient qualifications or foundation	
20		for the statement offered. (<i>Ochoa v.</i>	
21		<i>Pacific Gas & Elec. Co.</i> (1998) 61	
22		Cal.4th 1480, 1487, (declaration	
23		lacked sufficient foundation for	
24		opinion expressed.)	
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16	6. Declaration of	1. Lacks Foundation (§ 403.) The	<input type="checkbox"/> Sustained
17	James Mayfield, ¶	Defendant fails to proffer any	<input type="checkbox"/> Overruled
18	5: “When	preliminary evidence to lay	
19	purchased, the	foundation to establish the conclusion	
20	property came	stated or sufficient qualifications to	
21	equipped with a	reach such conclusion.	
22	stable, a utility	2. Impermissible legal argument. The	
23	structure, a produce	Defendant presents legal argument	
24	stand that was legal	about the legality of certain structures	
25	in the original	under a County ordinance, which is	
26	County A-1 zone.”	impermissible legal argument.	
27		(<i>Marriage of Heggie</i> (2002) 99	
28		Cal.4th 28, 30.)	
		3. Impermissible conclusion. The	
		Defendant presents a conclusion	
		about the legality of certain structures	
		under a County ordinance, which is	
		an impermissible conclusion.	
		(<i>Hayman v. Block</i> (1986) 176 Cal.3d	
		629, 638-639, (Declarations must	
		show evidentiary facts, not	

		<p>conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 CA4th 1480, 1487, 72 CR2d 232, 236 (declaration lacked sufficient foundation for opinion expressed.))</p>	
7.	<p>Declaration of James Mayfield, ¶ 5: “Our entire layout obviously predates the incorporation of the City of Agoura Hills.”</p>	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the conclusion stated or sufficient qualifications to reach such conclusion.</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
8.	<p>Declaration of James Mayfield, ¶ 10: “The City also seeks to prohibit us from using our property for filming purposes, even though the City is fully aware that filming permits are required, and obtained, before doing so. Filming is very popular in the City of Agoura</p>	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated.</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p> <p>3. Impermissible conclusion. The Defendant presents a conclusion about the legality of filming on Subject Property which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal3d 629, 638-</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hills including using the rustic charm of Old Agoura as a setting. Our property is in the section of Old Agoura where multiple businesses operate, including equestrian and agricultural facilities, schools, and other rural activities not available in the average R-1 zoned housing tract. Many of these businesses have not been permitted, and operate without Conditional Use Permits—but as the City is fully aware operate for years this way.	639 (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.) 4. Speculation. The statement offered is speculative as it fails to identify any specific facts or instances to support the assertion made, which is improper. 5. Personal Knowledge. (§ 702.) The Defendant lacks any personal knowledge about businesses' in the community operations without Conditional Use Permits or the City's awareness of the same.	
21 22 23 24 25 26 27 28	9 Declaration of James Mayfield, ¶ 11: “Given the number and types of “violations” and “public nuisances”	1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated. 2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	the City	3. Impermissible conclusion. The	
2	complains	Defendant presents a conclusion	
3	of, it	about the motivation of the City in	
4	appears	bringing this action without any facts	
5	that their	to support, which is an impermissible	
6	true	conclusion. (<i>Hayman v. Block</i> (1986)	
7	motivation	176 Cal3d 629, 638-639	
8	is to	(Declarations must show evidentiary	
9	suppress	facts, not conclusions.); <i>Pajaro</i>	
10	our	<i>Valley Water Mgmt. Agency v.</i>	
11	constitutionally-	<i>McGrath</i> (2005) 128 Cal.4th 1093,	
12	privileged freedom	1107.)	
13	of speech,	4. Speculation. The statement offered	
14	particularly as it	is speculative as it fails to identify	
15	relates to	any specific facts or instances to	
16	presentations in	support the assertion made, which is	
17	the public	improper.	
18	interest.”		
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10.	Declaration of James Mayfield, ¶ 13: “[paved driveway]... was not required when the garage was permitted and constructed.”	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated.</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p> <p>3. Impermissible conclusion. The Defendant presents a conclusion about the legality of the construction of a garage 25 years prior to his purchase of the Subject Property. (<i>Hayman v. Block</i> (1986) 176 Cal3d 629, 638-639 (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Speculation. The statement offered is speculative as it fails to identify any specific facts or instances to</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

		support the assertion made, which is improper speculation.	
11.	Declaration of James Mayfield, ¶ 14: “The City seems not to have any of the relevant, or circumstantial, records—using this as justification for their allegations.”	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusions.</p> <p>2. Personal Knowledge (§ 702.) The Defendant lacks personal knowledge about the City’s motivation for taking certain action.</p> <p>3. Impermissible lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the opinion stated. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p> <p>4. Impermissible conclusion. The Defendant alleges a conclusion about the legality of the City’s enforcement of its laws, which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639 (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>5. Speculation. The statement offered is speculative as to the City’s reasoning behind the enforcement of its laws.</p> <p>6. Argumentative. The statement offered is argumentative.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
12.	Declaration of James Mayfield, ¶ 14: “In addition, due to the deliberate timing of when this lawsuit was filed and prior actions	<p>1. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusions.</p> <p>2. Personal Knowledge (§ 702.) The Defendant lacks personal knowledge</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	of the City, they were completely aware of the impossibility of reviewing files, documents and visiting County offices due to the Covid-19 Pandemic.”	<p>about the City’s motivation for taking certain action.</p> <p>3. Impermissible lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the opinion stated. (<i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.))</p> <p>4. Impermissible conclusion. The Defendant alleges a conclusion about the legality of the City’s enforcement of its laws, which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639 (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>5. Speculation. The statement offered is speculative as to the City’s reasoning behind the enforcement of its laws.</p> <p>6. Argumentative. The statement offered is argumentative.</p>	
18 19 20 21 22 23 24 25 26 27 28	<p>13. Declaration of James Mayfield, ¶ 15: “The first complaint appears to have come from a resident who is not even a direct neighbor—who informed us that he had gone to the City to complain due to a fear that Rehab homes had moved into the area—and they didn’t want any more outsiders coming in.”</p>	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>3. Impermissible conclusion. The defendant presents conclusions about basis of the City’s claims which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639, 222 CR 293, 298 (Declarations must show evidentiary facts, not</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

		<p>conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Hearsay (§ 1200) Impermissible out of court statement. The statement offered is an impermissible out-of-court statement.</p>	
14.	<p>Declaration of James Mayfield, ¶ 15: “It is noted that the Dole Foods Great Race runs yearly through the entire neighborhood, bringing with it the many bicyclists, workers, riders, students, and employees that come into the neighborhood regularly. We submit that the cause of the problems is likely someone who disapproves of our lifestyle or our values.”</p>	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike and is improper.</p> <p>2. Speculation. The statement offered is speculative as to the City’s basis for enforcement of its laws.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
15.	<p>Declaration of James Mayfield, ¶ 16: “ It could be argued that the impetus of this action is the City itself; or it could be expressed that the City is acting as the agent of one or more disgruntled</p>	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

	<p>neighbors or adjacent users of land. This appears to have started with one individual who then went to other neighbors—but we have not seen any written complaints or had any Sheriff visits.”</p>	<p>3. Impermissible conclusion. The defendant presents conclusions about basis of the City’s claims which is an impermissible conclusion. (<i>Hayman v. Block</i> (1986) 176 Cal.3d 629, 638-639, 222 CR 293, 298 (Declarations must show evidentiary facts, not conclusions.); <i>Pajaro Valley Water Mgmt. Agency v. McGrath</i> (2005) 128 Cal.4th 1093, 1107.)</p> <p>4. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>5. Argumentative. The statement offered is argumentative and prejudicial, which is improper.</p> <p>6. Speculation. The statement offered is speculative as to the City’s basis for enforcement of its laws.</p>	
16.	<p>Declaration of James Mayfield, ¶ 16: “ On a side note, this property is known in the community to be one of the most beautiful, if not <i>the</i> most beautiful, property in this area of Old Agoura.”</p>	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>3. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>4. Argumentative. The statement offered is argumentative and prejudicial, which is improper.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

17.	<p>Declaration of James Mayfield, ¶ 17: “There is nothing that we do that would qualify as a public nuisance. And reading the complaint, there were plenty of issues mentioned, but not a single substantive mention of any condition that would relate to public safety in any way.”</p>	<p>1. Improper Argument. ((§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>3. Argumentative. The statement offered is argumentative and prejudicial, which is improper.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
18.	<p>Declaration of James Mayfield, ¶ 17: “It strains credibility to think that five high-level employees of the City, including their outsourced City Attorney, are not aware that we have not violated any codes.”</p>	<p>1. Improper Argument. ((§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>3. Argumentative. The statement offered is argumentative and prejudicial, which is improper.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1 2 3 4 5 6 7 8 9 10 11 12	19.	Declaration of James Mayfield, ¶ 18: “The City has also failed to address the prohibition against pursuing zoning enforcement against “non-Conforming Uses” (Grandfathered conditions).”	<p>1. Improper Argument. (§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	20.	Declaration of James Mayfield, ¶ 18: “They have failed and refused to provide us with the basic public records that would necessarily vindicate our property and pre-existing improvements in this matter. The City is using their failure to maintain proper records as a device, stating it is the City’s position that “if a document isn’t in the City’s property file, then the document never existed”, even though it was to have been	<p>1. Improper Argument. (§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p> <p>2. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

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	transferred from LA County 40 years ago. We have been consistently told that it is <i>our</i> burden to prove that the buildings were built 40 years ago, and that the City has no responsibility to even provide supportive evidence that should be located in City files.		
21.	Declaration of James Mayfield, ¶ 19: “If they seek to enjoin meetings and bible study on the premises, they are impinging on the freedom of these local citizens to peacefully pursue their right to meet and hold discussions- conducting religious meetings, and even conducting small ceremonies on private residential grounds.”	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>3. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>4. Improper Argument. (§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

		argument is in points and authorities, not declarations.”]	
22.	Declaration of James Mayfield, ¶ 19: “Many rural equestrian properties are used for similar benign purposes and likewise for such things as horseback riding, agrarian activities, and even rehab centers.”	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>3. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>4. Improper Argument. (§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
23.	Declaration of James Mayfield, ¶ 19: “The City is referring to this old shed as a chapel because it has a cupola.”	<p>1. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>2. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>3. Improper lay opinion. The Defendant has failed to present</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

		<p>sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p> <p>4. Argumentative. The statement offered is argumentative and prejudicial, which is improper.</p>	
24.	<p>Declaration of James Mayfield, ¶ 21: “ We feel that the City has singled us out for our legal uses of our property, and not afforded us 14th Amendment equal protections with respect to others in the immediate area who are similarly situated.”</p>	<p>1. Improper Argument. (§ 765). See, <i>In Re Marriage of Heggie</i>, (2002) 99 Cal.App.4th 28 at fn. 3 [Including argument in declarations “is a sloppy practiced which should stop” and “makes a mockery of the requirement that declarations be supported by statements made under penalty of perjury. The proper place for argument is in points and authorities, not declarations.”]</p> <p>2. Irrelevant. (§ 210, 350.) The statement is irrelevant to any disputed fact that is of consequence to the determination of issues in the Defendant’s Special Motion to Strike.</p> <p>3. Lacks Foundation. (§ 403.) The Defendant fails to proffer any preliminary evidence to lay foundation to establish the assertion stated or sufficient qualifications to reach such conclusion.</p> <p>4. Improper lay opinion. The Defendant has failed to present sufficient qualifications or foundation for the statement offered. <i>Ochoa v. Pacific Gas & Elec. Co.</i> (1998) 61 Cal.4th 1480, 1487, (declaration lacked sufficient foundation for opinion expressed.)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 Dated: February 11, 2021

DAPEER, ROSENBLIT & LITVAK, LLP

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4 By: 

5 Caroline Karabian Castillo
6 Attorneys for Plaintiff
7 CITY OF AGOURA HILLS
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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 18 and not a party to the within action; my business address is 11500 W. Olympic Blvd., Suite 550, Los Angeles, CA 90064-1524.

On February 11, 2021, I served the foregoing document described as **CITY OF AGOURA HILLS' OBJECTION TO DECLARATION OF JAMES MAYFIELD IN SUPPORT OF DEFENDANT'S SPECIAL MOTION TO STRIKE** interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Counsel for Defendants

Robert L. Scott
SCOTT & ASSOCIATES
300 East Esplanade Drive, 9th Floor
Oxnard, CA 93036
E: scott@civiccenter.com

BY ELECTRONIC TRANSMISSION – ONE LEGAL. I caused an electronic version of the documents to be submitted to the Superior Court of California and thereafter caused an electronic version to be served to the persons in the above service list via the litigation support service One Legal.

BY OVERNIGHT DELIVERY. I enclosed the documents in an envelope or package provided by an overnight carrier and addressed to the persons at the addresses in the above service list. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of February 2021 at Los Angeles, California.


Lila Torres, Declarant