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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION
THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

JEFFREY POWERS, et al,

Plaintiffs,

vs.

Case No. LACV22-8357

DENIS RICHARD MCDONOUGH,

Defendants.

REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS
TRIAL DAY 1
Tuesday, August 6, 2024
8:30 a.m.
LOS ANGELES, CALIFORNIA

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8

9 **ALSO PRESENT:**

10 Batina Washington, HUD

11 Kristin Grotecloss, Veterans Administration

12 Tobin Dale, Veterans Administration

13 Keith Harris, Party Representative

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1 **LOS ANGELES, CALIFORNIA; TUESDAY, AUGUST 6, 2024**

2 **8:30 A.M.**

3 **--oOo--**

4
5 THE COURT: Counsel, if you're comfortable, let's
6 call the case to order.

7 It's Case No. 22-08357, *Jeffrey Powers versus Denis*
8 *McDonough and Bridgeland.*

9 Counsel, if you'd make your appearances beginning
10 with plaintiffs, please?

11 MR. SILBERFELD: Good morning, Your Honor, Roman
12 Silberfeld for the plaintiffs.

13 THE COURT: Good morning.

14 MR. DU: Good morning, Your Honor, Tommy Du on
15 behalf of plaintiffs.

16 THE COURT: Thank you. Good morning.

17 MR. ROSENBAUM: Good morning, Your Honor, Mark
18 Rosenbaum on behalf of plaintiffs.

19 THE COURT: Thank you. Good morning.

20 MS. SAVAGE: Good morning, Your Honor, Amanda
21 Mangaser Salvage on behalf of plaintiffs.

22 THE COURT: Thank you.

23 MS. HILL: Good morning, Your Honor. Eve Hill on
24 behalf of plaintiffs.

25 THE COURT: Thank you.

1 MS. PIAZZA: Good morning, Your Honor, Amelia Piazza
2 on behalf of plaintiffs.

3 THE COURT: Do we have another chair we can get you?

4 MS. PIAZZA: I'm going to just go ahead and sit in
5 the jury box.

6 THE COURT: Are you sure? Okay. Thank you.

7 Then on behalf of the defendants, please.

8 MR. ROSENBERG: Good morning, Your Honor, Brad
9 Rosenberg from the Department of Justice, Civil Division,
10 Federal Programs Branch on behalf of the federal defendants.

11 I'll allow most of my colleagues, both DOJ and agency
12 counsel to introduce themselves, but I would like to take a
13 moment to introduce our agency representative, Mr. Keith
14 Harris.

15 Mr. Harris is VA's Senior Executive Homelessness Agent
16 for the Greater Los Angeles area.

17 THE COURT: All right, and your first name, sir, is
18 -- Mr. Harris, first name?

19 MR. HARRIS: Keith, Your Honor.

20 THE COURT: Keith, sorry. Thank you. And what
21 capacity are you in?

22 MR. HARRIS: Agency representative.

23 THE COURT: Okay. For the Greater Los Angeles area?

24 MR. HARRIS: Yes.

25 THE COURT: All right. And who is with you today,

1 anyone?

2 MS. PITZ: Good morning, Your Honor, Taylor Pitz
3 from the Department of Justice, also on behalf of the federal
4 defendants.

5 THE COURT: Thank you.

6 MR. KNAPP: And Cody Knapp on behalf of the federal
7 defendants.

8 THE COURT: Good to see you.

9 MS. WELLS: Carlotta Wells on behalf of --

10 THE COURT: I need a microphone so I can hear you
11 and the court reporter can hear you.

12 MS. WELLS: Good morning. Carlotta Wells on behalf
13 of the federal defendants.

14 THE COURT: Good morning.

15 MR. LOWENSTEIN: Jody Lowenstein on behalf of the
16 federal defendants.

17 THE COURT: Thank you.

18 MS. PETTY: Good morning, Your Honor, Agbeko Petty
19 on behalf of federal defendants.

20 THE COURT: Thank you. I know I've met the
21 gentleman in the back before, but I'd like to get your name
22 once again for the record.

23 MS. WASHINGTON: Good morning, Batina Washington for
24 the U.S. Department of Housing and Urban Development.

25 THE COURT: Thank you very much, nice meeting you.

1 MS. GROTECLOSS: Good morning, Kristin Grotecloss
2 for the Department of Veterans Affairs.

3 THE COURT: It's a pleasure.

4 MR. DALE: Good morning, Your Honor, Tobin Dale with
5 the Department of Veterans Affairs, VA's Office of General
6 Counsel.

7 THE COURT: Great. Thank you very much.

8 MR. GUADIANA: And good morning, Your Honor, Ernest
9 Guadiana on behalf of Intervenor Bridgeland Resources.

10 THE COURT: Occasionally, if I skip over you, it's
11 not intentional, just do the same thing, call it to my
12 attention, okay? It's nice to see you.

13 Counsel, your opening statement, please, on
14 behalf of the plaintiff.

15 MR. SILBERFELD: Your Honor, just before we start I
16 wanted to advise the Court about a settlement that is pending
17 that we wanted to talk with the Court about. We could do it
18 now or we could do that after opening statements.

19 It involves Bridgeland Resources, the intervenor, and we
20 have reached a term sheet with respect to a proposed
21 settlement.

22 We have a draft settlement agreement, we haven't yet
23 made a motion for preliminary approval with the Court, we
24 intend to do that.

25 All of this has been shared with the Government. They

1 haven't had a chance to react yet, frankly, this happened in
2 the last few days.

3 But, no small part of the consideration for the
4 agreement is trying to keep Bridgeland's counsel from incurring
5 substantial fees by sitting here for the next three or four
6 weeks and we wanted to see if while the settlement process was
7 underway, we could sever the Bridgeland claims and hold them
8 until last, so that then Mr. Guadiana and his client don't
9 incur fees in this period of time.

10 MR. GUADIANA: And, Your Honor, obviously, we're
11 available to discuss any of the settlement terms you might have
12 questions with. We had discussed them with Judge Birotte in
13 the past who seemed to believe they were acceptable and we're
14 trying to find ways for the biggest piece obviously is to
15 provide additional land on the VA campus for housing.

16 THE COURT: Judge Birotte called me last evening and
17 said there were some discussions going on, but there was no
18 finalization of the settlement; is that correct?

19 MR. SILBERFELD: In principle, it's final.
20 Obviously, it's subject to Court approval, but otherwise, the
21 terms are not going to change unless the Court declines to
22 approve them.

23 THE COURT: And, therefore, you're requesting the
24 Court sever this matter.

25 MR. SILBERFELD: Sever the Bridgeland intervenor --

1 THE COURT: I understand. The Bridgeland matter,
2 but I don't have a completed settlement agreement in front of
3 me, I have one in principle?

4 MR. SILBERFELD: Correct.

5 THE COURT: Which means that there could be later
6 objections by the VA or there could be other agencies, NEPA
7 whomever, who come in and basically act as an obstacle to your
8 settlement.

9 Counsel, in good faith I'm going to decline to accept
10 that severance at the present time. I'd have to see and be
11 confident that there's a completed settlement agreement, that
12 the VA is fully on board with this settlement agreement because
13 what I can't countenance after these years of litigation would
14 be another agency coming in, whether it's the preservation
15 agencies, historical agencies, NEPA agencies, and therefore I
16 don't perceive that this is -- or can possibly be -- final,
17 unless the VA is taking charge in leading this, quite frankly,
18 and shepherding through these different government agencies
19 that can eventually act as an obstacle.

20 And if that occurred, even though you are both in good
21 faith, we would be right back to subsequent litigation, because
22 something happened a year or two from now, and this litigation
23 has been pending now for a long time.

24 Come to me with a complete settlement agreement with
25 some confidence that the settlement is going to go forward

1 without other agencies coming in and I would consider that.

2 MR. SILBERFELD: All right.

3 THE COURT: But I have no idea what those terms are.

4 I want to compliment you for the effort, it has no
5 chilling effect upon you, but we've been at this now since
6 December, I've been asking for potential settlements and at the
7 last moment I'm going to decline to sever. We'll proceed.

8 All right, counsel, your opening statement, please, on
9 behalf of the plaintiffs.

10 MR. SILBERFELD: If we could have one moment to set
11 up.

12 MR. ROSENBAUM: And, Your Honor, I do have one
13 housekeeping matter as well as we begin trial.

14 I know there is at least one individual whom plaintiffs
15 intend to call as a witness in this case, who's currently in
16 the courtroom.

17 The government doesn't think it would be appropriate for
18 any potential witnesses who will be testifying in this matter
19 to be in court until they've completed their testimony.

20 THE COURT: Experts are allowed to be present, so if
21 this is an expert for either side, that's the exception to that
22 rule.

23 But if this is what I call a lay witness, I would hope
24 that there would be blanket agreement between all of you just
25 in terms of their credibility and the information that they

1 have at their disposal, that we preclude those persons and have
2 them wait in the hallway.

3 MR. SILBERFELD: Including during the openings?

4 THE COURT: You two decide. You tell me if you both
5 agree or don't agree. It's going to be your lawsuit, an I'll
6 probably agree to it.

7 MR. ROSENBERG: I think we have an agreement that
8 includes during the openings.

9 I'll note that Mr. Harris is an agency representative
10 and he will be testifying in this case, but under the federal
11 rules --

12 THE COURT: He's allowed.

13 MR. ROSENBERG: -- the exception for agency
14 representation.

15 THE COURT: Mr. Harris, you are welcome.

16 So if you're a witness in this matter, we're going to
17 ask you to remain in the hallway during the opening statements
18 and we'll pay the courtesy of getting to you as quickly as
19 possible.

20 Counsel, your opening statement.

21 MR. SILBERFELD: Your Honor, we need a button pushed
22 at the...

23 THE COURT: Karlen, we need a button pushed. Is
24 this for the Elmo?

25 MR. SILBERFELD: It's with the display, Your Honor.

1 It's a PowerPoint presentation, we need the plaintiffs' side
2 displayed.

3 THE COURT: Now, just informally as the lawsuit
4 proceeds, both of you agree on the number of breaks you need,
5 the time you need, what you need for lunch and I'll abide by
6 any agreement you reach in terms of how you schedule your
7 witnesses.

8 So your cooperation, I think, will be to your benefit if
9 you can reach those agreements.

10 All right.

11 MR. SILBERFELD: May I proceed, Your Honor?

12 THE COURT: Please, thank you.

13 MR. SILBERFELD: Thank you, good morning, I'm
14 privileged on behalf of plaintiffs to present our opening
15 statement.

16 For context purposes, we want to review with the Court
17 some of the history here, even though the Court's orders on
18 summary judgment have disposed of some of the legal issues that
19 the Court has already decided, but nevertheless for purposes of
20 evaluating the conduct of the federal government here and for
21 purposes of breach and remedy, we want to present to the Court
22 some of the history and what brings us here today.

23 The key question, from our perspective, Your Honor, is
24 what must be done to compel the federal defendants to comply
25 now with the fiduciary duty that the Court has found exists

1 with respect to this property, and what must be done to compel
2 the federal defendants to provide reasonable accommodations to
3 access support services and benefits.

4 The Court has found that they have that responsibility
5 and the scope and extent of that is what this part of the trial
6 is ultimately intended to be about.

7 We begin with the law that creates the Soldiers' Home,
8 and I know the Court is well aware of this, and I won't belabor
9 it, but in 1866, after the civil war the Congress established
10 the National Soldiers' Home, the National Asylum For Disabled
11 Volunteer Soldiers and at the time there were a number of these
12 facilities only on the east coast of the United States.

13 But the act was created to have necessary buildings
14 erected having due regard to the health of location, facility
15 of access and capacity to accommodate the persons provided for
16 in this act and those were the disabled soldiers following the
17 civil war.

18 In 1887, the next year, the Congress past the act which
19 authorized the acceptance of donations and created for the
20 first time the volunteer soldiers' disabled home west of the
21 Rockies.

22 That is the 1887 Act, and it was intended to serve all
23 honorably discharged soldiers and sailors subject to the
24 regulations as existed as of the time for the east coast
25 soldiers homes that then existed.

1 And it authorized -- the Congress authorized the
2 Department to procure the necessary lands and commence the
3 erection of suitable buildings for the use of the branch.

4 And then that, of course, is followed, as the Court
5 knows, by the 1888 deed where two individuals, Senator Jones
6 from Nevada, and a wealthy individual by the name of Arcadia
7 Bandini de Baker donated 600 acres of land in West Los Angeles
8 to the government for the purpose of erecting the Soldiers'
9 Home.

10 The 1888 deed refers directly back to the 1887 Act
11 providing for the erection of a Soldiers' Home west of the
12 Rockies.

13 And the parties -- this is Baker and Senator Jones,
14 donated to the government at that point 300 acres, it became
15 600 acres later, as a portion of her property on which to
16 locate, establish, construct, and permanently maintain --
17 permanently maintain a branch of the national home for disabled
18 volunteer soldiers. It was an extraordinary gift at the time.

19 Ms. De Baker, owned a piece of land, and I know the
20 Court is familiar with West Los Angeles, but maybe counsel of
21 the government may not be, she owned a piece of land, one of
22 her smaller holdings, that ran from the Pacific Ocean along
23 Pico Boulevard east to Sepulveda Boulevard, roughly where the
24 405 freeway sits today. It ran north from there to Mulholland
25 Drive, a distance of about 7 miles, I think, and then ran again

1 west all the way to the Pacific Ocean.

2 That was one of her smaller holdings of which she
3 donated the first 300 acres and then an additional 300 acres to
4 the government for purposes of establishing this home and
5 maintaining it permanently.

6 That gift was made in 1888, and in 1892, the grand
7 opening actually occurred, it was kind of a soft opening, I
8 think, with just a few buildings in this photograph from the
9 Los Angeles Public Library shows the Pacific Branch as it was
10 then known.

11 In 1892, it opened with about 500 residents, the
12 evidence will show, and it only continued to grow from there.

13 As we've said to the Court before, there are really two
14 past time periods for the use of this property.

15 Roughly the period from 1890 until 1940, and then
16 roughly 1960 to roughly the present, call it 2010.

17 Two distinct time periods where the property was used
18 for markedly purposes and reasons, and, frankly, with different
19 outcomes and different effects.

20 In the early days, between 1892 and 1940, here is a
21 photograph of a now no longer existing domiciliary building,
22 this was as of 1939, that existed on the property.

23 The second photograph to the right is Bonsall Avenue.
24 Bonsall Avenue is still there today, it is the main
25 thoroughfare into the property.

1 And the Court can see some of the buildings that existed
2 there.

3 By the 1920s and 1930s, there were thousands of people
4 who lived on the campus at a time when there was no
5 homelessness crisis as we're facing now.

6 Here is a photograph of the original barracks, No. 4 and
7 5 as of 1890, for the Soldiers' Home in California.

8 And in 1901, the first time that an American president
9 visited California, President McKinley, came to California,
10 came to the grand formal opening of the soldiers' home and gave
11 a speech on that day where he referred to the campus as "In the
12 land of flowers."

13 And what he said to the assembled crowd on that day, was
14 that "The government for which you fought, to which you gave
15 the best years of your lives, will see to it that in your
16 declining years you shall not suffer but shall be surrounded
17 with all of the comforts and all of the blessings which a
18 grateful nation can provide."

19 Not a fundamentally different message than the message
20 that President Lincoln had delivered 40 years before.

21 About eight years later, President Taft visited the
22 property and, in fact, rode a train from Riverside, California,
23 to the campus because there was a train track that ran through
24 the campus and the original trolley stop building, which is now
25 a historic small structure which is still there today.

1 The tracks are gone but the train came, and here is
2 President Taft in 1909, coming to the campus and arriving for
3 his remarks. Here is what he had to say in 1909.

4 Surrounded by veterans and residents who lived on the
5 campus, President Taft said, "I never stand before an audience
6 like this that I do not long for words to express the gratitude
7 I feel that I have been spared to undergo such an experience
8 and that we have through the country institutions such as this
9 where those who were exposed to dangers, the wounds and the
10 sufferings of the great war, may rest a time and enjoy their
11 remaining days at the hand of a grateful country."

12 Again, the same essential sentiment, which at least from
13 the Executive Branch has been carried through over time even up
14 to the present, even as the property fell into tremendous
15 amount of disuse and misuse, which we'll talk about.

16 One of the early purposes of having this Soldiers' Home
17 was to create a sense of community.

18 That community was deemed necessary very early on
19 because this wasn't intended to be just a place for people to
20 sleep. It was intended to be a community of veterans who could
21 have a fulsome community and places to gather in that
22 community.

23 And the chapel, which is shown in this picture in
24 Slide 12, was intended to be at the time the centerpiece of
25 that community. It was intended to be a multidenominational

1 chapel and it was intended as a gathering place to provide a
2 sense of community to the veterans who lived on this property.

3 And this photograph is fairly recent and shows the state
4 of that chapel, regrettably today.

5 So that was the time period in the early time period.
6 In the early 1960s, someone in the government in DC reviewed
7 the title history of this property and came to the conclusion
8 that because the government owned the property in fee simple,
9 because it had been donated, that individual said essentially
10 we can do whatever we want with this property.

11 And that's when the original purpose and intent of this
12 land went awry.

13 And that's when the ability to use this property as a
14 residence, as a home, began to end.

15 So the uses of the property by the VA, between roughly
16 the 50-year period 1960 to 2010, included things like parking
17 lots. This is a parking lot along Barrington Avenue, this is a
18 photograph taken relatively easily.

19 The Court can see in the distance there some of the
20 Brentwood School facilities, we'll talk about those.

21 But we have parking lots where housing can and should
22 have been built. And at least as of 2018, this particular
23 parking lot was run by the Department of Veterans Affairs,
24 according to the sign.

25 Another parking lot, a different one, this is Veterans

1 Barrington Park, which is a public park of the City of Los
2 Angeles Department of Recreation and Parks in partnership with
3 the Department of Veterans Affairs, public park on land
4 intended for a Soldiers' Home.

5 There's a dog park at the facility too, along Barrington
6 Avenue, this is -- these are pictures of the dog park.

7 Here is UCLA's baseball stadium. As the Court may know
8 this resides on the eastern side of the property, not along
9 Barrington, but closer to Sepulveda.

10 This property is actually now directly adjacent to the
11 columbarium, the burial site that is just to the right of those
12 palm trees, the stand of palm trees that are shown in that
13 photograph.

14 The UCLA baseball stadium exists so long as the
15 predominant purpose of the lease is in service of veterans and
16 there will be testimony about that in the course of the trial.

17 A couple of other photographs of the UCLA facilities,
18 the black and white one on the right is the dedication of the
19 stadium in February of 1981, perhaps at a time when
20 homelessness was not as critical as it is today, but
21 nevertheless, we have, as shown in this prior photograph, not
22 only the actual stadium itself but to the right of that is a
23 practice field that UCLA was permitted to build and to the
24 right of that -- well, actually, right below it is a parking
25 lot that is dedicated to the baseball field.

1 And then we have Brentwood School. This is a
2 photograph, Your Honor, of the football stadium and field for
3 Brentwood School.

4 And this is a diagram of the parcel that is about
5 22 acres that was leased by the VA to Brentwood School. The
6 dark portion is the leased portion and the rest is the --
7 basically the campus and over across the freeway, of course, is
8 the cemetery.

9 This is the leased portion and here is what's on that
10 leased portion.

11 Brentwood has its baseball fields up in the portion of
12 the leased property.

13 They have a pool, a swimming pool. They have their
14 football field. They have a gymnasium. They have six tennis
15 courts, and there's a softball field.

16 And as part of the lease, which the Office of Inspector
17 General found twice was in violation of the West Los Angeles
18 Leasing Act of 2016. All those facilities exist to this day
19 and as part of Brentwood's contribution, in addition to paying
20 some rent and taking care of some maintenance of the grounds,
21 these facilities are nominally available to veterans for their
22 use, although the evidence will show that there is, as a
23 practical matter, very little actual use based on the hours
24 that are limited and imposed by Brentwood, but these facilities
25 all do exist.

1 And then we have the current condition of the chapel on
2 the grounds, in contrast to what was at the Brentwood
3 facilities, and these are some photographs of the deplorable
4 conditions that exist on the campus.

5 But there's more and we've just had a conversation about
6 Mr. Guadiana and his client, Bridgeland. There are oil
7 drilling interests on the property.

8 This photograph, just to orient the Court, shows the 405
9 freeway basically at an angle off to the right and just to the
10 left of it is around seven or so acres -- I think is the right
11 number of -- I think it's about a dozen wellheads, drilling
12 sites.

13 These were first created, Your Honor, not by the VA but
14 by the Bureau of Land Management to allow subsurface drilling
15 in this area to extract oil that sits underneath all of this
16 land out there, the campus, the freeway, and areas to the east
17 and to the south and with the cooperation of the VA and BLM and
18 the oil interests, which were predecessors to Mr. Guadiana's
19 client. These facilities were erected and operate to this day.

20 We were just out there a week or so ago and they are
21 fully in operation.

22 Now, we get to roughly 2010, 2011 at a time when
23 homelessness among veterans in this community was an urgent and
24 critical problem that needed to be addressed.

25 In 2011, as the Court knows, the prior *Valentini* case

1 was brought in this Court and these allegations, which I won't
2 take the time to read in detail, but these allegations made
3 clear that there is an enormous homelessness problem among
4 veterans in this community as of this time, something that was
5 well known then.

6 This lawsuit was brought to provide for reasonable
7 accommodations to disabled veterans to be able to access their
8 benefits, precisely the same claim that is brought in this
9 case.

10 And *Valentini* made clear the original pleadings that
11 this was a purpose and a use that was wholly consistent with
12 the original grant, the original donation of this land to the
13 federal government.

14 And *Valentini* sought this relief, "Plaintiffs seek to
15 vindicate their rights while shining a light on the crisis of
16 homelessness among veterans, particularly in the Greater Los
17 Angeles area, and on the misuse of the West LA campus,"
18 precisely what brings us here today.

19 And, again, in that complaint, the *Valentini* complaint
20 recites the purposes of the original donation creating a
21 charitable trust, something that the Court has already found in
22 this case, as a matter of law.

23 And that led after some years of litigation, in 2015, in
24 January of that year, to a settlement. A settlement which the
25 Court knows had no enforcement mechanism associated with it.

1 It was a settlement that essentially caused the
2 plaintiffs and, to a degree, I guess, the Court to trust the
3 defendants to comply with the terms of this Principles For a
4 Partnership and Framework For Settlement to resolve the
5 *Valentini* litigation.

6 And here are the essential terms from 2015.

7 After consultation, Paragraph 3 says, "The parties are
8 to coordinate to finalize a new master plan for VA's West Los
9 Angeles Campus by October 16th, 2015," roughly nine months
10 after the settlement -- eight months after the settlement was
11 concluded.

12 "Finalize a master plan."

13 As we know, no master plan was finalized until
14 approximately seven years later in 2022.

15 There was a draft master plan which was, for all intents
16 and purposes, changed dramatically in the final plan in 2022,
17 but here in 2015, the government is promising to have a final
18 new master plan in a matter of eight or nine months and we know
19 that that did not occur and there was no mechanism in that
20 litigation by which to force anybody to do anything.

21 But a key purpose of that new master plan as of 2015,
22 was to "set out the most effective use of the campus for
23 veterans, particularly homeless veterans, including underserved
24 populations such as female veterans, aging veterans, and those
25 who are severely physically or mentally disabled, and the

1 process by which that use would be implemented."

2 The primary considerations of that intended final master
3 plan in 2015 was "the provision of appropriate levels of bridge
4 housing and permanent supportive housing on the campus either
5 in renovated existing buildings or newly constructed
6 facilities, while taking into account the parties' assessment
7 of available housing units in the Greater Los Angeles
8 community," and we'll talk later about that mix between
9 on-campus housing and housing in the community because both are
10 critically important to solving the crisis of homelessness
11 among veterans that exist today.

12 One of the purposes of the master plan which was to have
13 been finalized in 2015, was "respect for individual veteran
14 choice on whether to seek housing on campus or in the
15 community."

16 Again, this dynamic of on-campus housing and off-campus
17 housing is something that we will talk about a bit later.

18 And, of course, all of this had to comply with
19 applicable law, integrating people with disabilities in the
20 community and environmental historical preservation,
21 regulations, and consultation requirements.

22 But we know that none of this actually ever occurred.

23 The next year after the settlement, the West Los Angeles
24 Leasing Act of 2016 was enacted and, as has been pointed out to
25 the Court in prior hearings, this act gives the authority to

1 the secretary of the VA to carry out leases and it makes clear
2 that the secretary may, not shall, may carry out leases
3 described in Subsection B and the leases include several kinds
4 of leases that we should talk about in detail for a moment.

5 The leases described in the 2016 Act include the
6 following:

7 "Enhanced use leases for the purpose of providing
8 supportive housing, as that term is defined by law, that
9 principally benefit veterans and their families."

10 So that is one type of lease that the West LA Leasing
11 Act allows the VA to enter into.

12 A second type is "any lease of real property for no more
13 than 50 years to provide -- to a third party to provide
14 services that principally benefit veterans and their families
15 and that are limited to one or more of the following purposes,"
16 and I'll just put them all up here.

17 There's a number of specific purposes defined in the
18 statute that are accepted as principally benefiting veterans
19 and their families.

20 "The promotion of health and wellness, nutrition,
21 spiritual wellness, education, vocational training, skills
22 building, training related to employment, peer activities,
23 socialization, physical recreation, assistance with legal
24 issues and federal benefits, volunteerism, family support
25 services, including childcare and transportation, and services

1 in support of one or more of those purposes" are also leasing
2 activities which the VA may, under the statute, engage in so
3 long as they principally benefit veterans and their families.
4 And we will see that a number of the leases that were entered
5 into, in fact, by the VA's own Office of Inspector General have
6 been found not to serve those purposes.

7 And specifically, in the 2016 Act, a lease with UCLA was
8 permitted, but it was not then, nor is it now, an unconditional
9 lease of property so that the Regents of the university can
10 have a baseball field and a practice field and a parking lot.

11 The lease for a period of 10 years was permissible under
12 the Act "if and only if the lease was consistent with the
13 master plan" and we can talk about that separately. "If, and
14 only if, the provision of services to veterans is the
15 predominant focus of the activities and the Regents at the
16 campus during the term of the lease."

17 There is simply no way, Your Honor, that the baseball
18 program of UCLA has as its predominant purpose, a service to
19 veterans when what they do there is they practice there and
20 they play their games there.

21 UCLA does provide some other things, which we can talk
22 about, but, the predominant purpose of the activities of the
23 Regents on the campus at the VA is baseball. It is not service
24 to veterans.

25 UCLA expressly agreed to provide certain additional

1 services and support as part of the consideration for this
2 lease and they agreed not to be compensated for those services.

3 Those services, like the predominant purpose of being on
4 the property at all had to "principally benefit veterans and
5 their families including veterans severely disabled, women, the
6 aging, or the homeless."

7 And those activities, those additional activities for
8 which the Regents were not to be compensated at all might
9 consist of activities relating to medical, clinical,
10 therapeutic, dietary, rehabilitative, legal, mental, and
11 spiritual services, recreational and counseling services as
12 well, and it required the Regents to maintain records
13 documenting the value of the additional services.

14 And the Court will hear testimony from a representative
15 of the Regents about that recordkeeping or the lack of it.

16 In those additional services in support that the Regents
17 were required to provide as a condition of their baseball
18 stadium existing on the campus, one of the things they agreed
19 to do was to create a legal clinic, a legal clinic that the
20 evidence will show is largely closed, poorly staffed, if
21 staffed at all, with limited hours that do little to serve at
22 least the legal issues that veterans on the campus or homeless
23 veterans visiting the campus have.

24 So at the end, there is no doubt in our minds that the
25 UCLA lease does not comply with West Los Angeles Leasing Act

1 requirements as outlined in the statute.

2 Now the *Valentini* settlement principles, hardly even
3 call it an agreement, candidly, the settlement principles did
4 produce a draft master plan in January of 2016 roughly almost a
5 year to the day after the *Valentini* principles of settlement
6 were agreed to, and that draft master plan was never formally
7 adopted.

8 What was adopted was the actual master plan in 2022,
9 which the evidence will show was quite more limited in terms of
10 its scope.

11 For example, the draft master plan talked about the
12 development of not only the North Campus, the area north of
13 Wilshire Boulevard, but talked about the development of the
14 South Campus as well.

15 The 2022 master plan does not talk about the South
16 Campus development at all as it relates to permanent supportive
17 housing.

18 The 2016 draft master plan encompasses broader areas of
19 the campus than the '22 plan.

20 And we'll talk about that all in the course of the
21 evidence.

22 The draft master plan was followed by a regulatory
23 process that culminated in 2019, it took about three years, for
24 a Programmatic Environmental Impact Statement consistent with
25 NEPA to be completed.

1 And the essence of the 2019 plan was that it proposed
2 these two alternatives for how to address a master plan idea
3 for the provision of permanent supportive housing on the
4 campus, Alternative C was "demolish and replace select existing
5 buildings and construct new buildings on open land up to
6 1,622 units of supportive housing."

7 And then Alternative D, was essentially the same except
8 rather than demolish buildings, the plan was to renovate
9 buildings and construct new buildings.

10 Again up to 1,622 units.

11 That number 1,622 appears only in the Programmatic
12 Environmental Statement of 2019.

13 In 2022, three years later, and six years after the
14 draft master plan and seven years after the *Valentini*
15 principles of settlement were agreed to, the master plan of
16 2022 only speaks of building 1,200 permanent supportive housing
17 units on the campus.

18 So the authority to build more existed as of 2019.

19 The PEIS, this Environmental Impact Statement from 2019
20 essentially said you can build 1,622 units but for reasons
21 we'll explore in the course of the evidence only 1,200 were
22 modeled in the master plan of 2022.

23 In 2021, I mentioned that the Office of Inspector
24 General had looked at the leasing activity and the progress of
25 the VA on the VA campus twice, first time in 2018, this time in

1 2021.

2 The Office of Inspector General basically does, I
3 gather, an independent investigation of how the VA was
4 performing under the West Los Angeles Leasing Act.

5 That report and that investigation was in fact required
6 by the statute itself.

7 This is the five-year report of the OIG in 2021.

8 It speaks of the Enhanced Use Lease program as being "an
9 important component of VA's admission to end veteran
10 homelessness and the department's overall asset management
11 program."

12 It describes the program as VA leasing underutilized
13 real estate under its jurisdiction or control to the private
14 sector on the West Los Angeles campus for up to 99 years to
15 develop supportive housing for veterans and their families who
16 experience or at risk of homelessness.

17 We will talk a bit later about that public-private
18 partnership where by the VA essentially donates land on the
19 West LA Campus for a period of 99-year leases. Two private
20 developers who, in turn, construct housing on the campus and we
21 will talk a bit about some of the frailties associated with how
22 that financing of those projects is conducted and the
23 consequences of that kind of financing.

24 And at the same time in 2021, the West Los Angeles
25 Improvement Act was passed.

1 It specifically addressed the use of land revenues on
2 the campus of the VA in West LA. This Act passed in 2021,
3 basically amending the 2016 Act provided that "any land use
4 revenues received by the VA shall be available without fiscal
5 year limitation and without further appropriation exclusively
6 for use for any of the following: Supporting construction,
7 maintenance and services of the campus relating to temporary or
8 permanent supportive housing."

9 As far as we know, no funds have been used for that
10 purpose, for this construction of temporary and supportive
11 housing, although obviously, as of 2021, this was a subject
12 that was on the minds of not only the Congress, but people at
13 the agency as well.

14 Land use revenues could also be used to renovate and
15 maintain the land and facilities at the campus, carry out minor
16 construction projects and carrying out community operations at
17 the campus to support the development of emergency shelter and
18 supportive housing for homeless or at-risk veterans.

19 As best we can tell, no funds have been used for that
20 purpose either.

21 The tiny sheds that are there were donated by others.

22 We're not aware of funds being used for that purpose.

23 Then we get to the master plan in 2022.

24 As I said, this was a scaled-back version of the 2016
25 plan. It contemplates the construction of 1,200 units, not

1 1,600, but 1,200 units, even though the Environmental Impact
2 Study allowed for 1,600.

3 This plan, limited to the North Campus and limited to
4 areas of the property, some of which were frankly excluded
5 talked about building 1,200 units.

6 This was followed by a community plan in 2023, which
7 recited what the Office of Inspector General had found as of
8 2021.

9 And what the OIG found that was recited in this
10 community plan was that five brand new land use agreements did
11 not comply with the West Los Angeles Leasing Act of 2016 or its
12 amendment in 2021.

13 One of them was the lease with SafetyPark.

14 We showed the Court those photographs of the parking
15 lots along Barrington Avenue. Those are the SafetyPark parking
16 lots that are for-profit ventures run by SafetyPark.

17 The lease of that property is for successive one-year
18 terms, there are nine of them after the initial term, and the
19 OIG found that the SafetyPark lease -- and there will be
20 testimony about this in the course of the trial -- that
21 SafetyPark lease does not comply with the intent and purpose of
22 the statute -- the West LA Leasing Act of 2016.

23 And the OIG found that this particular lease was
24 noncompliant because its primary purpose is to provide parking
25 to the public, not principally benefiting veterans.

1 I don't know if the Court has been out to this area, but
2 these parking lots face the business district in Brentwood
3 along Barrington Avenue and Barrington Place.

4 The OIG found that the Brentwood School lease did not
5 comply with the provisions of West Los Angeles Leasing Act.
6 And the community plan describes it in these words:

7 "A lease allowed to Brentwood School continued use of
8 its athletic facilities on approximately 21 acres."

9 In November of 2016, VA decided to continue its
10 long-term relationship with the Brentwood School by executing a
11 10-year lease. That lease is set to expire in 2026.

12 And under the lease, Brentwood was to pay \$850,000 in
13 annual rent and provide non-monetary in-kind consideration
14 valued at roughly another \$900,000. The evidence will show
15 that the vast majority of that non-monetary consideration is
16 Brentwood maintaining the landscaping and the grounds that it
17 already leases from the VA. It provides no non-monetary
18 consideration outside of its own property.

19 It provides some transportation which has, frankly, very
20 limited value, if any.

21 But that's the deal that was struck by the VA in 2016,
22 and the OIG determined that the Brentwood School lease violated
23 the West Los Angeles Leasing Act, because the purpose was not
24 to principally benefit veterans and their families, rather, the
25 principal purpose of this lease was to provide the Brentwood

1 School's continued use of its athletic facilities.

2 I mentioned early on that when the chapel was first
3 constructed more than 100 years ago, the notion of community
4 was a key element to the planning of the use of this campus,
5 not just for housing, but to create a sense of community.

6 In 2023, the Urban Land Institute did a study, and there
7 will be testimony about this, to create, again, a sense of
8 community on the West LA campus separate and distinct from
9 housing.

10 Housing solves homelessness. It's just that simple.

11 But that isn't the end of the story either, Your Honor.

12 The creation of community is a key part of making
13 housing on the campus the vibrant community that that campus
14 once was.

15 So the Urban Land Institute and a study in 2023, I think
16 it was August, roughly a year ago, where they created an area
17 called the "commons," they had an area called the "parade
18 grounds," they had a "quad," a sort of open-air meeting space,
19 and they had a plan for what to do with the chapel to make it
20 once again a center of community on the grounds.

21 So that's a bit of the history of this property and what
22 brings us current to today.

23 So I want to turn now to a brief discussion of the
24 impact of homelessness.

25 The evidence in the trial, largely undisputed, I think,

1 between our witnesses who are truly experts in this field and
2 the government's witnesses, I don't think there will be much
3 disagreement about the impact of homelessness and particularly
4 the impact of homelessness on veterans.

5 Dr. Henwood, who is one of our experts who will be here
6 to testify we hope this week describes an institutional circuit
7 of homelessness that begins with, in no particular order in the
8 circle, a visit to an emergency room, hospitalization, losing a
9 home, being in the streets, violating laws, jail, prison,
10 repeat.

11 That's the institutional circuit of homelessness that
12 Dr. Henwood will describe in greater detail.

13 It absolutely includes violence, it includes illness and
14 death, it includes suicide, it includes shortened life
15 expectancy, a significant shortening of life expectancy for
16 people who are in the streets, and particularly veterans.

17 And what do we know about just how many homeless people
18 and homeless veterans there are?

19 As the Court knows there are counts that occur with some
20 regularity. The counts are estimates, at best, they aren't
21 complete, they don't capture everybody. They are using
22 algorithms to try to extrapolate from a small sample to large
23 sample, but they're the best information we have.

24 What we have about the number of homeless veterans in
25 the Greater Los Angeles area, not the entire five-county

1 cachement area that the VA and West Los Angeles is intended to
2 serve, which runs from basically San Luis Obispo to Los
3 Angeles, including Kern County, Santa Barbara County, Ventura
4 County and Los Angeles.

5 What we know, the best estimates to be that is an
6 expression of the size of the problem that we're here to solve
7 is this: In 2018, the number of homeless vets was estimated to
8 be around 3,800. There was a slight dip in 2019, slight
9 increase in 2020, and in 2024, according to best estimates by
10 VA's witnesses, by the point-in-time count, by the by-name list
11 that the Court will hear about later this week, the estimates
12 and the reason for the blue line and red line is the estimate
13 is somewhere between, 3,800, and 4,200 homeless veterans as of
14 2024.

15 The VA, as the Court knows, has a plan which we will
16 talk about in a moment to construct 1,200 housing units on the
17 campus by 2030, or maybe later because there may be some delays
18 that we learned about here in the last few days of that
19 schedule.

20 And we simply don't know how many homeless veterans
21 there will be by 2030 or 2033.

22 What we do know is that the VA itself, in our view, not
23 properly discharging its fiduciary duty to the veterans is not
24 looking at this question at all.

25 So we can only speculate about what the future will

1 hold.

2 We know that as of today the number of homeless veterans
3 in this community is somewhere between 3,800 and 4,200 figure,
4 and those are estimates, not exact numbers.

5 In the course of the discovery in this case we ask this
6 question of representatives of the VA and Sally Hammitt, who
7 will be here to testify this week, and is the person charged
8 with the responsibility of maintaining what is called a
9 "by-name list," there are actually two by-name lists. The
10 lists take their name because they actually have the
11 identifying information about veterans and their names are on
12 this list, and there are two such lists. One's kept by the VA
13 and one is kept by the LA Homelessness Authority, but
14 Ms. Hammitt, when asked the question, will testify that there
15 is somewhere between 2,200 and 4,000 homeless veterans in our
16 community as of the time of her testimony I think.

17 And she noted that the last point-in-time count was
18 roughly 4,000.

19 Mr. Strain testified that from the 2023 count it was
20 last estimated around 4,000 veterans experiencing homelessness
21 in the Los Angeles continuum of care.

22 I think that's the city and county of Los Angeles, but
23 not beyond.

24 Dr. Braverman, who will be here to testify next week,
25 said as of 2019 the number was around 3,700, and in the last

1 few years it was between 3,700 and 4,200.

2 Mr. Kuhn, who will be here, I think, this week, who is
3 the Associate Medical Director of the VA in West Los Angeles,
4 said it's about 3,800 and change.

5 And Mr. Simms, he's not here in Los Angeles, but
6 he's the head of Enhanced Use Lease program for the VA had no
7 particular knowledge of homeless veterans.

8 So against that number, or range of numbers, let's take
9 a look at what is happening on campus then we'll talk about off
10 campus.

11 On campus, this is a chart, Your Honor, from the 2016
12 draft master plan. This was what was intended to occur back in
13 2016.

14 That legislation was passed in 2013, and within
15 12 months of that time, 60 housing units were to be built on
16 campus. That didn't occur.

17 That didn't occur within 12 months of 2013; it didn't
18 occur within 12 months of the principles of settlement
19 agreement in 2005.

20 And then roughly two to two-and-a-half years later an
21 additional 150 units on campus were to be provided, for a total
22 of 210 total permanent supportive housing units.

23 That didn't happen.

24 And then at the 30-month mark it was supposed to be 280
25 additional units for a total of 490 permanent supportive

1 housing units, and we know that that didn't happen either.

2 So that initial phase of development of call it
3 500 units, within 30 months of just about any date anybody
4 wants to pick, did not occur.

5 The midterm development was for another 280 units within
6 four or five years of, let's just call it from the *Valentini*
7 settlement, that would have put it at 2019 or 2020. That did
8 not occur. Nothing close to it occurred.

9 Then the future development, six to ten years from
10 *Valentini*, which would have put it at 2021 to 2025, was an
11 additional 430 units for a total of 1,200.

12 By 2025, we're almost at 2025, and there are exactly
13 233 units occupied on campus today.

14 So what we have here, regrettably, is an abject failure
15 on the part of the federal government to provide for the
16 veterans, either consistent with their fiduciary duty, either
17 with their agreement in principle from *Valentini* or either with
18 their obligations under the Rehabilitation Act.

19 This is just a summary of that information from the
20 prior slide.

21 As of 2019, 490 units were projected, and 55 were
22 completed and there was a deficit of 435.

23 By 2022, the promise was 770 units, but there were only
24 55, and a deficit of 715.

25 In March of '23, we still have only the 233 that were

1 open as of that time, and we have a deficit still of 537.

2 The 1,200 goal, hard to know whether that's going to be
3 met, there are buildings under construction that are intended
4 to provide something on the order of roughly 500 additional
5 units sometime and that may be delayed based on recent
6 information we've gotten, so we're unable to say exactly when
7 those would come online.

8 But the bottom line, Your Honor, is that there are only
9 233 units available today, and the VA is doing nothing to
10 address temporary housing.

11 They are not looking at it, they are not considering it,
12 they are not studying it at all. And, perhaps worse, there is
13 no more permanent supportive housing being considered or
14 studied either beyond the 1,200 units.

15 I want to change gears a little bit to talk about
16 housing off-campus.

17 I think that the evidence in the case will merge around
18 the question of whether housing should be both on-campus and
19 off-campus, I think everybody will agree that to solve
20 homelessness among veterans will require both on-campus housing
21 and off-campus housing.

22 And as the Court has heard, there is a program that
23 Housing and Urban Development has for vouchers.

24 They're the HUD-VASH voucher system that is administered
25 by HUD, a party here.

1 Those vouchers are funneled to housing agencies, which
2 are typically city and county agencies, we will talk about
3 those, and they provide basically rent support to allow
4 veterans to live off-campus hopefully close enough to access
5 their needed services on campus.

6 There are two types of HUD-VASH vouchers.

7 One type is called "tenant-based" and there is a certain
8 number of those that are allocated by HUD to the housing
9 agencies every year and the number does vary from year to year.

10 A tenant-based voucher is one that is issued to the
11 veteran and allows the veteran to use the voucher to live
12 anywhere he or she chooses in the community that will accept
13 the voucher.

14 The second type of voucher is a "project-based" voucher.
15 A project-based voucher, as the evidence will show, is one that
16 is tied to a specific building or project.

17 It is not issued to the veteran, per se, it is issued in
18 conjunction with a building or a project and there is a set
19 number of those vouchers.

20 There are in this case, Your Honor, as you will hear,
21 enormous problems and failures to the part of VA regarding the
22 issuance and usage of vouchers and there will be witnesses here
23 from Housing Authority of the City of Los Angeles to describe
24 that fully, but let me summarize that for you.

25 The voucher process begins with a referral from VA of a

1 veteran to a Housing Authority.

2 The Housing Authorities themselves do not recruit or
3 evaluate or refer veterans to themselves. The process must
4 begin with a VA referral.

5 As the Court will see in a moment, the referral process
6 from VA to the housing agencies is simply broken.

7 The second significant problem with vouchers and voucher
8 usage is what the Housing Authorities refer to as "attrition."

9 People who have vouchers fall out of the voucher system
10 and there are a number of reasons why they do that, sometimes
11 it's death, sometimes it's a choice. A veteran can make a
12 choice saying, you know, I no longer want to live in Los
13 Angeles, I'm going to move to Seattle.

14 But the single greatest area of attrition is what is
15 called "program violations."

16 Program violations occur when a veteran, perhaps
17 somebody with a brain injury, doesn't complete paperwork
18 correctly, doesn't do it on time.

19 And when you talk to -- as you'll hear in the course of
20 the evidence -- the Housing Authority people about what is it
21 that causes the attrition rates to be as high as they are,
22 their answer is a simple one, the lack of adequate caseworkers
23 at the VA to assist veterans to make sure that they remain in
24 compliance and don't fall into program violations that cause
25 them to fall out of the system.

1 So both on the referral front and the attrition side,
2 one is at the front end of the process of voucher use, the
3 other is at the back end. The VA regrettably is simply failing
4 the veterans here and we'll talk about that in greater detail
5 as well.

6 As I said, voucher usage depends on VA referrals to the
7 housing agencies through adequate staffing, and the HUD-VASH
8 program goes back to 2008, Your Honor, so we have a 16-year
9 movie that we can look at in terms of the performance of the VA
10 in making referrals.

11 And there are 19 housing agencies in the catchment area,
12 that is in the five-county area.

13 The two largest are the Los Angeles County Development
14 Agency and the Housing Authority of the City of Los Angeles,
15 one possibly two leaders of the Housing Authority of the City
16 of Los Angeles will be here to testify about these issues next
17 week.

18 There is information about the VA referrals to the
19 housing agencies over time.

20 As I said, it's roughly a 16-year movie we have to look
21 at.

22 And looking at that 16 years, the only time -- the only
23 time that the VA has referred more than 1,000 veterans to the
24 housing agencies is when in 2014 and '15, they contracted out
25 the referral process to a private contractor.

1 That program was discontinued and the referrals fell off
2 dramatically.

3 We also had information about attrition by year that
4 will be presented in the course of the trial.

5 And we have some information about the net improvement
6 over last three years, which we'll look at in a moment.

7 But here is a slide of just four years of information.

8 Now, the evidence will be that the Housing Authorities
9 believe that based upon having roughly 4,000 to 5,000 vouchers
10 available, they need -- and this has been their testimony
11 uniformly -- 25 referrals from the VA per week, roughly 1,300
12 in the course of the year, in order to vet those people, get
13 them issued their vouchers, and get them into housing.

14 And over the course of these four years, these are the
15 figures for HACLA, this is the Housing Authority of the City of
16 Los Angeles only, not all 19 agencies, that the best year was
17 2021 when 3,700 -- pardon me, 2,200 vouchers were used out of
18 3,700 and 40 percent of the vouchers roughly 1,300, 1,400
19 vouchers were basically left in a drawer, unused, not utilized.

20 The testimony from the Housing Authority people will be
21 that when that happens and the next year comes around, and the
22 Housing Authority has not used its quota of vouchers fully or
23 near fully, that in certain years your voucher authorization is
24 cut, the theory being you're not using them anyway, why should
25 we give you more. We can use them in St. Louis, Chicago or New

1 York.

2 And Housing Authority of Los Angeles has experienced
3 that very thing. The people from the agency will be here to
4 talk about that.

5 When you compare voucher usage with attrition, now
6 merging the less than complete use of vouchers with people who
7 fall out of the system for various reasons, you see in the four
8 years that are shown here that in the last two years there was
9 actually a net loss of voucher usage between referrals that
10 were made and the attrition.

11 For example, in 2023, the VA referred to the Housing
12 Authority of the City of Los Angeles 229 individuals, not
13 1,000, not 1,300, this is about four referrals a week.

14 At the same time 262 people fell out of vouchers. So
15 the net effect is that the situation of voucher usage in Los
16 Angeles in 2023 is actually worsening, not improving.

17 I mentioned this earlier, in 2023, looking at just the
18 12 months of that year, HACLA, the Housing Authority of Los
19 Angeles, needs 25 referrals a week in order to utilize the
20 vouchers it has available.

21 Here's what actually happened in 2023.

22 The VA referrals amounted to about four referrals a
23 week, not 25, not 15, not 10, four. And in that same period,
24 at least in part due to the lack of adequate caseworkers paying
25 attention to their clients, we're told in the course of the

1 depositions we have taken in the case that the ratio of patient
2 to caseworker is about 25 to 1.

3 So it's hardly a surprise that if a caseworker has
4 25 people in cases to contend with, they may not be able to get
5 to every single one to solve their programmatic violations
6 problems to prevent attrition.

7 So 2023, as a snapshot in time is simply an abject
8 failure; there's no way to describe it.

9 And this is a slide, Your Honor, of -- this is from the
10 VA itself, acknowledging its staffing shortages, and the time
11 frames are a little hard to read, but the very first blue box
12 at the left is the first quarter of fiscal year '23, which I
13 think would be around the fall of '22.

14 And then the winter of '22, the spring of '22, and the
15 summer of '22, followed by the fall, winter and spring of '23,
16 for the fiscal year that we're in now, essentially that ends
17 next month.

18 You will see that the staffing here is fairly dramatic.
19 There is some improvement, to be sure, by about this time.

20 So 85 percent of the positions are filled, and a little
21 less than two years ago, they were at 72 percent.

22 But this is explanatory of both the lack of referrals
23 and it explains the attrition problem, which work together to
24 basically make the voucher program less than optimal.

25 So, in response to this problem, which I believe the VA

1 acknowledges, in response to this problem, VA and HUD this
2 spring rolled out a new initiative called the "designated
3 service provider program" that was announced March 19th, this
4 year.

5 The goal of the program, given the staffing shortages
6 that exist at VA itself, was to encourage the Public Housing
7 Authorities to become caseworkers.

8 In other words, transfer the referral obligation,
9 transfer the avoid program violations obligation, transfer
10 those obligations from VA to the Public Housing Authorities.

11 There were a few problems with this program which make
12 it, in our view, doomed to fail.

13 Neither VA nor HUD as part of the program provides any
14 training whatsoever to the Housing Authorities; this is not
15 their business.

16 Their business is to place people and to deal with
17 landlords.

18 No program training was provided at all, and, perhaps
19 equally important, no funding was provided, if a Housing
20 Authority were to step up and say, "Sure, we will do that.
21 Tell us where we read up about it, tell us how we get trained,
22 and what are you going to pay us."

23 There's no funding for this program, which is why it's
24 doomed to fail, not just in our view, but in the view of the
25 Housing Authority.

1 The last point about vouchers is that there are caps,
2 there are limits on the vouchers, both the tenant-based
3 vouchers and the project-based vouchers.

4 The best information we have from the Housing Authority
5 of the City of Los Angeles is that they are near their cap of
6 project-based vouchers, which is 30 percent of their
7 allocation. They're about 29 percent, based on a deposition we
8 took last month.

9 To increase the number of vouchers available requires
10 either HUD action and it may require Congressional action, but
11 here, the consequences of hitting the cap or not increasing the
12 available vouchers in the community, it will prevent
13 commitments for new housing. It will prevent the ability to
14 finance new housing, and it will inevitably cause there to be
15 no new construction of new housing.

16 I mentioned earlier that we would talk a little bit
17 about how construction is done today and there will be evidence
18 in the course of the trial from our experts about this, but
19 essentially, the VA does not build housing itself.

20 It claims not to be able to do so, and that will be a
21 point of some contention here in the course of the trial.

22 But the VA builds no housing. It leases through the
23 Enhanced Use Lease program basically the ground to a developer,
24 and this is the program that's ongoing on the campus right now,
25 the developers use what are known as low-income housing tax

1 credits, and as the Court has already heard in the motion phase
2 here, low income tax credits have any number of strings
3 attached, and those strings are income restrictions and the
4 counting of disability benefits being counted as income.

5 And the outcome of these restrictions, both on the
6 financing side and through the AMI rules, which the Court I
7 know is familiar with, have these consequences:

8 A veteran is not eligible for voucher housing if their
9 income is too high.

10 HUD counts disability income towards eligibility even
11 though the IRS does not.

12 And the cruel effect is that the more disabled an
13 individual is, the more excluded they are from qualifying for
14 housing.

15 We asked VA's witnesses about this effect.

16 Mr. Harris is here today, testified about this as
17 follows, having to do with the income limits. He said, "The
18 last time I looked definitively at this there were
19 approximately 46 buildings operating," he's referring to
20 buildings in the community, "and of those I think the number
21 was 38, had either some or all of their units set at
22 30 percent," referring to 30 percent of AMI.

23 Mr. Kuhn was asked about this and talked about the SSVF
24 program, which we'll get into the course of the trial and the
25 HUD-VASH program, and he was asked about the income restriction

1 of 30 percent AMI and characterized it as "a problem of
2 justice."

3 Dr. Braverman was asked, "Well, so what's the effect if
4 people don't have stable housing?"

5 And he testified that "that may result in less than
6 stable access to medical care."

7 And he acknowledged that people with 100 percent
8 disabilities may not be eligible for project-based housing as a
9 result of their disabilities.

10 And Dr. Braverman characterized this cruel effect this
11 way, he said, "And the part that is incongruous to me is that
12 the disabilities that they have in some cases based on service,
13 are contributing to their homelessness, but yet -- and they are
14 some of the few who would explicitly benefit in some cases, for
15 being adjacent to, you know, co-located with a medical center,
16 and they're not eligible for being in those units."

17 He went on to say, "So I am concerned that we are
18 limiting -- and VA is concerned, I think it's fair to say, that
19 we are limiting some veterans who, by their service, would most
20 benefit from being in these units."

21 That's the financing AMI conundrum that is created by
22 the way in which housing is financed and constructed on the
23 West LA Campus.

24 So we've talked a lot about the problems. There are
25 solutions, and the solutions to veteran homelessness are

1 multi-faceted, but each and every one of these, Your Honor, is
2 achievable.

3 Obviously, everyone agrees that housing on the campus is
4 necessary. There may be disagreements about how much or how
5 capable people are to build it or how it's to be financed or
6 constructed, but I don't think there's disagreement that
7 housing on campus is a necessity.

8 Housing in the community is a necessity, part of the
9 solution to homelessness among veterans.

10 Increasing referrals to the Housing Authorities is a
11 critical component of solving veteran homelessness.

12 Changing the construction financing model is a critical
13 component to solving veteran homelessness.

14 If things continue on as they have, using these
15 Low-Income Housing Tax Credit models, it will only propagate
16 the problem. It will never solve it and we will continue to
17 have the most disabled people not qualify for the very housing,
18 not only that they need, but they're frankly entitled to.

19 Changing the AMI rule, we have talked about that in the
20 course of motion practice here.

21 The solution to homelessness also includes wraparound
22 services, greater caseworker attention, outreach to homeless
23 veterans, and the solution to homelessness depends on creating
24 a sense of community, something that was contemplated when the
25 chapel was first built, something that was communicated in the

1 Urban Lands Institute plan, and something that needs to happen
2 in the future.

3 Now, we will have expert testimony about the subject of
4 temporary supportive housing. Something that VA has not looked
5 at, at all, other than perhaps in response to the work that was
6 done by our experts.

7 We looked at -- this is through the testimony of
8 Mr. Soboroff and Mr. Johnson, who will be here, I think in
9 about two weeks. We looked at where to place temporary
10 supportive housing.

11 There's an urgent need to make a robust impact, to use
12 the words of the master plan from 2022: A robust impact has to
13 be made on homelessness among veterans and waiting until 2030
14 simply isn't the answer.

15 A temporary solution has to be put in place and that's
16 what these experts will talk about.

17 We gave them, Your Honor, some guiding principles.

18 We said think about placing temporary supportive
19 housing, but do not interfere with what is being built out
20 there now or plans that are known for future new buildings.
21 Don't interfere with the master plan in locating temporary
22 supportive housing.

23 We told them look for locations that are suitable
24 without a tremendous amount of work to place temporary
25 supportive housing.

1 We asked them to identify some styles and models for us.

2 We asked them to think about supportive services such as
3 transportation, stores, training opportunities, jobs.

4 We asked them to do all of this and they did, they
5 completed their tasks and they will be here to testify about
6 this.

7 This is a diagram from the 2022 master plan to show the
8 contract, the contrast between what the VA has in mind to build
9 1,200 units between now and 2030, and that's all of the --
10 basically the purplish-colored buildings that are all on the
11 North Campus.

12 The Court can probably see Wilshire Boulevard there
13 about two-thirds of the way down intersecting the property, and
14 then there's the South Campus where the hospital is.

15 This is the VA's plan.

16 This is the plaintiffs' plan.

17 We have identified these seven priority options on the
18 campus, both North and South, that are in the opinion of our
19 experts suitable sites for temporary supportive housing and
20 then we have three other parcels that we characterize as maybes
21 because we're just not sure whether they would be suitable.

22 Let me talk about one of the maybes for a moment.

23 The second to last one is a 6-acre parking lot north of
24 the columbarium. And it's listed here as a maybe, Your Honor,
25 because that 6-acre parking lot is intended to be, as we

1 understand it, expansion space for the columbarium sometime in
2 the future.

3 Now, the columbarium itself, which is shown in one of
4 those photos that I showed you earlier, the columbarium itself
5 has room and space for 10,000 internments and the columbarium
6 documents that we have, basically say that's enough space to
7 inter veterans for decades to come.

8 And yet this parking lot of 6 acres, which we think
9 could well be used for temporary supportive housing in the near
10 term, is basically cordoned off for something to be used
11 decades from now.

12 We have a disagreement about whether that's a wise use
13 of that property when we have people living and dying in the
14 streets.

15 But the other areas are all things that the experts will
16 talk about in the course of their testimony.

17 The yardstick they have used is that an acre of land
18 will support about 40 or 50 temporary supportive housing units,
19 so the objective is to place 1,000 temporary supportive housing
20 units scattered around the property, not getting in the way of
21 any other functions or plans, and that would require about
22 25 acres of land.

23 And our view is that there is adequate land to
24 accomplish that.

25 The plan is that that can be done in a year to 18 months

1 and then other work can continue on the permanent supportive
2 housing front that is already going on and other work can
3 continue to expand permanent supportive housing beyond the
4 1,200 units in the future as well.

5 But something urgent needs to be done, and it needs to
6 be done now.

7 Here is a photo. I'm sure the Court has seen these
8 before, these are the sheds. There is about 120 of these lined
9 up along the west side of the property near San Vicente. These
10 were put up to address Veteran's Row, along San Vicente
11 Boulevard during the pandemic.

12 These are neither respectful nor dignified in any way.

13 And what we propose is that temporary supportive housing
14 units be put up that may look like this slide with bathrooms,
15 with kitchens, something respectful and dignified to reflect
16 what should be done for these veterans.

17 There's the contrast between what exists and what we
18 believe is eminently achievable for not a great deal of money,
19 given the overall budget that the VA has.

20 We also tasked the experts to think about temporary
21 supporting housing in terms of its reuse when permanent
22 supportive housing becomes available.

23 And the view is that the temporary housing of the kind
24 that is shown in these photographs can be reused for workforce
25 housing and can be used for student veteran housing.

1 I'm sure there are other uses that the good minds at the
2 VA could come up with, but those are two suggestions that we
3 have.

4 I want to turn now to the illegal leases that have been
5 found to be illegal by the Office of the Inspector General of
6 the VA.

7 Broadly speaking, these are leases that are illegal
8 because they don't principally benefit veterans.

9 We've talked about Brentwood School, we've talked about
10 SafetyPark, we've talked about UCLA.

11 In the 2018 OIG report, the OIG identified improper land
12 use agreements.

13 As of 2018, there were 40 of them of various kinds, some
14 of which were specifically named -- or not named, rather, in
15 the West LA Leasing Act, the Barrington parking lots; Brentwood
16 School; Breitburn, that's the oil interest that the Court I
17 know is familiar with; the City of LA Veterans Barrington Park.

18 And in the second OIG report in 2021, the OIG found that
19 Congress enacted the Act in 2016 allowing non-VA entities to
20 use the land, but requiring that all real property leases and
21 land use agreements principally benefit veterans and their
22 families.

23 That was the yardstick they used to determine that there
24 were illegal leases, and what the audit found was in addition
25 to discussing the illegal leases, the OIG found that the VA had

1 made regrettably very little progress in providing housing for
2 1,200 veterans, that the progress had been limited following
3 the execution of enhanced use leases for 55 units as of May of
4 2017.

5 And then in 2021, down from 40 illegal leases there
6 were, as of 2021, five agreements that still did not comply
7 with the West Los Angeles Leasing Act or other federal
8 statutes, and two had been previously reported on.

9 Generally speaking, the OIG found these illegal leases
10 were not veteran-focused and did not comply with other
11 provisions of the Act, such as limits on leasing authorities
12 under the act.

13 It mentions the oil interests here.

14 And it allowed the public to use VA parking lots located
15 on the northwest corner of the campus, that is the area
16 adjacent to the Brentwood Business District.

17 I've mentioned some of the experts already. Let me
18 briefly summarize for the Court what the experts who will
19 testify here will say.

20 One of our experts is Dr. Henwood.

21 Dr. Henwood is an expert in homelessness.

22 Dr. Henwood conducts the point-in-time count that occurs
23 annually, and Dr. Henwood will testify that permanent
24 supportive housing is the most effective way to end
25 homelessness.

1 I shorten that simply to say housing ends homelessness.
2 The absence of permanent supportive housing perpetuates
3 the institutional circuit that I described earlier of
4 homelessness, shelters, hospitals, jails and prisons, and a
5 repeat of that cycle.

6 Permanent supportive housing, he will testify, is
7 predicated on having adequate support services.

8 And that the resolution of veteran homelessness in Los
9 Angeles county has stalled.

10 The 2023 estimate is that there are 3,878 homeless
11 veterans and that the West LAVA is not providing sufficient
12 permanent supportive housing to address the problem.

13 And the shelter options, such as the tiny sheds that are
14 lined up along the west side of the property are substandard
15 and that there is a clear need for temporary housing and an
16 assertive outreach and engagement by VA that is currently not
17 there.

18 Dr. Sherin will testify that based on his experience,
19 the speed and the breadth of the governmental response to
20 veteran homelessness has been and continues to be inadequate,
21 that the West Los Angeles campus should be an intentional
22 community by and for veterans as it was intended to be and as
23 it actually operated for decades.

24 Dr. Sherin will testify there is an urgent need for
25 temporary housing, as well as for appropriate health and

1 rehabilitation services providing a full range of services that
2 are lacking.

3 Dr. Sherin will be followed by Mr. Soboroff.

4 Mr. Soboroff is a community leader here in Los Angeles.
5 He is a developer. He has actually an incredible resume of
6 accomplishments in major building projects.

7 He single-handedly led the effort to build the Alameda
8 Corridor from the port to downtown dealing with 35 separate
9 public agencies, cities and counties in the process.

10 He built Playa Vista in West Los Angeles, seven miles
11 from the West LA VA Campus. He knows what to do and it's his
12 view that there is an urgent need to place approximately 1,000
13 temporary units on the campus.

14 He's identified the six priority sites and the three
15 potential sites that I showed the Court earlier.

16 He can provide overview of planning and execution of the
17 project and believes that given the number of homeless veterans
18 in this community by virtually every estimate, 1,200 units is
19 simply not enough, and that an additional 2,800 additional
20 permanent supportive housing units need to be built which will
21 then free up the temporary units for other uses.

22 Mr. Soboroff can also address the current financing
23 models and their inadequacy.

24 We talked about this already. I won't belabor it now,
25 and he is prepared to testify about the notion of community and

1 a town center for the West LA Campus, and that a new leadership
2 structure is needed.

3 The current leadership structure, the principal
4 developer group is focused only on the permanent supportive
5 housing projects that are ongoing and planned through 2030.

6 Their charter is not to deal with the sense of community
7 that is required and that's what that particular piece of
8 testimony will be about.

9 Mr. Soboroff's testimony is complimented by that of
10 Randy Johnson.

11 Randy Johnson is also a developer. He was the chief
12 operating officer of Playa Vista and he also is of the view
13 that 1,000 temporary housing units can be built on the property
14 in 12 to 18 months to make a robust impact on homelessness in
15 the veteran population.

16 They can be ready in 12 to 18 months.

17 He outlines the process steps for the placement of this
18 housing, the review of modular housing options, site
19 evaluations and selection, site planning and design, connection
20 to and extension of necessary infrastructure, staging, delivery
21 and installation.

22 Mr. Johnson puts a price tag on this work, which is
23 admittedly an estimate at best at the moment, of roughly a
24 billion dollars. That figure has a cushion in it because more
25 information is needed in order to refine that estimate, but

1 there is about a 30 percent cushion in there, so the project
2 could cost as little as 6- to \$700 million or it could be a
3 billion.

4 That is a significant amount of money by anybody's
5 measure, but against a budget for the fiscal year '24 of
6 \$407 billion that the VA has, that seems like a relatively
7 modest expenditure in the grand scheme of things.

8 Now, I fully anticipate that the VA and HUD will come up
9 here and say these things are simply impossible. They can't be
10 done, they don't have the money to do it, and that there are
11 all kinds of impediments to accomplishing what we're talking
12 about. There are regulatory limits, there are environmental
13 obstacles, there are historical preservation problems.

14 And all of those things have, to one degree or another,
15 existed for some time.

16 The VA has had a decade and a half to solve this
17 problem. There are grievances about the use of this property
18 that go back 50 years.

19 Time is up, Your Honor. It's time to actually do
20 something.

21 It's now time for the Court to act consistent with the
22 evidence that we will present in the course of the case.

23 Thank you very much.

24 THE COURT: All right. Counsel, recess time to get
25 set up. How long would you like?

1 MR. ROSENBERG: Just five or ten minutes, Your
2 Honor.

3 THE COURT: How about 20 minutes, just to be sure.
4 Use the restrooms, make sure you're ready, and we will commence
5 with the defense opening statement in 20 minutes. Thank you.

6 (Recess.)

7 THE COURT: Back on the record. All counsel are
8 present, the agencies and parties are present.

9 And there was an inquiry of Karlen by at least one or
10 two people in the audience about photographs or video
11 recordings. Those are not allowed in Federal Court.

12 So counsel on behalf of the VA and also on behalf of
13 HUD, is that correct? All right. Thank you.

14 Once again, would you just identify yourself for the
15 record.

16 MR. ROSENBERG: Of course.

17 Good morning, Judge Carter, I'm Brad Rosenberg from the
18 Department of Justice, Civil Division Federal Programs Branch
19 on behalf of the Department of Veterans Affairs and Department
20 of Housing and Urban Development.

21 This is a curious case, Judge Carter, because everyone
22 in this courtroom has the same goal in mind.

23 Everyone wants to end veteran homelessness, there can
24 and should be no doubt about that, but the reason why we're
25 here at trial, and I'm providing this opening statement, is

1 that the parties have vastly different views as to how to
2 achieve that goal.

3 Now, throughout this trial you are going to hear
4 evidence from both sides, and I'm going to focus on the
5 evidence that you are going to hear from VA and HUD.

6 It is a broaden overview. You are going to hear
7 evidence from VA and HUD about how they are pursuing a
8 multi-prong strategy in the Greater Los Angeles area regarding
9 the challenge of veteran homelessness.

10 Now, plaintiffs have focused on the campus, and to be
11 sure, the campus is an important part of the puzzle of how do
12 you solve veteran homelessness in Los Angeles, but it's only
13 one part of that puzzle, it's only one part of that strategy
14 and my good friends on the other side, I think, acknowledged
15 that a couple of times during their opening statement.

16 We will talk about that multi-prong strategy that both
17 agencies are pursuing in the Greater Los Angeles area.

18 But I'd like to highlight off the top some of the
19 results that we've seen through VA's and HUD's efforts.

20 Currently there are 5,300 formerly homelessness veterans
21 who are housed in the broader community throughout the Greater
22 Los Angeles area, with the assistance of HUD-VASH vouchers.

23 And we have also spoken already in this case a bit about
24 the number of homelessness veterans in Los Angeles.

25 Well, the most recent numbers, the 2024 point-in-time

1 count of homeless veterans, which were taken in January and
2 released this past June, showed a 32 percent decrease in the
3 number of homeless veterans in the City of Los Angeles and a
4 nearly 23 percent decrease in the number of homeless veterans
5 in the Los Angeles continuum of care, and that continuum care
6 includes all of Los Angeles County, except for Pasadena,
7 Glendale, and Long Beach.

8 To be sure, there is still work to be done, but those
9 are significant numbers and significant achievements on behalf
10 of both agencies.

11 Now, as the Supreme Court recently recognized in the
12 *City of Grants Pass versus Johnson*, it's important for the
13 government to have flexibility when dealing with the complex
14 challenge of homelessness.

15 But if plaintiffs have their way in this lawsuit, they
16 would have this Court rob VA of the flexibility that it needs
17 and that it's been using to address the homelessness challenge
18 in Greater Los Angeles.

19 Specifically, the relief the plaintiff seeks would have
20 this Court throw out for all intents and purposes VA's plans
21 that were developed after multiple rounds of public input, and
22 instead, impose their view of what the West Los Angeles Campus
23 should look like.

24 They are using the vehicles of the Rehabilitation Act,
25 and common law trust claims to have this Court substitute their

1 view for the view of the agency that is tasked with ending
2 veteran homelessness in Los Angeles.

3 Simply put, and as we will show through evidence in this
4 case, plaintiffs' billion dollar idea for the development of
5 the West LA Campus is unmoored from reality, would be
6 spectacularly bad for the development of that campus, and would
7 undercut the substantial progress that VA has made in
8 addressing this challenge.

9 Now, how did we get here?

10 Plaintiffs provided a history of the West LA Campus, and
11 I'm not going to go through that entire history here because
12 the Court is already familiar with much of it, but I do want to
13 give a few highlights that reframe the issues that the Court
14 will need to decide just a little bit.

15 And in thinking about this campus and how it's being
16 developed, it's important to remember how unique this property
17 is.

18 It was once a Soldiers' Home a long time ago. And the
19 government, of course, first acquired the land in the late 19th
20 century in 1888.

21 And at the time there was no such entity as the
22 Department of Veterans Affairs, that wouldn't come for many
23 decades.

24 But over time the needs of veterans have changed from,
25 one, needs involving primarily housing, to healthcare and after

1 World War I, in particular, veterans became more likely to
2 require short-term medical care and so the campus was
3 redesigned to address those medical needs and those are the
4 needs that the campus served for many decades.

5 To be sure, the campus had gotten away from homeless
6 veterans -- or housing veterans, and a challenge for VA now is
7 how do you integrate these two purposes with a campus that's
8 more than a century old, and that for the past several decades,
9 has been focused on medical care, which is VA's core mission,
10 and at the same time provide the services and the housing that
11 we all agree veterans certainly need and deserve.

12 So that brings us to the next step in this process,
13 which the *Valentini* litigation.

14 And my colleague, Mr. O'Conner, who is much more tech
15 savvy than I am, has put a slide up which is the partnership,
16 the principles agreement, basically, the settlement agreement
17 from that litigation.

18 Now, the parties have very different points of view
19 regarding the *Valentini* litigation.

20 I know it's been discussed in this Court and by Your
21 Honor many times throughout the motions practice that the
22 parties have had, but one thing that is clear is that when the
23 *Valentini* case settled, there were a few key components that
24 all of the parties, both the plaintiffs in *Valentini* and the
25 Department of Veterans Affairs, agreed to.

1 And so I would like my colleague to pull up from that
2 first page of the settlement agreement, the objective.

3 What is the objective of that *Valentini* settlement?

4 "Consistent with VA statutory obligations and mission to
5 serve our nation's veterans, VA, and the representatives of the
6 plaintiffs in *Valentini versus McDonald* intend to work together
7 as partners, in coordination with key federal, state, local,
8 and community stakeholders and charitable and philanthropic
9 entities to end veteran homelessness in Greater LA in 2015 and
10 beyond.

11 To measure this success and in meeting this objective,
12 the parties will help facilitate and support a count of
13 homeless veterans in January of 2016."

14 It's one paragraph, but there is quite a bit to unpack
15 in that paragraph.

16 One key concept is the concept of cooperation, that the
17 parties will work together to try to solve the problem of
18 veteran homelessness.

19 Another key concept, the concept of coordination, that
20 the parties would coordinate with stakeholders, because if the
21 campus is going to be developed and if this problem is going to
22 be solved, the input of the community has to be taken into
23 account.

24 And that's the third key concept, Judge Carter, it's
25 public input.

1 The principles agreement are contemplated that VA would
2 solicit input from many sources, including legislators, veteran
3 service organizations, the state and local authorities and the
4 local community.

5 In other words, this settlement recognized in many
6 respects the limitations and constraints on VA's authority.

7 Agencies, by their nature, seek public input.

8 The Court is, I'm sure, familiar with the Administrative
9 Procedure Act claims that go through notice and common
10 processes, where the agencies take into account the points of
11 view of the stakeholders in developing their policies, and
12 that's essentially what that settlement agreement involves.

13 It involves the concept that the agency will go out and
14 obtain input from all of those different stakeholders. And it
15 contemplated the VA's actions would be guided by that public
16 process.

17 And when I say "it contemplated," it means the
18 settlement agreement contemplated that the VA's actions would
19 be guided by that public process.

20 And that, in turn, means that the plaintiffs in
21 *Valentini*, the parties to that settlement agreement, also would
22 have contemplated that VA's actions would be guided by public
23 process.

24 And it is now that public process the plaintiffs here
25 seek to cast aside through this litigation.

1 So the next step in this process is the 2016 draft
2 master plan.

3 I think my good friend said that this draft master plan
4 was published almost a year to a day after the *Valentini*
5 settlement, so close in time to the *Valentini* settlement.

6 And as contemplated by the *Valentini* settlement, the
7 draft master plan involved public input on how the campus was
8 to be developed.

9 So, what was the master plan input goals and vision?

10 My colleague, Mr. O'Conner, has pulled up a slide from
11 that particular exhibit, it's page, I believe, 3 -- or page 2
12 of the exhibit -- or page 2 of the draft master plans, so it's
13 right up front. And we have highlighted the key language from
14 the draft plaster plan.

15 Key to the creation of a successful master plan, and
16 stipulated to -- or and stipulated in the partnership agreement
17 was the need to solicit input from a full range of stakeholders
18 in determining how best to use the campus in a veteran centric
19 manner.

20 In other words, the plaintiffs from *Valentini* didn't get
21 to decide for themselves how the campus should be used.

22 The VA also can't just decide by itself how the campus
23 should be used. It would have to take into account that public
24 input, all of those stakeholders in the community who can and
25 should have a say in how this public property is developed.

1 And solicit input, they did.

2 VA received over 1,000 public comments in the Federal
3 Register on the draft master plan.

4 VA engaged in working sessions. VA solicited
5 information via surveys. And the goal based on that input was
6 the development of 1,200 units of permanent supportive housing.

7 Now, how does VA go about and develop permanent
8 supportive housing?

9 Well, the answer, Judge Carter, as I know you are aware
10 is enhanced use leases.

11 Now, I'm going to pause on this document for a second.
12 This is also from the draft master plan and it may look
13 familiar to you because this slide or a portion of this slide
14 was used by plaintiffs in their opening statement.

15 And they focused on the timeline and how VA's
16 development of the campus slipped from that proposed timeline,
17 and I will address that in a few minutes as part of my opening
18 and the Court will hear plenty of testimony on timelines.

19 But I would like to focus on something that plaintiffs
20 didn't show you and that relates directly to that timeline.

21 So I have highlighted some of the language that appears
22 immediately below that highlight as well as -- that timeline as
23 well as on the next page.

24 That language is critical to understanding the timeline
25 itself and it's also critical overall to understanding what is

1 happening in this case.

2 "Note that the above proposed timeline will involve
3 pertinent future due diligence to address utility
4 infrastructure issues, environmental and historic preservation
5 analysis, and involve timing issues regarding selected housing
6 developers to obtain non-VA monetary capital needs from various
7 housing-related funding sources, e.g., equity, construction and
8 conventional loans, tax credits, grants, operational subsidies
9 like HUD-VASH vouchers, et cetera, and local zoning and permit
10 processes."

11 If I were to summarize the processes that VA has to use
12 to develop housing on the campus and the many challenges that
13 VA has faced in developing that housing, I couldn't do better
14 than that one paragraph. It's all there.

15 Everything.

16 The environmental and historic preservation processes
17 the VA has to go through. The infrastructure issues, how do
18 you develop infrastructure on a 100-year-old campus?

19 Finding people who actually develop the housing?

20 How will those developers get the money?

21 What's the cash flow for them to develop the housing?

22 There's our friend, the housing tax credits that this
23 Court is familiar with. And even the local zoning and
24 permitting processes that have become potentially an issue in
25 just the last few days, but there's more.

1 Because the very next paragraph notes, that "VA
2 envisions the development of supportive housing on campus
3 through VA's enhanced use lease program," citing to the United
4 States Code, "pursuant to legislation, Congress recently
5 introduced in both houses of Congress, specifically the Los
6 Angeles Homeless Veterans Leasing Act of 2015."

7 Remember, this draft master plan came out only a year
8 after the *Valentini* settlement.

9 If this was not what was contemplated in light of that
10 settlement, the use of enhanced use leases, where were the
11 *Valentini* plaintiffs?

12 Why are we in court now in 2024, arguing over the use of
13 leases that VA has been employing since 2016?

14 But there's something else on this page, and this is a
15 really important page, that I would like to focus the Court's
16 attention on.

17 At the top of the page, is a paragraph that discusses
18 phasing and next steps. It's basically an introduction to this
19 section of the draft master plan, and this language is critical
20 as well.

21 The phasing timeline, in other words, the timeline that
22 plaintiffs pointed out "begins when legislation as described
23 below, is passed to allow for the veteran focused development
24 of permanent supportive housing units on the GLA campus.

25 Upon passage of legislation, the process of

1 incorporating permanent supportive housing on the GLA campus,
2 with the required infrastructure, parking, and community
3 amenities would become part of the site plan over an extended
4 timeline."

5 So this draft master plan, again, on the heels of the
6 *Valentini* settlement, specifically states that legislation is
7 necessary to begin the timeline of building permanent
8 supportive housing.

9 So I will ask the Court to consider this question:

10 If VA has the sweeping authority to build housing
11 directly, as plaintiffs have claimed it has, then why would
12 that legislation be necessary?

13 So let's talk about that legislation for a moment.

14 This passed the next year, you have seen this before as
15 well, this is the West Los Angeles Leasing Act of 2016.

16 This is the legislation that provides VA with the
17 authority to enter in enhanced use leases to provide permanent
18 supportive housing on the West LA Campus.

19 This was the statute that was contemplated in the draft
20 master plan, which, in turn, was contemplated by the principles
21 agreement.

22 So all along, its EUL provisions were contemplated as
23 necessary to develop the campus. And, tellingly, Congress
24 effectively ratified the 2016 draft master plan and the master
25 plan process.

1 So I'm going to ask my colleague to pull up Section 2 (g)
2 of the West Los Angeles Leasing Act.

3 "Consistency With Master Plan. The secretary shall
4 ensure that each lease carried out under this section is
5 consistent with the draft master plan approved by the secretary
6 on January 28th, 2016, or successor master plans."

7 Congress knew what the VA was doing.

8 They knew about the existence of the draft master plan
9 and they ratified it. They ratified the method by which VA
10 would develop housing on that campus.

11 This is the vehicle, this statute, including its
12 amendments, is the vehicle by which VA can develop housing. It
13 offers opportunities, but it also imposes restraints, because
14 as my colleague, Mr. Knapp, indicated at the summary judgment
15 hearings, agencies are creatures of statutes. They are created
16 by Congress and Congress controls what agencies can do.

17 Congress also exercised control over VA in another
18 aspect of the statute.

19 So I will ask my colleague to pull up Section 2(h)(2),
20 which is on your screen, of the West Los Angeles Leasing Act.

21 Section 2(h) says, "Compliance With Certain Laws" and
22 Subsection 2 says, "Compliance of Particular Leases. Except as
23 otherwise expressly provided by this section, no lease may be
24 entered into or renewed under this section unless the lease
25 complies with Chapter 33 of Title 41 United States Code, and

1 all federal laws relating to environmental and historic
2 preservation."

3 Congress was clear in what it was requiring VA to do to
4 develop this campus. It had to comply and must continue to
5 comply with those laws.

6 Now, the statute did a couple of other things. It also
7 set up the Veterans of Community Oversight and Engagement
8 Board, the VCOEB. And I mention that because that's yet
9 another form of public input that was contemplated as part of
10 the development of the campus.

11 It's a federal advisory committee, and as such, it's
12 very open and transparent, and it provides advice to the
13 Secretary of Veterans Affairs on implementation of the master
14 plan and subsequent master plans in the development of the
15 campus.

16 The leasing enacted did one more thing I would like to
17 mention. Recall how Congress ratified the master planning
18 process?

19 Well, Congress also required regular reports.

20 Any time VA enters into or renews a lease it must
21 provide notice to Congress 45 days in advance.

22 VA has to provide annual reports on all leases and land
23 sharing agreements, including the evaluation and management of
24 revenue, and, as my friends on the other side pointed out, the
25 Office of Inspector General, the Department of Veterans Affairs

1 also had to issue reports both two years and five years after
2 the enactment of the Act and as necessary thereafter.

3 So Congress has been made aware and continues to be made
4 aware of what is happening on that campus.

5 So the next step that I would like to discuss in this
6 process is the 2022 master plan. And you're going to hear a
7 lot about that master plan during the next few weeks.

8 Like the draft master plan from 2016, the 2022 master
9 plan involved public comment.

10 There was informal comment. There was formal public
11 comment with a 60-day comment period and there was virtual town
12 halls.

13 And I mention that because the master plan is not just a
14 document that VA created out of thin air, it is a document that
15 VA created after receiving input across a broad spectrum of
16 community stakeholders.

17 It is a document that VA is working to implement today.

18 And it is the implementation of that document that the
19 evidence will show is threatened by this litigation.

20 Now, what are some of the goals from the 2022 master
21 plan?

22 Well, like the 2016 master plan, the 2022 master plan
23 projects there's a total demand for 1,200 permanent supportive
24 housing units.

25 That is a conclusion that's reached in that plan after

1 solicitation of public comment and evaluation of needs.

2 But it's also a development plan. Remember how the
3 campus has to combine different uses?

4 For example, that plan focuses the development of
5 housing on the northern part of campus, basically north of
6 Wilshire Boulevard, with the South Campus being a center for
7 VA's medical services.

8 And it's important to remember just how important those
9 medical services are and how central those services are to VA's
10 function, because at the end of the day, and at its core, the
11 VA is a healthcare agency.

12 Having provided some context for the backgrounds of how
13 we got here, I'm going to change gears and talk about the
14 testimony that you will hear during this trial.

15 And, again, this testimony should be viewed in the
16 context that the federal defendants and plaintiffs have the
17 same end goal, but we have vastly different views on how to get
18 there.

19 We will provide across all of the testimony facts
20 demonstrating that VA is hard at work helping homeless
21 veterans.

22 Now, this case is not just about housing or housing
23 homeless veterans in the abstract.

24 It's about services. It's about services that the
25 agency provides and the medical needs of many in the veteran

1 community.

2 Bear in mind, much of plaintiffs' case and I believe the
3 heart of plaintiffs' case as it relates to housing has been
4 brought under the Rehabilitation Act. It's an
5 antidiscrimination statute based on disability.

6 At the core of plaintiffs' Rehabilitation Act claims is
7 the notion that plaintiffs are representing a class of
8 individuals with traumatic brain injury or serious mental
9 illness, those are the individuals that plaintiffs contend need
10 permanent supportive housing in order to access their VA health
11 benefits.

12 So technically, but importantly, much of this case is
13 not about housing veterans generally. To be sure, that's part
14 of VA's mission and VA is working very hard on achieving that
15 goal.

16 But under the Rehab Act claims, plaintiffs are going to
17 have to tie it to medical benefits and the services the VA
18 provides.

19 Now, as I understand it the first VA witness the
20 plaintiffs are going to call is Sally Hammitt later this week.

21 I'm actually kind of glad the plaintiffs are starting
22 with Ms. Hammitt, because I can't think of anyone who, from my
23 experience in working in this case, has worked harder to
24 provide services to veterans.

25 Because, again, it's not just about housing someone,

1 it's about how you provide support services to help a veteran
2 get into housing and help a veteran remain in housing.

3 This is a challenging area.

4 There are veterans who drop out of housing
5 notwithstanding VA's best efforts.

6 But you will hear testimony about how Ms. Hammitt
7 partners with members of the community, including some members
8 of the community who are aligned with plaintiffs in this case,
9 in order to help veterans get and keep their housing.

10 You will hear testimony from John Kuhn, also likely
11 toward the end of this week.

12 Mr. Kuhn is the Deputy Medical Center Director for the
13 VA Greater Los Angeles Healthcare System.

14 Now, Judge Carter, the government has many constraints
15 on the way it functions.

16 But I'm confident that the Court will appreciate the
17 manner in which Mr. Kuhn operates creatively within those
18 constraints.

19 Mr. Kuhn applies novel organizational principles to get
20 veterans into housing.

21 So, for example, you will hear about one team, which is
22 an effort to consolidate planning and coordination of care
23 across all of the different stakeholders in the Greater Los
24 Angeles area.

25 You will also hear Mr. Kuhn testify about how housing

1 veterans requires more than just the campus, how the campus is
2 just one piece of the puzzle.

3 Not all veterans want to live on the West LA Campus,
4 plaintiffs acknowledge that. We embrace that. But there is
5 also a need to house veterans now.

6 And the reality is constructing housing on the campus
7 will take time. So what's a solution to that?

8 You're going to hear about bulk leasing. Bulk leasing
9 is a concept by which VA partners with the County to rent whole
10 buildings or large swaths of buildings or make apartments in
11 buildings so they can quickly get veterans into housing in the
12 community.

13 You will hear testimony about how bulk leasing allows
14 veterans to move in right away to permanent housing, with VA
15 providing services all while making better use of the
16 tenant-based vouchers that we all agree is very valuable in the
17 litigation. And critically it gives veterans a choice, a
18 choice of where they want to live and how they want to live.

19 These are people who are passionate about their work.

20 They are doing public interest work. And they will
21 discuss how housing and healthcare are intertwined concepts and
22 how they are doing everything that they can, constrained as VA
23 is by Congress, to support homeless veterans, to get them into
24 housing, and to provide them with access to the healthcare
25 services they've earned, need, and deserve.

1 You will also hear testimony about how VA is working to
2 implement the master planning process, the very process the
3 plaintiffs in *Valentini* agreed to.

4 So, for example, you are going to hear from Mr. Steven
5 Braverman who is the former Medical Center Director for the VA
6 Greater Los Angeles Healthcare System and is the current
7 Network Director for the VA Desert Pacific Healthcare Network,
8 which is a regional network comprised of Southern California,
9 Arizona, and New Mexico.

10 Dr. Braverman will discuss the development of the West
11 Los Angeles Campus and the challenges related to that
12 development.

13 He will discuss the implementation of the master plan,
14 and strategies that he brought on board to get that process
15 moving.

16 He will discuss the competing land use on the campus,
17 how do you balance the medical center needs on the south end of
18 the campus with the needs to provide housing on the north part
19 of the campus?

20 He will discuss the challenges that VA has faced over
21 the years in developing the campus. He will also discuss the
22 impacts or potential impacts of the relief that plaintiffs are
23 seeking if this Court were to grant it, including the impacts
24 of the development of temporary housing.

25 We've identified Dr. Braverman as a hybrid witness,

1 along with Mr. Kuhn and the next person I'm going to discuss,
2 Mr. Simms.

3 Plaintiffs are calling them as part of their case in
4 chief, and we will do our best to provide an examination that
5 is efficient for the Court, but for those three hybrid
6 witnesses who we've also identified as providing opinion
7 testimony, we do reserve the right to call them back to testify
8 after plaintiffs' experts have testified in order to respond to
9 their testimony.

10 So I have just alluded to Brett Simms, our third hybrid
11 witness.

12 Plaintiffs have mentioned Mr. Simms, as well, he's not a
13 resident in Los Angeles, he's resident in the Washington, D.C.
14 area and he's the Executive Director of Virginia's Office of
15 Asset of Enterprise Management and he will discuss VA's
16 enhanced use lease program.

17 We have argued why VA as a legal matter has to use
18 enhanced use leases.

19 But Mr. Simms is going to concretize that for you. He's
20 going to talk about how those leases work, how VA executes
21 those leases. He's going to talk about the need to update
22 infrastructure.

23 A lot of progress has been made, but there's more work
24 to be done.

25 He's in a great position to discuss the physical,

1 regulatory, administrative and financial barriers to opening
2 permanent supportive housing beyond the number of units that
3 the master plan contemplates and beyond the number of units
4 that have been approved as part of the need for process.

5 And my good friends alluded to that in their opening,
6 but Mr. Simms will talk about that process. How long it took
7 and what would be required to build more than the 1,622
8 permanent supportive housing units on the West LA Campus that
9 was approved as part of that process.

10 And plaintiffs are asking for a lot more. It would be a
11 totally different process.

12 He will also talk about the impact of the relief that
13 plaintiffs are seeking in the lawsuit.

14 Like Dr. Braverman, he can discuss development of the
15 campus, but he's in a particularly good position to discuss the
16 potential injunctive relief this Court may order on Count 2.

17 That, of course, is the count regarding VA's entering
18 into land use agreements with developers who have income
19 restrictions.

20 He will testify that, rather than fostering the
21 construction of permanent supportive housing, if plaintiffs
22 obtain broad injunctive relief, it will impede VA's ability to
23 build housing on the campus and nobody should want that.

24 We all want more housing on the campus. At minimum VA
25 wants to be able to build the 1,200 units that it's currently

1 planned. Plaintiffs want more.

2 This trial will help to determine what is allowable
3 within the legal framework that constrains this Court as well.

4 But broad injunctive relief has the potential to
5 undercut VA's ability to even comply with its current plans.

6 Now, Judge Carter, this is a good time to talk a little
7 bit about delays because they are going to be an important
8 issue in this case.

9 Plaintiffs have highlighted them, we understand that.
10 VA owns some of that.

11 But there will also be testimony about how many of these
12 delays were outside of the VA's control.

13 Remember, this is a campus with infrastructure, that in
14 some cases, is well more than 100 years old. You've got to get
15 your arms around that before you can figure out what the
16 development is going to look like.

17 And VA also has the challenge of trying to reconfigure
18 that campus to provide for these dual needs.

19 So you will hear testimony about how VA in 2018 had to
20 conduct a detailed conditions assessments of the campuses'
21 utility system and how VA has already invested more than
22 \$140 million to upgrade and expand the campuses' utility
23 systems to support the 1,200 units of permanent supportive
24 housing that VA is trying to build.

25 And of course, as I have already mentioned, the West Los

1 Angeles Leasing Act of 2016, which we all commonly refer to as
2 "the Leasing Act," explicitly requires compliance with both
3 environment and historic preservation laws.

4 The VA, like any other government agency, must make a
5 good faith effort to comply with all the laws that bind it.

6 And while there's sometimes a tendency to look at those
7 laws as an impediment to the construction of housing, VA as an
8 agency of the United States is required to comply with them and
9 it's required to do so in good faith.

10 We will also talk about, and you'll hear testimony about
11 local land use laws.

12 So you will hear testimony about how before construction
13 of a particular permanent supportive housing building can
14 commence local jurisdiction's need to review and approve
15 building designs and drawings.

16 You will also hear testimony about how before any
17 veterans can move into a newly constructed permanent supportive
18 housing building, local jurisdictions need to issue a
19 certificate of occupancy after they complete a robust
20 inspection process, and the developer rectifies any issues.

21 These are all processes that VA has to participate in,
22 and in some cases, the outcomes are out of VA's hands.

23 You will hear about that. It's an issue that VA is
24 dealing with now, it's a moving target, but it's an issue
25 that's reflected in our recent notice of recent development

1 that we filed last week.

2 And, finally on the subject of delays, I couldn't help
3 but notice the many pictures that plaintiffs used as part of
4 their opening presentation taken across the campus over a span
5 of more than 50 years.

6 I understand why plaintiffs would want to show this
7 Court those pictures as exhibits, of course, they are going to
8 be curated in a way, but we can do better on our side.

9 We think it would be appropriate for this Court, as part
10 of this trial and towards the end of the government's case in
11 chief, to tour the campus directly.

12 I'm sure there's a way that we can get that on the
13 record and the Court would have the opportunity to see VA's
14 efforts at developing the campus in realtime, see it in person.

15 We would be happy to answer any questions that the Court
16 may have about the development of the campus.

17 We have nothing to hide.

18 In fact, VA is quite proud of the efforts that it has
19 taken towards developing that campus.

20 So we would ask the Court to consider that and we would
21 be prepared to discuss that at an appropriate time.

22 I would like to talk about HUD-VASH vouchers. That is
23 another important part of this case.

24 Sitting with me at counsel is Dr. Keith Harris, who's VA
25 Senior Executive Homelessness agent for the Greater Los Angeles

1 area, and Dr. Harris will talk about VA's national programs and
2 services, including the implementation of the HUD-VASH program
3 in the Greater LA area.

4 Of course, there is the Department of Housing and Urban
5 Development, they put the "HUD" in HUD-VASH, so you will hear
6 from Michael Dennis who is a witness, a senior program adviser
7 for the Office of Public Housing and Voucher Programs at HUD.

8 Mr. Dennis will address HUD's policies and procedures
9 and HUD's partnership with local housing agencies.

10 Mr. Dennis will discuss the efforts that HUD has taken
11 to try to end homelessness among veterans in LA.

12 So, for example, Judge Carter, you will hear testimony
13 about how HUD has designated Los Angeles as a small area --
14 small area fair market rent location.

15 That is a mouthful. What does that mean?

16 It allows Public Housing Authorities in administering
17 the HUD-VASH program to use individual zip codes to determine
18 the amount of housing subsidy that will be paid to a veteran
19 using a voucher to lease a private apartment.

20 So it tailors the amount of the subsidy based on living
21 in a particular area, because some parts of Los Angeles are, of
22 course, more expensive than other parts.

23 You will also hear testimony about how HUD has
24 established exception payment standards for nine Los Angeles
25 area Public Housing Authorities permitting those payments to be

1 made at between 111 and 160 percent of the fair market rent
2 rate.

3 Now, I want to discuss the AMI issue for a minute. And
4 this issue was intertwined with Count 2 of plaintiffs'
5 complaint regarding VA's use of third-party leases and
6 project-based vouchers on the West LA Campus.

7 As we have said throughout this litigation, the
8 government is focused on the impact of the inclusion of
9 service-connected disability benefits for purposes of
10 determining eligibility for housing in project-based
11 developments on the West LA Campus.

12 And standing here today, I can report that the issue is
13 in flux, but we anticipate that we will be able to provide
14 additional information regarding the government's efforts to
15 address that issue soon and almost certainly during the course
16 of this trial.

17 I would like to discuss third-party leases.

18 You will hear testimony from VA about the benefits to
19 veterans that these land use agreements provide.

20 And I use "land use agreements," Judge Carter, because
21 there are some agreements that are easements, there are some
22 that are leases, there are lots of different technical terms,
23 but land use agreement is a broad term that captures all of
24 these categories or agreements.

25 So the question is was there a breach and you will hear

1 testimony about the benefits and services that the Brentwood
2 School, SafetyPark, and UCLA provide to veterans, and even our
3 good friends of Bridgeland Resources, if they are still here,
4 we will provide testimony for them as well.

5 And, finally, I know that the Court has expressed an
6 interest in recent developments and has asked about whether
7 Mr. Merchant, who is the Acting Medical Center Director, who is
8 currently in charge of the medical center in West LA, will be
9 testifying in this case.

10 We will bring him in, and he will be able to testify
11 about the most recent developments on the campus as well as
12 other associated and related issues.

13 Now, there may be a few other witnesses that we will
14 call, depending upon how the course of trial goes, but those
15 are the highlights.

16 And in sum, that testimony will leave the Court
17 convinced that VA and HUD are doing their level best to try to
18 solve this homeless problem.

19 So where does that leave us in this litigation and how
20 do we proceed with this trial?

21 Now, someone once said to me that "litigation is a blunt
22 instrument" and that's true. But it's also a very technical
23 instrument, because plaintiffs want to characterize this case
24 as simply about providing housing to homeless veterans. I
25 mean, sure, they go into details at various points about the

1 services and medical benefits and all of that, but I mean
2 taking a step back, that really seems to be the crux of their
3 argument, that we need to do more to solve the homeless veteran
4 problem in LA.

5 We agree on the policy issue. We agree that there
6 should be no such thing as a homeless veteran, but the question
7 for this Court that this Court has to decide at trial is can
8 plaintiffs meet their burden of proof under the Rehabilitation
9 Act and the common law claims that they're bringing.

10 We don't think so.

11 First, plaintiffs' Count 1, alleges a violation of
12 Section 504 of the Rehab Act.

13 It's a discrimination and integration claim.

14 Again, I would remind the Court that under the
15 Rehabilitation Act, it's not just about providing housing, it's
16 about individuals with disabilities who need to access their
17 medical benefits and their class is not a class of all homeless
18 veterans in Los Angeles, it's a class of homeless veterans with
19 serious mental illness or traumatic brain injury.

20 That's what these Rehabilitation Act claims are about,
21 it's about that specific class.

22 Now in Count 1, plaintiffs assert that VA and HUD have
23 not provided class members with their benefits in the most
24 integrated setting appropriate to their needs causing them to
25 be institutionalized or placed at risk of institutionalization.

1 And I'm summarizing from the Plaintiffs' First Amendment
2 Complaint, Paragraphs 307 and 14. We refer to this as a
3 *Olmstead* claim. It's a Supreme Court case. It notes that
4 "required to provide community-based treatment for disabled
5 individuals which such placement is appropriate, the affected
6 persons do not oppose such treatment, and the placement can be
7 reasonably accommodated to provide unjustifiably segregating
8 disabled individuals."

9 I will note that's ironic when applied to the context of
10 this case.

11 It's contrary to community integration to segregate
12 homeless veterans with serious mental illness or traumatic
13 brain injury into one particular community, and we will provide
14 testimony on that, yet that's the relief the plaintiffs are
15 seeking here.

16 A key element of that claim that plaintiffs must prove
17 and on which they have the burden of proof is that their class
18 members are unjustifiably segregated solely by reason of their
19 disability.

20 Now, there are some other elements of the claim that I
21 don't think are really going to be contested.

22 For example, there is an element that the benefits
23 plaintiffs seek are administered by an executive agency. VA
24 and HUD are executive agencies. But that element about
25 unjustifiably segregated is the key element on which plaintiffs

1 have the burden of proof here, but even if this Court, after
2 this trial, finds that plaintiffs have carried their burden of
3 proof on that element, we still have affirmative defenses.

4 Now remember, plaintiffs have proposed an accommodation
5 of building 2,800 or so additional permanent supportive housing
6 units on the West LA Campus.

7 They have acknowledged and their expert has described
8 this as a billion dollar enterprise, give or take.

9 The question the Court has to answer, is building more
10 than twice as many, nearly three times as many units as was
11 contemplated in the master plan a fundamental or substantial
12 alteration?

13 Is a billion dollars an undue financial burden?

14 I think the Court will conclude that it is.

15 But beyond the money, beyond simply setting aside what
16 is called for in the master plan, we'll lay out all of the
17 impacts and there are many impacts to the relief the plaintiffs
18 are seeking in this lawsuit.

19 Count 2 is the AMI claim, and, of course, this Court has
20 already granted summary judgment against VA, finding that its
21 practice of leasing land to third-party developers who use
22 restrictive income limitations facially discriminates.

23 To be clear, we disagree with that ruling, but we
24 recognize, of course, that the Court has issued it and so we're
25 in a different phase of this litigation regarding that ruling.

1 So we will show the impact of the Court's ruling and the
2 potential impact of sweeping injunctive relief if this Court
3 were to grant that relief.

4 I know this Court is well aware of injunction factors,
5 but we would urge the Court at the close of trial and any other
6 evidentiary hearing it may conduct that any injunction that it
7 enter be narrowly tailored under the unique circumstances of
8 this case and the constraints that the Department of Veterans
9 Affairs and HUD face, in order to try to achieve the goal that
10 everyone in this courtroom wants, which is housing for
11 veterans, rather than disrupting that goal.

12 Count 3, Violation of Section 504 of the
13 Rehabilitation Act, this is plaintiffs' meaningful access
14 claim.

15 Again, these are specific claims with specific elements
16 that plaintiffs have to prove. It's about more than just
17 should VA and HUD provide housing, they need to prove the
18 elements of these claims.

19 Plaintiffs' allege that VA and HUD policies are not
20 providing enough permanent supportive housing units on the
21 campus.

22 To house the entire class, everyone, effectively
23 prevents class members from meaningfully accessing their
24 healthcare benefits.

25 Again, there are some other elements in the claim that

1 are not really going to be contested here, but there are two
2 that are important.

3 No. 1, "Federal defendant's policy or practice has
4 denied plaintiffs meaningful access to the benefits solely by
5 reason of their disability" and;

6 No. 2, "Federal defendants have failed to make
7 reasonable modifications to the challenged policy or practice
8 to improve systemic accessibility."

9 So as the Court is listening to this testimony and
10 holding plaintiffs to their burden, it should be thinking about
11 what these specific rehabilitation elements are and just as
12 with Count 1, we have the same affirmative defenses that if we
13 show that plaintiffs proposed modifications would fundamentally
14 or substantially alter programs or activities or impose undue
15 financial or administrative burdens, then the Court cannot rule
16 for plaintiffs.

17 Let's turn to the fiduciary duties claims.

18 Count 4, "Breach of a fiduciary duty as trustee of a
19 charitable trust, injunctive relief."

20 Of course, the Court has already held that the
21 government's acceptance of the land transferred under the 1888
22 deed created a charitable trust and that VA has enforceable
23 fiduciary duties to veterans under that charitable trust.

24 But there's still the critical element of breach.

25 And plaintiffs have the burden of demonstrating that

1 breach.

2 Count 5, "Mandamus count, breach of fiduciary duty."
3 Again, the Court has already partially ruled for plaintiffs,
4 but they still have an obligation and the burden of showing
5 breach.

6 But they are seeking mandamus relief and that is a
7 remarkably narrow form of relief, so plaintiffs at any relief
8 stage in this litigation would have to show that mandamus
9 relief is appropriate, which means they will need to show a
10 clear right to the relief sought.

11 A plainly defined, peremptorily, and ministerial duty on
12 the part of VA to do the act in question, so plainly described
13 as to be free from doubt, and that there's no other adequate
14 remedy available."

15 This is not a mandamus action, not even close.

16 Finally, plaintiffs bring an accounting claim. The
17 elements of that is the plaintiffs have to show a relationship
18 exists between plaintiffs and VA that requires an accounting,
19 that some balance is due plaintiffs that can only be
20 ascertained by an accounting, and that plaintiffs can prevail
21 on their trust claims.

22 So as I wrap up here in this opening, I have to ask
23 where are we in this litigation?

24 Obviously, we're at the beginning in some ways of this
25 trial, though, it's been a long road to get here.

1 And what's clear is that, at least from where we sit,
2 and from where the agencies that I represent sit, this lawsuit
3 is unfortunate because we do all have the same goal.

4 VA has made substantial progress, particularly in the
5 last few years and the evidence is going to show this. That's
6 why we would like you to take a tour of the campus, that VA has
7 made substantial progress in developing that campus and is
8 using creative methods to address the homeless veteran
9 challenge in Los Angeles.

10 But this lawsuit has the potential to drive a wedge
11 between VA, in particular, and the veteran population that it
12 is serving.

13 HUD, for its part, has already taken many steps to help
14 end veteran homelessness in LA. And you're going to hear about
15 that and I discussed that, but HUD, like VA, is constrained.

16 It's constrained by budgets, it's constrained by
17 statute, it, like VA, is a creature of Congress.

18 And, finally, as this Court hears evidence and takes it
19 all in, it should be thinking about what plaintiffs really are
20 asking the Court to do here.

21 The evidence will show the plaintiffs would have VA
22 overstep its authority. They would have VA disregard the
23 master planning process that was contemplated throughout the
24 last several years.

25 They would have VA disregard the input it has received.

1 They would have this Court manage VA's operations.

2 None of that is necessary here because plaintiffs won't
3 be able to meet their burden, certainly none of it is
4 appropriate.

5 And while VA is not above criticism, it's not perfect.

6 It has a good plan and it's implementing it, so we urge
7 the Court not to bring that to a halt.

8 Thank you.

9 THE COURT: Counsel, thank you.

10 On behalf of Bridgeland?

11 MR. GUADIANA: I would be brief.

12 THE COURT: What does that mean?

13 MR. GUADIANA: I would be couple of minutes, tops.

14 THE COURT: In terms of time, would you be more
15 comfortable after lunch or would you prefer to make your
16 statement now?

17 MR. GUADIANA: I prefer to make the statement now.

18 THE COURT: Then, please.

19 MR. GUADIANA: Good morning, Your Honor.

20 THE COURT: Good morning.

21 MR. GUADIANA: My name is Ernest Guadiana. I
22 represent Bridgeland Resources.

23 Now, as Mr. Silberfeld informed the Court earlier today,
24 we have reached a tentative agreement to settle this action
25 with the plaintiffs.

1 We anticipate that that agreement will be signed and
2 approved by the Court within the next few days.

3 Nonetheless, to the extent the settlement is not
4 approved, then Bridgeland will show that the 2017 license
5 entered into Bridgeland's predecessor, Breitburn Operating LP,
6 and the Veterans Administration does not violate the West Los
7 Angeles Leasing Act of 2016.

8 Now, unlike all other leases discussed by plaintiffs,
9 Bridgeland's license does not grant it access to surface rights
10 it doesn't already have.

11 Now, Bridgeland's surface rights comes with the Bureau
12 of Land Management entered into 1956 and 1969.

13 Now, appurtenant to the mineral rights which the BLM
14 holds, comes the right of reasonable surface access to drill
15 for the minerals.

16 Now, it is this surface right which the BLM holds, not
17 the VA, that is leased to Bridgeland's predecessor and
18 Bridgeland now holds.

19 Now it is through these BLM leases, not any license with
20 the VA that allows Bridgeland the right to occupy its current
21 drill site on the West Los Angeles VA campus.

22 Now, all that, the 2017 license, allows is the ability
23 for Bridgeland to use its own drill site to slant drill into
24 private minerals outside the VA campus.

25 It doesn't change its surface occupancy at all.

1 location -- sir, if you stop at that location and raise your
2 right hand, please. Thank you.

3 THE COURTROOM DEPUTY: Do you solemnly swear that
4 the testimony you shall give, shall be the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 THE WITNESS: Yes.

7 ANDREW CARRILLO,
8 having been duly sworn,
9 testified as follows:

10 THE COURT: If you would please come forward to the
11 witness box. It's right to my right.

12 If you are comfortably seated, would you state your full
13 name, sir?

14 THE WITNESS: Andrew Carrillo.

15 THE COURT: Would you move your chair a little
16 closer to the microphone, Mr. Carrillo.

17 THE WITNESS: Move the microphone closer to me?

18 THE COURT: I want to hear you. What is your full
19 name?

20 THE WITNESS: Andrew Carrillo.

21 THE COURT: Spell your last name, sir.

22 THE WITNESS: C-A-R-R-I-L-L-O.

23 THE COURT: Thank you. Direct examination please.

24 MR. DU: Yes, Your Honor.

25 DIRECT EXAMINATION

1 BY MR. DU:

2 Q Mr. Carrillo, can you please tell the Court a little bit
3 about yourself?

4 A I'm a ninth generation Californian, and I'm a retired
5 school teacher.

6 I was past president in Santa Monica Historical Society,
7 and of an organization called Los Californianos, president of
8 that, also, previously.

9 Q Are you familiar with the West LA VA Campus?

10 A Yes, I am, very.

11 Q How are you familiar with that campus?

12 A Well, I have lived in the neighborhood before. I have
13 lived in Venice, California.

14 It was donated by my aunt, with few "greats" thrown in
15 there.

16 Q Who's your aunt?

17 A Arcadia Bandini de Baker.

18 Q You mentioned she donated property. What property are you
19 referring to?

20 A She donated the property that is currently the West Los
21 Angeles VA.

22 Q Can you describe to us, using modern landmarks, the
23 property in which Ms. De Baker donated to the federal
24 government?

25 A She donated a total of about 600 acres. It went from --

1 Ohio Boulevard, I think it is -- Street -- I can't remember.
2 North on the south side, north up to Sunset, and from Sepulveda
3 Boulevard on the east side to now -- maybe the best thing would
4 be Barrington on the west.

5 Q When did she make this donation to the federal government?

6 A Donation was accepted in 1887.

7 Q Do you know whether there was a specific purpose for this
8 donation?

9 A The donation was to create a home in the Western U.S.
10 called the Pacific Branch of the -- there is a home for
11 veterans, Army and Navy veterans, disabled.

12 Q Did you review any documents to help familiarize yourself
13 what the use of the property known as the West LA Campus?

14 A I have reviewed many documents, primary source documents,
15 including the document that granted that property -- I know
16 it's from herself and from her lawyer -- letters.

17 And the biggest source, I think, was from her brother,
18 Juan Bandini, who wrote extensively. He kept a detailed diary
19 and handled a lot of her affairs.

20 Q And when you say "her," are you referring to Ms. De Baker?

21 A Ms. De Baker, yes.

22 Q You mentioned that Ms. De Baker gave approximately
23 600 acres of land to the federal government.

24 Did she make this large of a donation to any other
25 entity during her lifetime?

1 A Not quite that large, no.

2 Q Okay. I want to talk to you first about the uses of the
3 property in late 1800s and early 1900s.

4 Are you familiar with the use of the property then?

5 A Yes.

6 Q Let's start with the late 1800s. How is that property
7 used?

8 A By 1889, they began building dormitories and used as a
9 home for disabled soldiers and sailors.

10 There is also a hospital there, and it created a
11 community there for these people.

12 Q Was Ms. De Baker alive when this community first started?

13 A Very much so.

14 Q When did she pass away?

15 A She passed away in 1912.

16 Q Are you familiar with how many veterans were living on the
17 campus around 1912?

18 A By then it was about 2,000. 2- to 3,000 veterans.

19 Q Do you know how many buildings existed around that time?

20 A There were about 30 buildings by that time.

21 Q What about by the 1920s?

22 Do you recall how many buildings were in existence at
23 that time?

24 A About the same there. And then I think the peak was in
25 1930.

1 Q What was the peak at?

2 A Property on the population there, it was about 6,000.

3 Q So around 1930, there were approximately 6,000 veterans
4 living on that property; is that right?

5 A Yes, there were.

6 Q Did the number of veterans living on that property
7 ultimately decrease?

8 A It did, yes.

9 Q Do you have an approximation of when that occurred?

10 A All I know is that by 1960, they had changed the focus of
11 the property from being a home to being a medical center.

12 Q Are you familiar with the number of vets currently living
13 on that property?

14 A It's changing quickly.

15 No.

16 MR. DU: Thank you, Mr. Carrillo. No further
17 questions, Your Honor.

18 THE COURT: Cross-examination, please.

19 MR. KNAPP: No cross, Your Honor.

20 THE COURT: May this witness be excused, counsel?

21 MR. DU: Yes, Your Honor.

22 THE COURT: Counsel, any cross-examination on behalf
23 of Bridgeland?

24 MR. GUADIANA: No, Your Honor.

25 THE COURT: Sir, thank you for your attendance. You

1 are excused from these proceedings.

2 Counsel, your next witness, please.

3 MS. SAVAGE: Your Honor, plaintiffs call Floyd Shad
4 Meshad. He's coming up from downstairs, Your Honor.

5 THE COURT: Thank you, sir. If you stop --
6 I'm sorry.

7 MR. DU: He's with us, Your Honor.

8 MS. SAVAGE: This is the witness.

9 THE COURT: Thank you, sir. Would you raise your
10 right hand, please?

11 THE COURTROOM DEPUTY: Do you solemnly swear that
12 the testimony you are about to give in the cause now pending
13 before this Court, shall be the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 THE WITNESS: Yes, I do.

16 FLOYD SHAD MESHAD,
17 having been duly sworn,
18 testified as follows:

19 THE COURT: Thank you, sir. If you step forward,
20 please. The witness box is just to my right.

21 Sir, after you are seated, would you state your full
22 name, please?

23 THE WITNESS: Floyd Shad Meshad. I go by Shad.

24 THE COURT: Would you spell your first name, sir.

25 THE WITNESS: Floyd, F-L-O-Y-D.

1 THE COURT: And would you spell your last name, sir.

2 THE WITNESS: M-E-S-H-A-D.

3 THE COURT: One more time, please.

4 THE WITNESS: F-L-O-Y-D, M-E-S-H-A-D.

5 THE COURT: Thank you.

6 Direct examination, please.

7 DIRECT EXAMINATION

8 BY MS. SAVAGE:

9 Q Good afternoon, Mr. Meshad. What is your current
10 position?

11 A President and founder of the National Veterans Foundation.

12 Q Can you tell me briefly what the National Veterans
13 Foundation does?

14 A We run a national crisis and information hotline for all
15 veterans and their families throughout the country.

16 Q Do you have a program here in LA?

17 A Yes, we do.

18 Q What does that program consist of?

19 A Well, it consists of my team of veterans, peer to peer
20 veterans. They cover our hotline about 13 hours a day.

21 Q Do you do outreach to homeless veterans in LA?

22 A Yes, we do.

23 Q And has NVF ever been recognized for its work with
24 veterans?

25 A Yes, it has.

1 Q What types of recognition, if you would give a few
2 examples?

3 A Well, in '75 I think I was Vanguard Man of the Year when I
4 was working for the VA.

5 I think -- about ten years ago, I got Iraq and Afghan
6 Veterans of American, which is the new era of veterans. I got
7 Lifetime Achievement award here in LA, I think it was 2011 or
8 '12.

9 Then I recently got inducted in the Veteran Hall of Fame
10 in November of last year.

11 Q And why did the National Veterans Foundation get involved
12 in this case?

13 A Because of the fact that we're -- I have been in the
14 foundation for 39 years coming up. I have been dealing with
15 veterans homelessness not only these 35 years -- but it's
16 become an epidemic.

17 Number one, actually, my career started in '71. I was
18 dealing, not at an epidemic level, with Vietnam vets who were
19 homeless in Los Angeles County.

20 Q Mr. Meshad, I take it you, yourself, are a veteran?

21 A Yes, I am.

22 Q When did you begin your service?

23 A Well, I got commissioned in '66 ROTC, 82nd Airborne
24 training.

25 I got my bars in graduation from college. I got a

1 fellowship to graduate school.

2 I was going into what we now know as psychiatric social
3 work.

4 I had done most of my internship in prisons, and I was
5 looking forward to going into that, but at least I wanted to
6 get my MSW. And my class that graduated in '66, 3 percent -- I
7 was lucky, 3 percent got deferments for 36 months to go to grad
8 school, so I took it.

9 And in '68, I got my MSW and I worked as a criminologist
10 position for the State of Georgia, Atlanta, until I had to go
11 on active duty; my 36 months was up.

12 But, during that time, I got a notice from the
13 Department of Army that they were starting, for the first time
14 in America, psychiatric teams in the war zone, and they offered
15 me a chance or encouraged me to transfer out of second
16 lieutenant infantry into the Medical Service Corp.

17 And, why not, you know? I get a chance to do what I'm
18 learning about, and so I got transferred.

19 I had to go through medical service training school at
20 Fort Sam Houston in January of '69.

21 And then I was -- once I got certified, I guess, as a
22 medical service officer, I was shipped to Fort Leavenworth
23 Prison which was exactly what I wanted because that was the
24 largest military prison at the time.

25 Q Can you talk about your role at Fort Leavenworth?

1 A Well, there were 15 of us mental health officers made up
2 of psychiatrists, social workers, and psychologists -- 15 of
3 us -- and the prison held 10,000 soldiers, prisoners at the
4 Fort Leavenworth Prison -- Army and Navy vets.

5 I was new. I was young. And they needed -- if any of
6 you are familiar with prisons, they needed someone to work "the
7 hole."

8 For any of you that have been in prisons, worked in
9 prisons, the hole is the basement where incorrigibles are kept
10 that can't make it in the population upstairs.

11 So it was -- they wanted someone to go down there
12 because it was pretty brutal, they said. And I volunteered.

13 I was looking forward to getting started and doing
14 something, and none of the other mental health officers -- you
15 didn't have to go, and I volunteered to go down there.

16 And there were 27 incorrigible veterans locked up in
17 strip cells -- no mattress, no nothing, just a hole for their
18 business -- and a pretty violent group.

19 They had probably 12 guards, two for each cage. And it
20 was pretty brutal down there. A lot of terrible things you
21 don't want to hear about happened down there.

22 Q And how did your work with those veterans influence your
23 decision --

24 A There was a section in the hole down there where it was
25 caged in where they had me go in and run a group.

1 They bring them out individually and sit them on card
2 chairs, you know, folding chairs, inside, and we had about four
3 shotgun officers behind me, but I was locked in with them. And
4 that's where I really started my career.

5 I really got to learn about the Vietnam War because many
6 of them had been there for all types of heinous crimes --
7 murder, flagging, rape, whatever. And most of them were
8 minorities -- Black, Hispanics, poor Whites.

9 While I was there, that was my thing. And it was a
10 challenge. But I did get a lot of them up back in the
11 population.

12 Q What was your next assignment after Fort Leavenworth?

13 A Well, I had a two-year active duty. I had gotten involved
14 with the college program.

15 Right after I took on the two-year, it became a
16 three-year program because the war had really kicked up in '65,
17 '66, and so, you know, for reserve officers, it became a
18 three-year program.

19 But I was under a two-year contract, so my first year
20 being at Leavenworth, we had a young psychology officer come
21 in, a psychology officer that was there for about a week, and
22 he got orders -- we call it a manifest -- for Vietnam. And it
23 was like, wow, his first few months of active duty was -- first
24 three weeks of his tour of duty at Fort Leavenworth.

25 He was a new sign right out of Fort Sam Houston because

1 you had to get your medical service training -- we all did.

2 And I had been thinking after all I had been through, I
3 had already lost two college buddies and two fraternity
4 brothers from college in the Vietnam war. And I felt like I
5 was going to miss one of the big events in my lifetime because
6 of -- the war was a big thing in '69.

7 And we had already had 10 of '68. It was hard to know
8 what to believe. It's kind of like today, the media, you hear
9 anything and everything.

10 I needed to spur me because I did not have to have to go
11 to Vietnam.

12 I found out that his wife slit her wrists and I took --
13 I asked the commanding officer to take his place and go to
14 Vietnam for him.

15 They gave me a few weeks to think about it, and I just
16 decided to do it.

17 So in January, I flew to Vietnam January of '70, early
18 January.

19 MS. SAVAGE: Your Honor, permission to approach the
20 witness.

21 I would like to mark Plaintiffs' Trial Demonstrative
22 Number 7.

23 THE COURT: Marked as Exhibit 7.

24 (Exhibit 7 was marked for identification.)

25 BY MS. SAVAGE:

1 Q Do you recognize this picture?

2 A Yeah.

3 Q What is that a picture of?

4 A That was after I got my, you know, finished at Fort Sam
5 Houston. I got my cap and bars. Those are my dress blues.
6 Everybody got their picture taken.

7 I don't recognize him, but yeah. No moustache.

8 MS. SAVAGE: Your Honor, I would also like to mark
9 Trial Demonstrative Number 6.

10 THE COURT: Number 6.

11 (Exhibit No. 6, marked for identification.)

12 BY MS. SAVAGE:

13 Q Do you recognize --

14 A Of course, I do. That was our mental hygiene clinic, our
15 mental health clinic where my Vietnam tour started and where it
16 all began.

17 I think you might see a fan in the background. It was
18 about average of 105 every day, and humidity. It was one of my
19 -- proud of that.

20 Q So what were you assigned to do in Vietnam?

21 A Well, I came in, I was assigned to replace a psychiatrist
22 up in I Corps. You know, there were four military corps in
23 Vietnam, I, II, III, IV, all the way down to the delta. I
24 didn't know where I was going.

25 I got in to Cameron Bay, you know, after they

1 declimatize you and whatever, I got flown up to that gang which
2 was in I Corps, northern part of South Vietnam.

3 I was there to replace the psychiatrist there who was
4 pretty burned out. And he had two techs, one was from the
5 motor pool and the other was drafted out of U.S.C., grad
6 student.

7 They were both my sergeants that I took over.

8 And also, the commanding officer for all I and II is
9 based on a trailer on that compound. He was over all of the
10 hospital -- managed hospital directors or colonels that were
11 the hospital commanders.

12 And when he met me my first day there, for some reason
13 he thought I would be good -- because I was athletic, and he
14 thought that he wanted to do a program because in '70s there
15 were a lot of racial and drug problems that had occurred in
16 Vietnam.

17 The war had really gone from a hawk to a dove in '68,
18 '69. And here I was in '70, there were all kinds of racial
19 problems, drug problems, fragging problems.

20 And part of my assignment there was to fly to all of the
21 managed hospitals in I and II Corps, which he was over.

22 All of the medevac choppers, everyone involved, the
23 medics and doctors or whatever were under him, and he had me
24 fly to the different managed hospitals, in addition to working
25 the clinic.

1 It was kind of insane, but that's all we had.

2 We were writing the book on mental health in the war
3 zone.

4 Q To your knowledge --

5 A I think she had a question.

6 (Court Reporter clarification.)

7 BY MS. SAVAGE:

8 Q Slow down a touch there.

9 To your knowledge, had there been mental health officers
10 in armed conflicts before?

11 A Never.

12 Q And how many of you were there in the Vietnam war?

13 A There were 15.

14 Once again, about the same as we had at Leavenworth,
15 15 -- psychiatrists, social workers, and psychologists 500,000
16 troops. We covered all four zones.

17 I covered I and II, half of South Vietnam, with my unit.
18 And, you know, I did a lot of flying to the different managed
19 hospitals or whatever. You saw what you could.

20 It was - the book was being written, as I said. And it
21 was pretty wild and crazy, to say the least.

22 There weren't a lot of guidelines. We really didn't
23 have any authority when clients would come in. We had
24 infantry. We had our guard towers covered at all the
25 hospitals. So we had MPs that would strip the --

1 THE COURT: Sir, it's way too fast. I'm losing you.
2 Sir, we're going to stop your answer for just a moment.

3 Counsel, I would like you to break down your questions
4 more simply so we have an answer and we have an accurate
5 record.

6 MS. SAVAGE: Yes, Your Honor.

7 THE COURT: I'm going to read the portion back that
8 we have.

9 (The record was read by the Judge.)

10 THE COURT: And that's where we stopped because you
11 were so fast.

12 We're not going to be able probably to change your pace,
13 sir.

14 We're just going to simplify the answer. Let's move on.
15 Okay.

16 THE WITNESS: Yes, sir.

17 THE COURT: Thank you. Counsel, so ask a question,
18 and then control the pace, please. Thank you.

19 MS. SAVAGE: Yes, Your Honor.

20 BY MS. SAVAGE:

21 Q Okay. Mr. Meshad, how many infantry were you responsible
22 -- or how many soldiers were you responsible for during the
23 war?

24 A When I initially got to Da Nang in January, it was 70,000
25 troops. Mostly the 4th Infantry Division, the Marines were in

1 I Corps, and some of the 5th Mechanized Infantry.

2 Q When did you return home from Vietnam?

3 A I flew out of Vietnam in -- I got the presidential drop in
4 December. Supposed to be a two-week drop for about 50,000 of
5 us, and mine was -- took about an extra week.

6 And my two-week drop, I just stayed at my post so we
7 could get planes to get us out to America. I got home the 23rd
8 of December in the middle of the night, and that was probably
9 one of the most traumatic nights in my life.

10 Q Why was your return home traumatic?

11 A Well, when we flew through Hong Kong and Alaska, we landed
12 in Travis Air Force Base, and they had buses for our group.
13 And as we came into Oakland Army Base there, we had about 300
14 protesters from the college throwing Molotov cocktails at our
15 bus, calling us baby killers and rapists and every name you
16 could imagine, and security had to come. It was a real thing.

17 We were sort of in shock. We had to stay in the bus and
18 then they had to clear the way to take us inside the post to
19 start the all-night processing out.

20 Q And where did you go after processing out?

21 A Well, none of us -- there were thousands of us -- none of
22 us had reservations. You know, this is Christmas Eve, and
23 there were no reservations.

24 And so, I had dear friends in San Francisco, locally,
25 one of my dear friends from school that was living in San

1 Francisco, got me an airline ticket for the 24th, the next day.
2 So I spent all of 23rd and into the early morning of the 24th
3 processing out and getting cashed out for what was in my
4 account.

5 And then she picked me up early in the morning and took
6 me to the airport on Christmas Eve. And when I walked in,
7 there were thousands of GIs laying all over the floor that were
8 -- they couldn't get flights out. It was Christmas Eve. They
9 had been there -- some of them three or four or five days.
10 They were just laying there.

11 When I went to the bathroom, I was kind of confused
12 because I was still in Vietnam in my head and I went to the
13 restroom, and there was a pile high of camis -- the uniforms we
14 wore in the field.

15 They were stacked up in the bathroom. And so many of
16 the guys had ripped off their uniforms and put on whatever they
17 could, not to look like a veteran, because of all of the
18 protesters.

19 So when I walked out, these two Black soldiers -- I
20 remember they were 4th Infantry Division grunts -- screaming
21 that they wouldn't let them on the plane because they were
22 inebriated.

23 I was in a fog. What do you mean inebriated? They saw
24 I was an officer, and they said this woman won't let us on the
25 plane, and so I --

1 THE COURT: Sir, just a moment, we're going to stop
2 you.

3 You can continue your answer in just a moment. Let the
4 court reporter rest for just a minute.

5 BY MS. SAVAGE:

6 Q Mr. Meshad, we can also -- just continuing moving on, if
7 you would like.

8 A No. I went to the counter with them both, told them I was
9 their commanding officer. She saw my rank, she said they're
10 inebriated, I said some nasty things, made a scene.

11 Airport police and everybody came, saw that I was an
12 officer, and realized what I was saying. And because I was an
13 officer, they listened.

14 They didn't do anything, but they got the guys on the
15 plane. And they actually took me up to the office in San
16 Francisco Airport and had a flight attendant escort me back
17 home all the way to Dallas and into Birmingham. That was my
18 coming home.

19 Q What did you do when you arrived in Birmingham?

20 A Well, my folks -- because the communication then, it's not
21 like today -- they had no idea when I was in. They knew that I
22 was coming sometime around Christmastime, but there was no
23 communication.

24 You know, we didn't have phones or whatever.

25 And so, Birmingham Airport at the time, I think there

1 two people in the airport. I got off. There was nobody there.
2 It was pretty stark.

3 I walked towards the end with my duffel bag. There was
4 a Black lady that was cleaning the place and she came up to me
5 and said, "Are you okay?" That was the first time anybody
6 asked how I was.

7 I said, yeah, I need to call my folks. She said okay.
8 There were these old wooden phone booths. She said, here is a
9 dime, do you remember the number?

10 Luckily, I remembered the number. I called and told
11 them I was home. And my mother passed out, and my nephew and
12 them drove out and picked me up. And that's how I got home.

13 Q Did you remain in Birmingham?

14 A I did. I was in and out of hospital for all of physical
15 checkups and everything. I had had some incidents in the war
16 there or whatever.

17 But, you know, I really didn't want to go to -- I didn't
18 know what the VA was, you know, still DOD. I still had some
19 reserve time, not that I had to serve or anything. So I just
20 got reconnected with my girlfriend and my family.

21 I didn't really know what to say, everybody was, you
22 know, had no idea what I had been through. It took me years
23 later to write about it, one of the authors of the war. I knew
24 I had to leave.

25 My closest sister said, look, you need to leave.

1 Q And where did you go?

2 A My sergeant that was with me in Vietnam, who was drafted
3 out of U.S.C., was working -- was back in school here in Los
4 Angeles. And he kept begging me -- and I really did not know
5 how to talk to anybody.

6 The war was still going on. I went to -- I would wake
7 up in the morning -- usually, the war is fought at night in
8 Vietnam, so I stayed up all night and I would try to sleep in
9 the day. And I just needed to go somewhere.

10 My sister said you just need to go. And Bob Fraser,
11 Sergeant Fraser called me and said come on out.

12 And after four or five months, I made the attempt with
13 my gal.

14 We drove out there with no plans other than to see him.
15 And I think I was getting \$50 a month unemployment, so that,
16 and I think I had \$1,600 in my account after buying a truck.

17 Q And did you eventually find employment in LA?

18 A I wasn't looking for employment. I was looking for --
19 making sense of what I had been through.

20 So I stayed there. My sergeant was in grad school
21 there, and the number one psychiatrist in the world was
22 lecturing that very night.

23 I pulled in. I'm staying in the back in a camper that
24 we were sleeping in, and we went over to U.S.C. to -- he wanted
25 me to go. He was a grad student there.

1 There were all these mental health workers in there. It
2 was a big amphitheater with 500 people.

3 Dr. Philip May, he was a British psychiatrist who had
4 written a lot about schizophrenia.

5 But he -- I didn't realize that he had just taken
6 over -- not only was he head of the MPI, which was the largest
7 psychiatric hospital in the world at the time.

8 Q Slow down a little bit, Shad.

9 A It's pretty emotional. I went to the event with my girl,
10 stayed on the side, didn't know why I was there.

11 And after the lecture, Serg Bob ran up to Dr. May and
12 told him who I was. And with all of those people approaching
13 him, he ran over to me and said, "I need to talk to you,"
14 because he told him who I was and whatever.

15 And he says, "I need to take to you lunch."

16 He took me to lunch the next day before I left to San
17 Francisco, and shared some startling facts to me. One of them
18 was the fact there were over 330,000 Vietnam era veterans in
19 the county.

20 And the VA -- the largest at that time -- was only
21 seeing 7 percent of them. This is '71. And they were coming
22 by ambulance and by police. They weren't knocking on the door,
23 and he wanted to know why.

24 Q Can you state again Dr. May's position?

25 A He was head of MPI and over the VA at the time. They were

1 looking for a chief medical director and a director of the
2 hospital, which happened in -- probably by the time I accepted
3 to go there.

4 He offered me -- I drove to San Francisco, I said, you
5 know, I'm not ready. I don't want to work for another
6 bureaucracy. And --

7 THE COURT: Just a moment, sir.

8 Counsel, I'm going to read back to you a portion,
9 because the court reporter is excellent, and somehow we have to
10 get a better record and make sure you are able to answer the
11 question.

12 So we're going to read back what is captured and what we
13 would have in the record.

14 (The record was read by the Judge.)

15 Now, my court reporter is excellent. I think you
16 need to reask that.

17 You need to make certain that you answer clearly, sir.

18 THE WITNESS: Was I going too fast, sir?

19 THE COURT: I don't know if it's going too fast or a
20 combination of -- you need to just slow down a little bit so we
21 have an accurate transcript.

22 So reask that question again, counsel.

23 THE WITNESS: Yes, sir.

24 BY MS. SAVAGE:

25 Q Mr. Meshad, what did Dr. May ask you to do?

1 A He wanted me to come work for the -- what is now called
2 the West LA VA and assess the hospital, he offered me a 90-day
3 TDY, temporary duty assignment -- all of these military terms,
4 I'm sorry -- to assess the hospital.

5 After a week up in San Francisco, I really wasn't going
6 anywhere, and I decided to -- at least I needed to be
7 somewhere, so I drove down and I took the assignment in June
8 of '71.

9 Q And did I understand you correctly, were you saying that
10 Dr. May was concerned about the number of veterans accessing
11 services at VA?

12 A Absolutely. I mean, he wasn't a veteran. He was a
13 British citizen, but world-renowned in schizophrenia. But he
14 wondered why veterans weren't going to the VA.

15 The VA had already had a lot of bad press in Life
16 magazine or whatever, but I really wasn't concerned about that
17 in the service or whatever.

18 I really didn't know that much about anything.

19 Q And you had mentioned a statistic as to what percentage of
20 veterans in LA were receiving services at that time?

21 A Seven percent, according to Dr. May.

22 Q Of how many veterans in LA County, sir?

23 A Around 330,000 Vietnam era veterans in the county.

24 Q Okay. Did you accept the position?

25 A I did. I did. I thought I would do a 90-day thing, which

1 I did, and head back to San Francisco.

2 But he asked me to fix it. I said, fix it? I'm sorry.

3 See, he said, I would like for to you to design a unit,
4 which I did and never looked back.

5 Vietnam Veteran Resocialization Unit, I called it. We
6 didn't have any of the terms they have today. And that's where
7 it all started for me.

8 Q Now, can you tell me about the work of the Vietnam Veteran
9 Resocialization Unit?

10 A First of all, veterans weren't coming to the hospital. So
11 I, just instinctually -- we had a couple of Vietnam vets that
12 were kicked out of the hospital.

13 We had a German psychiatrist at that time, female, they
14 kicked them out, they had taped her interviews with them
15 without them knowing it. They stole the tapes. They were
16 kicked out by her.

17 As soon as I finished my introduction to the staff or
18 whatever, Dr. May said, can you find those two? They are at
19 Venice Beach. I didn't even know where the beach was. I drove
20 my truck down there.

21 There was pier called POP Pier -- for anyone that's
22 lived in the city, it was a historical pier that had been
23 condemned in '68.

24 I luckily found them at the base of that pier with Time
25 magazine and Look magazine. I just walked up and I introduced

1 myself.

2 I wasn't dressed like a VA doctor or anything. I was
3 kind of like street. I told them who I was, and I said the
4 chief director would like to get you back to the hospital.

5 And I sat down, they were being interviewed, and one of
6 the guys was from Mississippi, so he picked up -- my accent was
7 real thick then.

8 I said, I don't know, but I can take care of you.

9 And basically they jumped in my truck and I brought them
10 back up to the VA, and they put them on a special ward under
11 me.

12 I didn't know what to do. I mean, I saw them every day,
13 but they are the ones that told me where the veterans were.

14 And, actually, I was sitting, I didn't know at the time,
15 in front of POP pier, and that's where I found my first group
16 of Vietnam vets.

17 There were 250 people living on that pier, Vietnam vets,
18 on a condemned peer.

19 That's where it started.

20 And from there, I found out where they were located.
21 There were a lot of -- there were Black and Hispanics mixed and
22 they said, oh, you need to go to South Central or whatever. I
23 didn't know where that was in East LA because I had only been
24 here a week.

25 They drove me to where the veterans were. I ran groups.

1 Eventually, I started running groups in all different
2 parts of the city, and that's how it all started.

3 When I needed them to get integrated in the VA, I
4 personally brought them up or met with them and took them in.

5 At that time, I had carte blanche because everybody knew
6 they were really moving to get services to the Vietnam vets.

7 THE COURT: Just a moment.

8 All right. Counsel, your next question, please.

9 BY MS. SAVAGE:

10 Q So Mr. Meshad, you mentioned the old POP pier, you
11 mentioned South Central, you mentioned East LA.

12 Are there any other neighborhoods in LA where you would
13 go to find homeless veterans?

14 A The canyons. *60 Minutes* did a piece on it ten years after
15 Corral Canyon.

16 I had 250 veterans that had set up a fire base up in the
17 top of Corral Canyon, past Malibu. There's about 12 Vietnam
18 vets that are buried up there.

19 It's kind of hard to talk about that era, '71 to '76.
20 And it was covered with camouflage and everything. I was
21 actually escorted under a guard to go into the camp, and I
22 started working with these veterans, what we now know as PTSD.
23 I helped as many as I could.

24 Q You had mentioned that you would do group therapy sessions
25 for these veterans. Can you talk more about that?

1 A Well, we called them rap groups. That was kind of the
2 thing. It was a rap. It was the language in Vietnam -- rap.

3 I didn't want to come off as some psychiatric therapist,
4 you know, I wanted to use the language. We rap.

5 That's how I got the name "rap group." It was a group
6 therapy.

7 It was basically there for all of us to talk about where
8 we were after the experience, and about the experience. And it
9 was just -- it was just a chance for us to be together.

10 Because, you know, we were drafted alone in that war.
11 We went separately. We came back alone. We didn't go over as
12 units or whatever. And LA seemed to be a migrating ground for
13 veterans because you could live on the streets because of the
14 weather. Anybody.

15 I mean, I think it's probably got the most normal
16 weather in the country.

17 So they were everywhere, camped out everywhere. This
18 was early.

19 And you don't see them -- I mean, today and over the
20 last 40 years we have seen them on the freeways and here and
21 there. But then, they were pretty much hiding out. And
22 luckily, I discovered those points.

23 But they were pretty much everywhere.

24 Venice Beach was real big. NBC did a story back in '76
25 or '77. They heard about me and wanted to see where they were.

1 They just brought the cameraman.

2 I said, look, don't walk up with me with a camera. I
3 was in cutoffs and clogs and a tank top.

4 I was telling them, look, I knew I could look because
5 that's all I dealt with were Vietnam vets.

6 Once they agreed to talk, you know, they'd eventually
7 let them talk a little bit about why they were on the streets
8 five years after the war or whatever.

9 And, you know, it was kind of strange.

10 Q How long did you do this work for VA?

11 A I did it up until I was summoned to Washington. My
12 program, being the only government program in the country, got
13 a lot of attention.

14 I was always on the news. What are Vietnam vets up to?
15 Where are they?

16 You know, they had so many stories. They hadn't even --
17 movies hadn't come out. They were talking about baby killers
18 and this or that and whatever. I became the voice --

19 Q Slow down a little bit, Shad.

20 A I'm sorry.

21 Q You're okay. Please, go ahead.

22 A I became the voice of my peers because I wasn't in the
23 situation they were in, and I was there to do what I couldn't
24 do in Vietnam, and this was what drove me.

25 And so, all of the media stuff or whatever, I tried to

1 give an accurate picture of what was going on with these war
2 veterans.

3 And I was the voice. I just still had the acceptance by
4 the VA, the largest VA, that I could hand carry them into the
5 VA.

6 If I brought them in, you didn't go through all of the
7 bureaucratic stuff or whatever. I got popular with them.

8 I was running groups, if you want to call them -- I call
9 them rap groups. There were, like, 50 to 60. I ran them in
10 church basements, Venice Beach, legal aid societies -- we had a
11 lot of those.

12 When you get that reputation, and you're the only one, I
13 felt needed. But it was, you know, we were carrying a case
14 load of 1,000 human beings. You had to do them in groups.

15 Q Can you talk about what you learned from the your rap
16 groups and your other work with Vietnam veterans about the
17 types of mental health conditions they were suffering?

18 A Well, it sure wasn't post-Vietnam syndrome, which has been
19 written about in Time magazine by one of my colleagues who's
20 passed away -- Dr. Chaim Shatan out of New York.

21 He was in an interview. He said what are these vets?
22 He said they are not the same as World War II and Korea.

23 Actually, there were some similarities to Korea, but
24 there wasn't a diagnosis. He just used it. "They are going
25 through this post-Vietnam syndrome."

1 It became, "He has PTSD" -- not PTSD, "PVS."

2 PVS, and I couldn't get any benefits. There were only
3 two diagnoses at that time at the VA. It was psychosis and
4 character disorder. Those were the two.

5 If you were psychotic, you would get a disability rating
6 from mental health.

7 Well, not too many psychotic -- I'm not saying there
8 weren't a few. And then there was character disorder, and that
9 meant that, basically, in laymen terms, you can't really handle
10 authority. You are antiauthority or whatever.

11 Well, how do you go through basic training, how do you
12 go through war and everything, and say you can't handle
13 authority, you know?

14 Apparently, you haven't been in war. You don't know how
15 it works. You are watching too many movies or something. I
16 don't know.

17 Q So you developed --

18 A So one of my colleagues was a marine veteran -- he's world
19 renowned now, Charles Figley, now at FSU and Tulane University
20 -- hooked up with me in '74 because he had heard about my work
21 and the cluster of Vietnam vets in this city.

22 And it was all of the news or whatever.

23 And he was trying to come up with -- in his doctoral
24 work at Purdue University -- with a new diagnosis.

25 He was studying trauma, just trauma, and he was saying

1 this is a -- what he realized is that this was a delayed
2 reaction to a traumatic experience.

3 So it was delayed traumatic experience for Vietnam vets.

4 And we would go to the APA, '75, '76, '77. Every year
5 we would go and talk about this delayed traumatic reaction to
6 near death experiences, which is trauma.

7 Q And the APA, Mr. Meshad, is?

8 A American Psychiatric Association, American Psychological
9 Association.

10 Q What was the result of those efforts?

11 A We had about three people in an arena of 500 people
12 because it was new. And here we are, we are combat vets, and
13 we're saying we have a new diagnosis.

14 We didn't have any power.

15 But then when Carter summoned me in in '77 and '78 to
16 develop a program based on mine in LA, we started getting
17 attention, because now we would call it delayed traumatic
18 stress for Vietnam vets.

19 We were using that long word, you know. And the AP had
20 to listen and Figley came out with this book.

21 Delayed stress amongst Vietnam vets, it was his first
22 big publication, and Congress was behind it. Senator Cranston
23 was behind it. We had a big thing.

24 All of a sudden, professionals -- psychiatrists, social
25 workers, psychologists started coming together, we were onto

1 something.

2 And then it pressured all of the APAs to really look.
3 And in '79, the pressure was on.

4 Public Law 96-22 which is the vet center program, the
5 program that I authored and set up the first one hundred in
6 America was all over the news and they finally said, well, we
7 will call it post traumatic stress disorder.

8 The American Psychiatric Institute changed the name to
9 that. We didn't, but basically the same thing.

10 And we finally, in 1980, in the DSM -- the Diagnostic
11 Statistical Manual For Disorders -- we got it in there, and now
12 we had a diagnosis for veterans.

13 Q What does that mean for a veteran suffering from PTSD?

14 A Well, at that time it meant that he had a war injury that
15 was documented, you know, medically and technically, and that
16 he can now apply for PTSD.

17 Now, it didn't happen right away because it's like a
18 brand new disorder.

19 But today, I think people -- we laugh today, many of us,
20 because everybody, you know, "I broke my arm, I have got PTSD."
21 You know, we're talking about that.

22 But when they came in, they thought that only Vietnam
23 vets had this disorder. And basically, if you look at the
24 definition, it's how -- how the brain reacts to a traumatic
25 situation, which is a life and death situation.

1 Now it's worldwide, but that's where it started.

2 I used to lecture and say only two things came out of
3 the Vietnam war that were good, selfishly, me, and, two, the
4 definition of PTSD.

5 Q Thank you, Mr. Meshad.

6 You mentioned the vet center program, the program that
7 you designed for the Carter administration.

8 Is that still in existence today?

9 A Yes, it is.

10 Q How many vet centers are there operating --

11 A There is over 300 now. I set up the first 100 from fall
12 of '79 through '86, from Puerto Rico, Hawaii, and Alaska.

13 There were four-person teams.

14 That's what the budget was, and that's what we did.

15 It was probably the hardest work in my life because you
16 are trying to clone what you had in LA, and then you have got
17 to hire people all over.

18 I hired mostly all Vietnam vets because I could at that
19 time.

20 Q And when did you found the National Veterans Foundation?

21 A We founded it on paper in '85, because after battling the
22 VA and Congress, which were not excited -- Congress was, but
23 the VA wasn't excited about our program, because they always
24 claimed that they did it.

25 But thanks to Cranston and several of us and President

1 Carter, we got it in to say no. So we had at least a
2 diagnosis.

3 And the fact that, you know, we're more than baby
4 killers, dope addicts, and whatever, and we also are like any
5 of trauma victim. We have struggles.

6 So, the problem, even with the veteran center program,
7 is it wasn't marketed like you see today -- the marketing. We
8 had billboards.

9 I had some celebrities say "call this number." We
10 called it -- we used the word, and I will slow down for the
11 typist, "help without hassles" was our logo, because the
12 reputation of trying to get in the VA was hassles.

13 Well, that was a language in the war. Help without
14 hassles.

15 The other quote was "it don't mean nothing."

16 In other words, forget about it. It don't mean nothing.

17 If your buddy was killed, you have got to block that
18 out. You can't give any of the horrors you saw meaning.

19 So we were trying to change that, but we publicized
20 that, help without hassles, the National Veteran Center
21 Program.

22 We tried. Ten years after the start of the program,
23 Cranston -- we had a follow-up book, \$10 million study that we
24 did on the Veteran Center Program.

25 And we realized that at least 500,000 that they knew

1 were suffering from PTSD had not even approached the Vet
2 Center.

3 So there are a lot of reasons for that, but one is that
4 it takes time.

5 It's like changing anything. And then all of a sudden,
6 everybody had PTSD, so it sort of diluted it.

7 And that just happens naturally.

8 Q So was the purpose of the National Veterans Foundation was
9 to redress that gap?

10 A The main purpose that I learned was keep it simple,
11 stupid. What was missing -- because when you are in it as long
12 as I have been, it's like getting wounded, because a chapter in
13 my book is dealing in triage.

14 When people are seriously wounded, you have to strike
15 fast. It's a matter of life and death, and when you are raised
16 that way and you are in that in a managed hospital and you are
17 dealing with it, psychological is the same thing.

18 The sooner somebody gets treated, it's like -- whether
19 wounded or an emotional wound -- the better it is.

20 What was happening, the Vet Center Program came ten
21 years, basically, after the war, so millions of individuals had
22 gone through their 20s suffering the effects of trauma.

23 Movies were done about it -- good, bad and ugly. But it
24 wasn't -- it wasn't digested in a way that we really need to
25 understand, you know.

1 You don't get quality time with the world, you know, how
2 fast the world is changing now.

3 But we had this definition. But I wanted to get to the
4 soldiers as soon as they got out.

5 My jump master at the 82nd had the same -- which, you
6 are 18 or 19 years old. If you are standing still, you are
7 backing up.

8 It finally made sense because so many soldiers come out
9 -- you have got to realize that they are adolescents or late in
10 adolescents, they are 19 or 20 years old.

11 What do you want to do at 18 or 19 years old? At least
12 in that war, the majority were men. It was get out, drink,
13 party, or whatever, get back into society.

14 Well, you never really have been in society. You have
15 been in high school. It's not the real world. You have been
16 in an unreal world, and now you think you are back in the
17 world?

18 Q So was NVF founded to help with that transition?

19 A So, having a hotline, a toll free number, call any time
20 and talk to a veteran, trained all my staff to listen, no
21 matter what the issue was, whether it was homeless, whether it
22 was VA, any of the experts, education, medical or whatever, but
23 to talk to a vet, they would listen to.

24 It's hard to go -- like, when I started at the VA there,
25 we had more foreign doctors -- nothing against foreign doctors,

1 even in psychiatry, but if you can't understand the language
2 and you're not from this genre and you don't know anything
3 about returning war veterans other than medicating them, then
4 they are not going to go there.

5 Q Can you talk about anybody else that was involved in the
6 founding of the National Veterans Foundation. Was it you and
7 other veterans?

8 A Well, while I was running the Vet Center Program, I knew
9 veterans from all over the country because we were all over.

10 But here in Los Angeles, there were several officers
11 that became close to me that were supporting me, going to the
12 centers or whatever, because they wanted to be around even
13 though their egos and pride were like "I don't need to go to
14 the Vet Center."

15 But they would hang out around there and whatever.

16 And one day, because every few years I had to battle
17 Congress to get refunded for my program -- that's a story I'm
18 writing about now. It will be published in my second book.

19 But they wanted to do something. Why don't we start a
20 nonprofit?

21 I didn't know anything about nonprofits. I have shared
22 my history so far. I'm just going right through, you know.

23 But now the battles are getting bigger and I was
24 realizing it was getting more bureaucratic, more like the VA
25 structure. And I'm there in the beginning.

1 Young people coming out aren't comfortable walking up to
2 a VA or getting a pamphlet as they are processing out, call the
3 VA, they are like being inducted into the military. It's not
4 like that.

5 So, I wanted to get them started with a veteran. A peer
6 to peer. That's how I got known today, and still teach peer to
7 peer training, because we understand, we have been there. We
8 don't do the diagnosis or this or that, but we listen. We know
9 how to listen. We have been there.

10 We have been through a lot of things they have gone
11 through. So we're trying to get them in the mind space to say,
12 hey, we don't give you the benefits, you need to go to the VA.
13 We will get a veteran service officer. We will help you
14 process it.

15 We hear stories like -- most of our stories come from
16 people that had a bad experience from the VA. And believe me,
17 they are great people in the VA. I was in it. It's getting in
18 the VA.

19 It's the leadership. And what we did was we helped
20 navigate them into the system, because I can't give them
21 benefits. You know, they have disabilities.

22 When I was working up in the canyons, we had hundred
23 percenters with wounds you can't believe that were rotting
24 away. But that is basically it.

25 It's a peer-to-peer program to answer -- and because I

1 was running suicide hotline for years, we do that -- handle
2 most of the suicide calls.

3 And my team, we're trained and we're training more
4 people because of the epidemic of suicide in this country with
5 veterans.

6 Q And Mr. Meshad, I would like to just get into now,
7 briefly, the structure of the National Veterans Foundation.

8 So just by way of comparison, are you familiar with the
9 American Legion?

10 A Yes, I am.

11 Q And what is your understanding of how that organization is
12 structured?

13 A Well, it's a membership. I'm a member of all of the
14 organizations.

15 It's a membership organization. There are chapters all
16 over the country.

17 You know, it's not direct services, but it's a place for
18 veterans to join. You know, it's like joining a club. They
19 have activities and things.

20 It's not necessarily a healthcare system.

21 Q Is National Veterans Foundation structured in the same
22 way?

23 A No.

24 Q How are you structured?

25 A We're a direct service. We do grants, donations, people

1 donate money. We have always operated that way. I have been
2 to Congress several times, up until about ten years ago, trying
3 to get some of the VA funding directed to us because of the
4 things we do.

5 And the VA always claimed that they do it. And they
6 have always -- they would always vote us out.

7 I quit going that route, but yeah. I have testified
8 over ten times to Congress about a lot of the stuff.

9 Q You have supporters then that donate to that?

10 A Yes, ma'am.

11 We have an endowment and, you know, we're always looking
12 for that dollar to do what we do.

13 Q And how do you keep those supporters apprised of your
14 work?

15 A We have social media now. We have events. For the first
16 ten years, we did major concerts, comedy stores. I had major
17 celebrities that really were -- particularly in beginning,
18 Vietnam vets -- it was before the latest wars -- really big
19 there, comedy events, concerts, you name it. We did a little
20 of about everything.

21 But as time moves on, everything has changed. Right
22 now, we do social media, we write grants, and we talk to people
23 like here in the room. Supporters help us do the job.

24 Q You testified that you don't have members, you have
25 supporters.

1 Do you consider NVF as having any other constituents.

2 A Listen, I partner with all the nonprofits. You could say
3 I'm a partner of the VA. We use the VA. We help people
4 navigate it.

5 That is really what it's -- it's there for that and many
6 other reasons. But yeah, we partner all over.

7 I mean, our hotline, someone calls -- it's homeless in
8 Tupelo, Mississippi, or Fairfield, New Jersey, we have our
9 computer system that takes us into those different services all
10 over the country, and we connect.

11 We don't hand them off, we go there, call that. We call
12 and connect them in or whatever.

13 Today with all the communication stuff and smartphones
14 and everything, it's made it a lot easier for us. But yeah, we
15 try to put them where they need to be, no matter where they
16 are.

17 If they don't get there, they continue to stay with us
18 because we don't leave them. We don't give them a number and
19 say, hey, good luck.

20 Q Do you consider the veterans that NVF serves as
21 constituents of NVF?

22 A Oh, yes.

23 Q I would like to get more into what the National Veterans
24 Foundation does.

25 You testified there is a nationwide crisis and

1 information hotline, and you also briefly testified about an
2 LA-based outreach program.

3 Can you talk about how that outreach program works here
4 in LA?

5 A Yeah. We finally got a grant about 18 years ago where we
6 were able to buy a van instead of cars, a van that we could
7 load nonperishables -- clothing and stuff -- year round.

8 There were -- in the 70s and 80s, there were some small
9 groups that took care of certain neighborhoods and stuff or
10 whatever.

11 But I wanted to really go, as we saw the homeless
12 population turn into an epidemic starting 25 years ago. And
13 today, it's like the COVID was a few years ago, it's just like,
14 they are everywhere.

15 And so we -- back to my old self. Let's go back to
16 where they are.

17 So we go out every week, we load up the van, depending
18 on what we see, if it's cold weather then we get -- we get all
19 kinds of things from corporate people donating, we load it up,
20 nonperishables, water, food, we load it up.

21 During COVID, we were the only ones out there. It was
22 kind of risky. But we masked up and we went out and took -- we
23 had these care packages that had, you know, the hand cleaner,
24 the masks, anything.

25 If we had been able to get the test kits, we would have,

1 but nobody wanted to go out. The city was frozen up. We were
2 the only ones going out.

3 And many of the centers where we took them didn't want
4 to take them. Everybody was afraid they would get
5 contaminated. It was a really tough time, but we did our best.

6 Q And why is this work necessary?

7 A Why is this work necessary?

8 Q Why do you do this work?

9 A Necessary. Unless you have been there, when you give your
10 life, your soul, and what men and women give, they deserve
11 everything.

12 They -- I don't know -- even know how to answer that.
13 Necessary should be mandatory.

14 Q Let me rephrase the question.

15 Is VA doing the work that you do?

16 A No. They say they are. We don't see them out there. But
17 they sure have a good budget to do more.

18 I have tried to -- you know, they don't talk to too many
19 of us. Even in a city this large or whatever, I have been
20 dealing with it 53 years, I have been on the mayor's committee,
21 I have been -- in the 70s and 80s -- I have been on the
22 governor's committee or whatever.

23 You know, there are so many problems a day, but for some
24 reason, veterans are way back in line.

25 And I guess I'm disappointed for a bureaucracy that

1 large that doesn't partner with all of us, share some of the
2 money so we're not out there struggling to do things and go
3 places or whatever, you know.

4 Most of the VA, I mean, I had my nickname in the VA, but
5 I was 24/7. VA is 8 hours. You have got your coffee breaks,
6 you got this and that and things. That's how society works.
7 But to get to this population, it's nonstop.

8 Q Sorry. Do you mind if I interrupt you, Mr. Meshad.

9 Can you talk a little bit more about getting to this
10 population.

11 Where do you go to find homeless veterans?

12 A We used to go downtown, 40 years ago. Venice Beach, 40
13 years ago. We still go to those places, but they are
14 everywhere.

15 They have really tried to clean up the freeways. There
16 are encampments everywhere.

17 A few years ago, we found a large encampment -- it was
18 invisible -- along the Long Beach River. We just happened to
19 see down there.

20 We went down there and it was 300 people living down
21 there. We would take our car and load up.

22 They see food and supplies and stuff, they come up. We
23 give them my card, is anybody ready to get off the streets?

24 We have got programs here -- not enough -- programs to
25 take them for housing, for detoxification, everything you need

1 out there to survive.

2 I used to spend every year, up until 20 years ago, one
3 night on the streets just so I would know how bad it is.

4 I had to give it up 20 years ago because I just turned
5 80, and by 60, it's very hard to sleep out there.

6 But, you know, it's just -- I don't know why Americans
7 don't understand.

8 I guess it's because there is not a draft or whatever,
9 they don't understand how war changes you.

10 Q Mr. Meshad, does VA go out to these encampments?

11 A I haven't seen them. They'll probably tell you they do,
12 but I haven't seen them.

13 Q And you go --

14 A We're out there every week. And once again, they got
15 great people.

16 I think it's the leadership or where they want to focus.
17 I'm sure they will share their point of views.

18 Q You mentioned connecting veterans that you meet on the
19 street to programs and services.

20 Can you talk about some of the programs and services
21 that you might connect a veteran to?

22 A Well, New Directions, U.S. Vets is now -- not just in this
23 state here in Long Beach and other places, and there are other
24 -- a few non profits.

25 But it would be ideal -- the big problem is housing.

1 Housing is just probably as bad as anywhere in the
2 country here in this city, and we have a largest veteran
3 population in the city.

4 Obviously, the largest homeless population, and housing
5 is the big issue.

6 Q And when a veteran is homeless, what impact does that have
7 on them, based on your experience?

8 A Well, they are not going to get a job. They are probably
9 going to have to self-medicate. That is not a good thing, but
10 that is a survival thing.

11 They are probably not going to be clean, so they can't
12 go for a job interview, and they are disconnected.

13 If they have a cell phone or something, that is great.
14 But they don't know where to go unless they contact someone
15 like us that says, hey, what do you want to know?

16 Where do you want to go? At least get into a dialogue.

17 And emotionally, can you imagine?

18 Like I said, I do one day a year just to remember so I
19 didn't get too far from the stuff we talk about and get
20 comfortable with it.

21 But it just affects the whole body and spirit. And when
22 -- particularly, if you have any level of PTSD, it just makes
23 it deeper. It gets layered.

24 And God only knows, what else, because you are really
25 isolated from society, and it's best man or woman for

1 themselves.

2 Q And you mentioned that NVF will connect veterans with New
3 Directions, U.S. Vets. Those are housing --

4 A Wherever. We will take them to the VA if we have to. I
5 mean, we're going to try. You know, I'll challenge anybody to
6 say, hey, if this is your job, tell me why you are not going to
7 accept this person.

8 We need housing. We use the VASH program, which is
9 there, but it's -- people look at it as it's the end all being
10 of getting veterans off the streets.

11 Well, if you have been on the streets for years or even
12 three months, and we get you into the VASH program, it may be
13 nine months before there is a space for you.

14 Q So the veteran has to stay on the streets for nine months
15 while their application is --

16 A And he has to stay in touch. It's not like, hey, there is
17 a call center where you get a call and are you ready, we have
18 got you a place in Simi Valley.

19 Q That was my next question. When a veteran does get
20 housing through the VASH program, is it adequate?

21 A The housing, you know, these apartments, there is nothing
22 wrong with it. You have got to remember that you take someone
23 out of their community.

24 Now, I know it's homeless, but they are homeless
25 communities. That's where we go. You take one out and you

1 take them to the other side of town into an apartment, now he's
2 lost his community.

3 Hopefully, he has a phone and knew to call. Hopefully,
4 he has a mental health worker or somebody that is assigned to
5 his case.

6 Otherwise, it's like putting him in prison. It's a
7 clean, nice prison.

8 Q And you had mentioned the VA. So does NVF help connect
9 veterans to VA healthcare?

10 A All the time.

11 Q What is it like for a veteran seeking healthcare at VA?

12 A Well, we go by their stories. I mean, we listen to their
13 stories. It's the bureaucracy.

14 For example, West LA, you know, you have got a GS-3
15 there. If you are going there the first time, you have a
16 security guard and you have got pillars there like you are
17 going into a prison.

18 You have got to realize, for the first time, you have
19 been told -- you have got to understand the mindset.

20 This is the whole thing people can't get because you
21 can't be in the mindset of a veteran. He has been urged to go
22 to the VA and start the process, and that's what you face.

23 There is no open arms or whatever. It's like, okay, the
24 GS-3 says, sit over here, have you got your paperwork, have you
25 got this or that or whatever.

1 And we have them all the time get pissed off. They get
2 angry. And security is there. And what happens? They get red
3 flagged. It goes on their thing. Red flagged.

4 Q What happens when they get red flagged?

5 A First of all, they are not going into the VA, and it's on
6 their record.

7 If we talk them going into back, they are aware that
8 this is a troublemaker. And security may escort them or
9 whatever.

10 So you are talking about 21, 25, any age that have an
11 attitude because of all of this we talked about, where their
12 brain is from trauma or whatever, and anything that distracts
13 them from helping them, creates a reaction.

14 And people don't like a reaction, and that's what they
15 get. So they are kind of caught in a catch-22.

16 Q Now, Mr. Meshad, is NVF familiar with the West Los Angeles
17 VA campus?

18 A Yes.

19 Q And what is your --

20 A 53 years.

21 Q Sorry. What is your understanding of where that campus
22 is, what is there?

23 A Well, a lot of acreage that's not used. That's one thing.
24 There are condemned buildings there. I was in one of them that
25 was condemned in '71 or '72. It's still condemned.

1 We did get one -- the New Directions program converted
2 about 20 years ago with money from a congressional person here
3 in the area, which is a great program, but there is space all
4 up there.

5 There's oil well drilling. One time there was parking
6 for the golf tournaments.

7 There is an academy, a school that takes up several
8 acres. There is just so much wasted property when we talk
9 about housing. I just don't get it.

10 I mean, back when that VA grounds was developed and
11 everything, it was like a veteran village. You could see the
12 old train -- the train would come through and the buses stop
13 off and they had all of the barracks for people to come in
14 until they get on their feet. That is all gone.

15 There are some programs there, but with the housing and
16 with the cost of housing in this city, I'm just surprised.

17 They talk about we're going to build stuff. They have
18 been talking about building stuff for years.

19 It's like it's a no go on that property. You have got
20 to do it somewhere else.

21 Well, nobody wants homeless veterans -- let's be honest
22 -- anywhere in their neighborhood, any kind of homeless person.
23 But these are veterans that have served their country, and you
24 think with that amount of land or whatever, even on the other
25 side, on the Wadsworth side, there is land there to convert

1 into housing or whatever. It just makes no sense.

2 Q Well, the government takes the position that, for example,
3 some of those uses of the land that you mentioned -- one, you
4 didn't mention, for example, UCLA baseball stadium, that that
5 is principally benefiting veterans.

6 What is your opinion on that based on your work with
7 veterans?

8 A The excuse -- about 20 years ago, they were doing a
9 documentary -- it's for the patients to watch and enjoy the
10 sport.

11 At most, you would see maybe three schizophrenic
12 patients sitting up there watching the game. I don't even know
13 if they knew what they were watching.

14 It's always been a joke amongst veterans. The field is
15 great, but housing is better when you are a veteran.

16 Baseball is not a priority, and apparently that and oil
17 and expensive schooling is.

18 You know, how far back do we have to get before people
19 address our population's needs?

20 Q So, does NVF have a position on how that land should be
21 used?

22 A I think I have said it. It needs to be developed for
23 housing. It needs to be turned into a village.

24 You have got the largest VA medical hospital there. You
25 have got all of these buildings on the other side. There is

1 all of this land.

2 It needs to be turned back into a complete veteran
3 village. The services are all there.

4 If you try to navigate this city like we all have to do,
5 your hours driving, if you have a car or you are catching a
6 bus, you would have everything right there for this city's
7 veterans.

8 And I call them in some way -- we don't like the word
9 heros, but those that have served their country, it's their
10 property, and it just doesn't make any sense.

11 Q The government today has also talked about seeking input
12 from the community and from stakeholders.

13 Have you or any of the folks that you work with, have
14 you ever been asked what veterans need from that land?

15 A No.

16 Q Okay. And I'm moving on to a different question.

17 MS. PITZ: Objection. Lack of foundation.

18 THE COURT: Overruled. You can answer the question,
19 sir.

20 THE WITNESS: What was the question?

21 BY MS. SAVAGE:

22 Q My question was has VA or anyone from the federal
23 government ever asked you or the people you work with what you
24 think should be done with that land?

25 A No.

1 Q Okay. And does it make a difference to NVF as to whether
2 the housing that you talk about is on the West LA grounds or
3 elsewhere?

4 A Does it make a difference? Of course, it would.

5 Q Is it your position that that housing should be on the
6 West LA grounds?

7 A There or somewhere. But that makes the obvious place. I
8 mean, that place should be filled up.

9 It should be turned into a village for homeless
10 veterans. I don't care what their status is.

11 If they are homeless, that's where they should be.

12 Q Can you expand on why it's the obvious place?

13 A I thought I just did. I think it's the fact that you have
14 got the great medical center there, you have got all of the
15 other things up on the other side of the hill there, you have
16 got all of this property.

17 I actually built a nursery on community money back in
18 the mid 70s with Vietnam vets.

19 I talked to the director and we had 90,000 in excess
20 money. Because then, Vietnam vets were trying to find work or
21 whatever.

22 We had no GI Bill. And I developed this nursery that
23 had been there to develop the hospital in the 30s and put it
24 back to a first rate.

25 We actually turned it into a nursery. The veterans sold

1 and developed plants and things for the community. They
2 learned how to be horticulturists so they got jobs in Beverly
3 Hills, just being creative. We did that.

4 Then after I left, now it's in the ruins. It's blocked
5 up. There is just property there that just sits, that can
6 address so many of these needs.

7 Q And last question. What about the idea that even if a
8 veteran is not housed on campus, a homeless veteran can
9 nevertheless access medical services at VA?

10 A Well, access is everything. I mean, you know, we're
11 always trying to get them -- once again, they need VA benefits.
12 We do everything we can to help them get integrated into the
13 system.

14 Q What kind of obstacles would homeless veterans who don't
15 live on the campus and who may be disabled have with accessing
16 those services at VA?

17 A Getting there. Just getting there. Approaching the VA,
18 approaching what I described earlier.

19 There was one VA hospital in the 70s -- the first
20 documentary I was in the VA funded called The Help You
21 Understand.

22 I would have brought it today to play to show where we
23 were 50-some years ago.

24 One hospital in New Mexico had an ombudsman, like the
25 Walmart guy that would be out there to greet people. And this

1 guy would meet every veteran, whether they had been there or
2 not, and check out and embrace them and get them to where they
3 needed to go.

4 I even told the director in a meeting at Patriotic Hall
5 a year and a half ago that -- I reminded him that I thought
6 that was a great idea for all VAs to have that.

7 It would eliminate a lot of this entering into the
8 system, particularly for the first time, and into a structure,
9 you know, the castle, they call it.

10 Q And before we close, and this will be my final question, I
11 think, when we talk about community input, I asked whether you
12 had ever been asked, of the vets that you have spoken with out
13 in the encampments, have they ever reported being asked by the
14 VA what they think they should do at the West LA Campus?

15 MS. PITZ: Objection. Calls for hearsay.

16 THE COURT: Overruled. You can answer the question,
17 sir.

18 THE WITNESS: I can?

19 THE COURT: You can.

20 THE WITNESS: What was the question?

21 BY MS. SAVAGE:

22 Q The question is: When you go out to speak with veterans
23 at homeless encampments, do they report being asked for their
24 input on what VA should do at the West LA Campus?

25 A No. We never get into that. The encampments are mixed

1 with families and everything today.

2 It's not like it was 30 years ago. We just say, have
3 you applied -- first of all, have you got any VA benefits?

4 Do you have a rating? You know, we ask all of those
5 basic questions to get to know where they are because the VA is
6 key in that aspect.

7 Housing is another thing, you know.

8 Go ahead.

9 Q Let me rephrase my question.

10 Is it your understanding that the VA seeks input from
11 the homeless veterans you speak with in encampments --

12 A No --

13 Q -- as to the use of West LA Campus?

14 A No.

15 MS. SAVAGE: Thank You. No further questions.

16 THE COURT: Cross-examination?

17 MS. PITZ: Nothing from the government.

18 THE COURT: Anything from Bridgeland?

19 MR. GUADIANA: Nothing from the Bridgeland.

20 THE COURT: May the witness be excused, counsel?

21 MS. SAVAGE: Yes, Your Honor.

22 THE COURT: I'm happy to hold witnesses on call so
23 there doesn't need to be another subpoena. But if you are
24 confident that the witnesses can be excused, we can excuse
25 them.

1 THE WITNESS: I'm done? That's it?

2 THE COURT: That's it. You may step down. Thank
3 you, sir. Be careful of the steps. All right.

4 Counsel, do you want to take a brief break?

5 MR. ROSENBAUM: Up to you, Your Honor. The reporter
6 is doing super duty. We want to be respectful of that. No
7 problem with a short break, if you would like.

8 THE COURT: How long would you like?

9 MR. ROSENBAUM: Ten minutes? How's that?

10 THE COURT: Make it 15. Use the restrooms and then
11 we will get ready for the next witness. Thank you.

12 (Afternoon recess.)

13 THE COURT: Counsel, are you comfortable -- counsel,
14 are you comfortable starting again?

15 MR. ROSENBERG: Yes, Your Honor.

16 THE COURT: Okay. We're back on the record. All
17 counsel are present. The parties are present.

18 On behalf of the plaintiff, would you like to call your
19 next witness, please?

20 MR. ROSENBAUM: We would, Your Honor. Plaintiffs
21 call Robert Reynolds.

22 THE COURT: Thank you. Mr. Reynolds, would you be
23 kind enough to stop at that location. Would you raise your
24 right hand, sir.

25 THE COURTROOM DEPUTY: Do you solemnly swear that

1 the testimony you are about to give in the cause now pending
2 before this Court, shall be the truth, the whole truth, and
3 nothing but the truth, so help you God?

4 THE WITNESS: Yes, I do.

5 THE COURT: Thank you, sir. Would you please be
6 seated in the witness box. It's just to my right, and the
7 entrance is closest to the wall.

8 Sir, after you are comfortably seated, would you
9 state your full name, please?

10 THE WITNESS: Robert Reynolds.

11 THE COURT: Would you spell your last name, sir?

12 THE WITNESS: R-E-Y-N-O-L-D-S.

13 ROBERT REYNOLDS,

14 having been duly sworn,

15 testified as follows:

16 THE COURT: Direct examination by plaintiffs,
17 please.

18 MR. ROSENBAUM: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. ROSENBAUM:

21 Q Mr. Reynolds, how are you doing?

22 A Doing well.

23 Q How old are you, sir?

24 A Say that again.

25 Q How old are you?

1 A 35.

2 Q Mr. Reynolds, are you a veteran?

3 A Yes, I am.

4 Q Could you tell the Court, please, in what branch of
5 military you served?

6 A Yes. I served in the U.S. Army infantry from 2006 to
7 2010, and in Iraq in 2007.

8 Q And the -- your educational background, could you briefly
9 describe for the Court what your educational background is?

10 A Yes. Some community college. After the military, I went
11 to work with the fire department, so fire academy, EMT, and
12 paramedic school.

13 Q And we will get to this, but did you graduate high school?

14 A Yes. I got an equivalence test. I left -- I tested out
15 of high school early to join the military.

16 Q Okay. And as I said, we will get to that, but is there a
17 reason you took an equivalence test as opposed to graduating
18 otherwise with your cohort?

19 A Yes. I wanted to -- I wanted to join the military. I had
20 always wanted to join the military. And after September 11th
21 happened, I wanted to go as soon as possible.

22 And also, my family was all in the military. My father
23 was a Marine and served in Vietnam. My grandfather served in
24 the Air Force for 30 years. And a lot of my cousins served as
25 well.

1 Q Thank you.

2 Do you have any connection with plaintiffs in this
3 lawsuit?

4 A Yes.

5 Q Could you describe for the Court what the nature of that
6 connection is?

7 A I have worked with many of the plaintiffs in this lawsuit
8 when they were homeless, out on San Vicente Boulevard. I'm
9 also friends with some of them as well.

10 Q Okay. The Court has observed, I'm sure, that there have
11 been veterans in this courtroom.

12 Do you know who those veterans are?

13 A Yes, I do.

14 Q And I know you briefly mentioned it, but the context in
15 which you first met those individuals?

16 A I would say the context in which I first met those
17 individuals was as friends, as fellow veterans.

18 Q And returning to the question of your connection to this
19 lawsuit, prior to this morning, or prior to the last few
20 months, do you know me?

21 A Yes.

22 Q And could you describe how we met?

23 A Yes. I spent a lot of time reading about the previous
24 case, the *Valentini v. Shinseki*, and I had met you in June
25 of 2022.

1 And at that time I was very concerned about the
2 well-being of the veterans that I was working with, and knew
3 they were going through a lot of challenges getting housing.
4 And I thought it would be in their best interest to speak to
5 counsel.

6 Q And in the course of those relationships, did you gather
7 any knowledge as to whether any of those plaintiffs suffered
8 from disabilities?

9 A Yes. All of the plaintiffs suffered from disabilities,
10 whether it be disabilities from their deployments or their time
11 in service.

12 Q You mentioned just now the work that you do with homeless
13 and disabled veterans.

14 Incidentally, the veterans whom we see in the courtroom
15 or the veterans who are the plaintiffs, is that the sum total
16 of all of the veterans whom you worked with who are homeless
17 and disabled in Los Angeles?

18 A No. I have worked with hundreds over the years.

19 Q And this work that you undertook, sir, when did that
20 begin?

21 A It began for me in 2019, and that was all voluntary at the
22 time.

23 Q Yes. I was going to ask you about that.

24 The employment, the work that you are describing, ever
25 receive any payments in 2019 for that work?

1 A No. There is still work that I do to this day,
2 advocacy-related work that I don't receive payments for.

3 Q Okay. So, in terms of the financial resources that you
4 lived on that period of time, did you receive any of that from
5 the VA?

6 A It was -- I budgeted well with my service-connected
7 disability that I received, and I focused my time to assisting
8 the veterans because this issue, I felt, needed to be resolved.

9 Q The -- again, we will go into this in more detail, but the
10 volunteer work you did, the objective of that work was what?

11 A The objective of that work, first and foremost, was to get
12 homeless veterans off of the streets and into the West LA VA.

13 And it was also trying to get the veterans that were
14 actually sleeping on the street, right outside the gate of the
15 VA, inside the property as well, so, veterans, as a whole in
16 Los Angeles and then also the veterans that were sleeping and
17 dying right outside the gates of the VA.

18 Q We will get to this.

19 I'm not asking you to describe it now, but when you say
20 "dying," did you, in fact, have experiences where veterans died
21 on the sidewalks near the West VA?

22 A Many times, yes.

23 Q And in the course of your volunteer work, with respect to
24 these veterans, did you come into contact with officials or
25 individuals who were employed by the West VA -- West LA VA?

1 A I did, yes.

2 Q How long did you -- how long did you remain involved with
3 this work?

4 A I have been involved with this work from 2019 until now.

5 Q And how many days a week?

6 A I would say seven days a week. You know, I'm always
7 answering calls and doing anything I can to help veterans and
8 help.

9 Q Is this a 9 to 5 job?

10 A No. It's all hours.

11 Q Sometimes you can get calls how early?

12 A I have gotten calls in the middle of the night from people
13 dying.

14 Q And during that period of time, sir, do you work on
15 weekends?

16 A I will take calls on weekends. Yes, I work on the
17 weekends.

18 Q And your work, sir, that you have been describing, how
19 frequently do you come into contact with the West LA VA
20 grounds?

21 A Every day of the week. Monday through Friday, weekends,
22 whenever I'm there.

23 My sole focus has always been on the west side working
24 with homeless veterans there, near the West LA VA and at the
25 West LA VA.

1 Q Has the VA ever been your employer?

2 A No.

3 Q How would you describe your work situation today? I mean,
4 do you have an employer?

5 A I'm an independent contractor, so I have a contract
6 through Concourse Federal to assist the VA.

7 Q And you get paychecks now?

8 A Yes.

9 Q And who signs that paycheck?

10 A It's through Concourse Federal.

11 Q What is Concourse Federal?

12 A They do consulting with the West Los Angeles VA.

13 Q And could you briefly describe -- again, we will get into
14 more detail, but could you briefly describe for Judge Carter
15 what Concourse Federal is?

16 A My understanding of Concourse Federal is they are a
17 consulting firm.

18 I know that they do a lot of stuff that has to do with
19 the property at the West LA VA.

20 However, my focus, I have a specific scope of practice,
21 and that's assisting the CERS team, which is the Community
22 Engagement Reintegration Services, homeless veteran programs.

23 So, assisting getting veterans into programs, trying to
24 prevent them from getting discharged from programs, and dealing
25 with issues that come up within CTRS, what is the tiny shed

1 program, the domiciliary, the new housing on the property, any
2 of programs there.

3 Q Do you do work with U.S. Vets?

4 A I do, yes.

5 Q Do you do work with New Directions?

6 A I do, yes.

7 Q Incidentally, just for the benefit of the reporter --
8 first of all, are we doing okay?

9 Okay. CERS is an acronym for what?

10 A Community Engagement Reintegration Services.

11 Q That is C-E-R-S?

12 A Yes.

13 Q And with respect to Concourse Federal, how many hours a
14 week do you work?

15 A So with respect to that, I bill on average 30 hours a week
16 of billable hours, and I work outside of that on nonbillable
17 hours.

18 Q Give the Court an estimate or range as to the number of
19 hours a week you might be working beyond that 30 hours.

20 A 60 to 80 hours a week, depending on the need and what is
21 going on.

22 Q Over the past several years, I think you told us 2019,
23 between your personal experiences and your work, both volunteer
24 and otherwise, with veterans in West LA, have you had an
25 opportunity to form an opinion as to the way the VA addresses

1 the needs of disabled, homeless veterans in Los Angeles?

2 A That's one of the things that I have been most frustrated
3 with.

4 I'm thankful for the benefits that I receive through the
5 VA, but I am very upset and frustrated with the way homeless
6 veterans are handled and how there are thousands of them
7 sleeping on the street on any given night.

8 Q Incidentally, we will get to that.

9 But have you expressed those frustrations to officials
10 and employees of the West VA office?

11 A Yes. I have been addressing those issues that I have for
12 -- going on five years.

13 Q Incidentally, you just came back from where in the United
14 States?

15 A Washington, D.C.

16 Q What were you doing in Washington, D.C.?

17 A Speaking at a discussion panel with a journalist that had
18 worked on reporting about the West LA VA for the last three
19 years.

20 They put on discussion panel about the West LA VA income
21 restrictions and all of the issues affecting veterans here, and
22 that was with some staffers for members of Congress, some
23 members from the Pentagon, and other officials in D.C.

24 Q And had you been invited to make that presentation?

25 A Yes.

1 Q And let's talk, sir, about your personal experiences
2 first.

3 Is that okay?

4 A Yes.

5 Q And, Mr. Reynolds, if we get into anything that you'd
6 rather me stop, slow down, move away from, will you just let me
7 know?

8 A Yes.

9 Q Where did you grow up?

10 A I grew up in Westfield, Massachusetts.

11 Q Where is Westfield?

12 A It's about an hour and a half west of Boston.

13 Q You told us a few minutes ago that you went to Iraq.

14 How old were you when you enlisted?

15 A I was 17 years old when I enlisted.

16 Q And you told us that you tested out of high school so you
17 could get there as rapidly as you could?

18 A Yes. It was also at the time -- my father, who was a
19 Vietnam veteran, he died when I was a kid, so I had a hard time
20 with that.

21 I just wanted to get away from where I was at and go
22 join the military.

23 Q And what branch of the military was your father in?

24 A Marines.

25 Q And you mentioned to the Court that there was other

1 military family in -- I mean, you had family who also was in
2 the military.

3 What branches were they in?

4 A My grandfather on my dad's side was a colonel in the Air
5 Force. He was a pilot.

6 And then on my mother's side, her father was in the
7 Army. He also died when I was younger, so I didn't get much
8 time to speak with him.

9 But my cousin -- when I was 13 or 14, I attended my
10 cousin's graduation from West Point Military Academy, so just
11 throughout my whole life, I had -- a lot of my family was in
12 the military and I just always wanted to go.

13 Q Did you ever think of doing anything but being in the
14 military?

15 A I did not, no.

16 Q Were there certain episodes in this country that also
17 inspired you to want to serve the country?

18 A September 11th.

19 Q How did that affect you, sir?

20 A Just furious that something like that could happen in the
21 United States.

22 Q Anyone in your family seek to discourage you from joining
23 the military?

24 A No.

25 Q When you first enlisted, Mr. Reynolds, where did you go?

1 A I went to Fort Benning, Georgia, to complete basic
2 training and infantry school.

3 Q And then after that?

4 A Then I was stationed at Fort Drum, New York, with the 10th
5 Mountain Division, 431 Infantry.

6 THE COURT: Just a moment, counsel.

7 Would you repeat that a little bit more slowly?

8 THE WITNESS: Yes, sir.

9 THE COURT: I was stationed at --

10 THE WITNESS: I was stationed at Fort Drum, New
11 York, with the 10th Mountain Division, 431 Infantry.

12 BY MR. ROSENBAUM:

13 Q I'm sorry, what year or years was this?

14 A This was -- I went to -- I went to basic training between
15 -- it was in 2006, the summer of 2006, which should have been
16 the year between my junior and senior year of high school.

17 And I completed basic training over the summer, then was
18 stationed at Fort Drum.

19 And when I arrived at Fort Drum in the fall, I was told
20 that the unit that I was assigned to was just deployed to Iraq.

21 I was still 17 at the time, so within three months of
22 arriving in Fort Drum, I received my orders and was sent over
23 to join the rest of my unit.

24 Q Can you spell Drum?

25 A D-R-U-M.

1 Q And how did you end up in the infantry?

2 A I wanted to join the infantry.

3 Q And you told us that you, at some point, left Fort Drum
4 and you were deployed overseas?

5 A Yes. I arrived at Fort Drum in late September, early
6 October 2006.

7 And then I received my orders to deploy to Iraq in
8 January of 2007, so a few months later.

9 Q And how old were you then?

10 A I had just turned 18 years old.

11 Q And how long did you spend in Iraq?

12 A Just about ten months, from January until end of October,
13 early November.

14 Q And could you tell Judge Carter, please, where you were
15 stationed in Iraq?

16 A I was stationed all over Southern and Southeast Baghdad.
17 I was in an infantry unit, so we didn't live on any of the
18 forward operating bases.

19 We would go out to areas within the city and create
20 battle positions and patrol bases and worked closely with the
21 Iraqi Army.

22 And we'd secure an area, conduct presence patrols, look
23 for weapons caches, and then once that area was deemed -- we
24 would clear routes for IEDs.

25 And once that area was deemed, I guess, safer, then we

1 would turn it over to another unit and we would move on.

2 So that's what we did through the duration of my
3 deployment.

4 Q Are you familiar with the phrase "Triangle of Death"?

5 A Yes.

6 Q What's your understanding of what the Triangle of Death
7 is?

8 A It's an area within Iraq and part of Baghdad where the
9 majority of U.S. deaths happened, and a lot of those were from
10 IEDs, and that's the area we were tasked with.

11 Q Were you, yourself, in areas where there were IEDs?

12 A Yes.

13 Q How frequently?

14 A We had -- several people I was deployed with died from
15 stepping on IEDs.

16 Q Were you close with any of those individuals?

17 A Yes. Like, acquaintances. I was one of the youngest
18 members in my unit, so it was, you know, we work together and I
19 knew them from serving together, and, you know.

20 Q When you were there in Iraq over this ten-month period,
21 was there a lot of downtime?

22 A No. No, I wouldn't say there was a lot of downtime. We
23 were -- within the 4th battalion, 31st infantry regimen, each
24 company -- I was Charlie company -- we were tasked with
25 securing certain areas and creating -- setting up battle

1 positions out of a house that we had taken over.

2 And we would have to, within the platoons in the
3 company, we would rotate between one week, we were on missions
4 platoon, the next week we were during patrol or guarding of the
5 actual location. And a lot of times you would be on guard for
6 six or eight hours.

7 They would rotate you off and then something would
8 happen and you get pulled into a mission.

9 You wouldn't sleep much, so not a lot of downtime.

10 Q What was it like, sir, being in Iraq undertaking these
11 duties?

12 A For me, it was -- I mean, I always wanted to go.

13 When I first got there, it was probably the most
14 terrifying thing I ever experienced. It was, I shouldn't say
15 kind of.

16 But I was thankful to be able to be a part of that.

17 Q Did you ever say "I wish I wasn't there," "I wish I wasn't
18 participating in this"?

19 A No, I never said that. In fact, I was -- you know, after
20 a while of being there, I would say to myself that I was going
21 to do this for the rest of my life, this is what I wanted to
22 do. It was when I came home that I had trouble.

23 Q I'm going to ask you, Mr. Reynolds, about some experiences
24 that you had in Iraq.

25 And again, if you want me to stop, just let me know,

1 okay?

2 Were there particular experiences there when you were in
3 Iraq that impacted you then and for the rest of your life?

4 A Yes. And I normally don't, like, share or talk about
5 these things, but -- you know, I just feel it's important.

6 And then also to talk about some of these situations
7 because some of the things that I saw other members that I
8 served with go through, I'm watching happen to the veterans
9 that I'm trying to work with today.

10 Q Yes. I wanted to ask you about that.

11 I know that there are no two experiences that are
12 identical, but when you are on the sidewalks outside the VA
13 campus and talking to veterans, do you hear about experiences
14 that remind you of the experiences that you underwent?

15 A Yes.

16 Q How frequently?

17 A All the time. All of the veterans have, you know, unique
18 and different experiences, but I hear a lot of the similar
19 ones.

20 Q Again, we will get to this, but the veterans whom you see
21 on these sidewalks, any of them tell you they were in Iraq?

22 A Yes.

23 Q Afghanistan?

24 A Yes.

25 Q Vietnam?

1 A Yes.

2 Q Let's go back to some of these experiences.

3 Do you know the name, Ryan Bishop?

4 A I do, yes.

5 Q Did you have an experience involving Ryan Bishop that
6 impacted you then and impacts you now?

7 A Yes. Ryan Bishop was the first person I saw pass -- or
8 get killed.

9 Q Do you mind describing the circumstances, sir?

10 A Yes. It was south -- we were in Southern Baghdad, and we
11 were on -- we had just taken over a house and we named it
12 Operating Post Corregidor.

13 Q Can you spell that?

14 A You know, I probably wouldn't do it any justice if I
15 spelled it.

16 Q All right. Sorry, I cut you off.

17 A And I was on the rooftop of the building -- a lot of the
18 buildings were flat -- and he, Ryan Bishop was in second
19 platoon.

20 And as they were coming in back to the battle position
21 or the house from their patrol, they were crossing over the
22 choke point -- there was a canal with a bridge and they were
23 passing over that and he was the last person to go over and he
24 stepped on an IED, and, you know.

25 Q How did you learn about that, sir?

1 A How did I --

2 Q Learn about what happened to Ryan Bishop?

3 A Well, I saw it happen. I saw them coming in because I was
4 watching them come in, and I saw it -- I didn't see him
5 physically step on it.

6 I just saw them -- second platoon coming over a bridge
7 over a canal, and then I just saw a big puff of smoke, an
8 explosion, I heard it.

9 And my team leader -- I had -- one of the pieces of
10 equipment that I carried was the CLS bag, it's called a combat
11 lifesavers bag.

12 It has -- I had like IVs in it and different medical
13 equipment.

14 And so, my team leader came up and said -- you know, I
15 didn't know who it was at the time, but, you know, we need you
16 to go down there and go bring CLS bag out to assist the medic
17 that was working on him.

18 And I would say that was probably like one of the --
19 that was my first experience when I got there.

20 It was probably one of the scariest moments because
21 everything inside me was saying don't go, but I did go. And it
22 was -- I was terrified I was going to step on something when I
23 was going out there.

24 But when I started getting closer to the person or the
25 soldier that was down, at first I didn't want to look at -- I

1 was trying to not look at the face because I didn't want to see
2 who it was.

3 And then I did see who it was. But anyway, I set down
4 the medical bag and I asked what they needed me to do, and they
5 said just pull security while we work on him.

6 Q Are you okay?

7 A Yep.

8 Q Anything else about Ryan Bishop that you want to share at
9 this time?

10 A If he ended up -- he ended up not passing away or not
11 making it, but his -- one of the things that, when I got there,
12 his leg was amputated, and it was a pretty high amputation.

13 And with this situation going on today, there is a
14 veteran that specifically I'm working with today who is an
15 Afghanistan veteran and stepped on a IED and lost his leg,
16 thankfully -- thank God, he's alive, and he is unable to get
17 into housing at the West LA VA because he's over the income
18 limit.

19 So I always draw a comparison, I think, that if Ryan
20 didn't die and he were alive today, just the thought of him
21 coming home and not being able to get into housing is just
22 insanity to me.

23 Q Do you know the name Ray Bevel, B-E-V-E-L?

24 A Yes.

25 Q And did you have an experience involving Ray Bevel while

1 you were there?

2 A Yes. He was also on the second platoon.

3 And it was at this time the battle position that we were
4 in. It was actually about two weeks after Ryan Bishop stepped
5 on an IED.

6 Ray stepped on one and was -- you know, he died.

7 Q Do you mind describing what you saw when this happened to
8 Ray Bevel?

9 A So I was -- I was not with him when that happened. I had
10 just -- the house that we were staying at, I had just come into
11 the house and they were just going out. And right upon them
12 going outside of the house, they stepped on an IED.

13 So I had just got in, I was coming in and taking my gear
14 off and heard the explosion, and the whole house shook.

15 After a few minutes, it came over the radio that he was
16 the one that stepped on the IED.

17 Q Do you know the names Alex Jimenez, Byron Fouty, and
18 Joseph Anzack?

19 A Yes.

20 Q Could you describe for the Court, please?

21 THE COURT: Just a moment. We didn't get the
22 spellings on the realtime.

23 So once again, the names, please?

24 MR. ROSENBAUM: Yes. Alex Jimenez, J-I-M-E-N-E-Z.

25 Thank you, Your Honor. Byron Fouty, F-O-U-T-Y. Joseph Anzack,

1 A-N-Z-A-C-K.

2 THE COURT: Thank you.

3 MR. ROSENBAUM: Thank you.

4 BY MR. ROSENBAUM:

5 Q Do you know those names, Mr. Reynolds?

6 A I do, yes.

7 Q And in what context did you have an experience involving
8 -- the three of them, you connect to the same experience?

9 A Yes.

10 Q And would you mind describing for the Court, please, the
11 nature of that experience?

12 A Yes. Byron Fouty, I knew personally from rear detachment
13 of United States.

14 He arrived at Fort Drum around the same time I did, and
15 he was a year older than me. And we deployed around the same
16 time together.

17 And then Alex Jimenez and Joseph Anzack, they were also
18 involved in this incident.

19 So, essentially, on May 12th, 2007, our Delta company,
20 which was not far down the street from where we were operating,
21 they -- some insurgents overran their Humvees that were over
22 watching the road outside of their battle position. And Alex
23 Jimenez, Joseph Anzack, and Byron Fouty were kidnapped, and the
24 other members in the Humvee were killed.

25 Q Let's not describe it right now,

1 but was that the end of that experience with respect to those
2 three gentlemen?

3 A No.

4 Q Okay. Do you know the name, Dan White?

5 A Yes.

6 Q Was there an experience involving Dan White while you were
7 in Iraq?

8 A Yes. He was my teammate. We were on bravo team together.

9 Q And what happened with respect to Dan White?

10 A We were tasked with -- we were getting shot at from these
11 reed lines, which essentially had these rivers or streams where
12 the reeds would grow really tall and we were getting shot at
13 from those, and we were tasked with burning them down.

14 And while he was burning them down, the pack that he had
15 for his -- to hold the gas, it was like a metal bag that he
16 wore, something happened to it and he ended up getting lit on
17 fire.

18 He did survive, but he was very, very badly burned.
19 That was really hard.

20 So I was with him the whole time. He ended up getting
21 medevacked out.

22 Q Did you see his body burn?

23 A Yes.

24 Q What parts of his body, sir, did you see?

25 A His hands and his forehead were degloved, hanging from his

1 body.

2 Q Okay. Are you telling me the sum total of those sorts of
3 experiences that happened to you in Iraq?

4 A Yes.

5 Q Is that -- my question wasn't clear.

6 Were those the only sort of experiences that had a
7 powerful impact on you in Iraq?

8 A No. The one that had -- all of them had impact. I think
9 the one that was the hardest was the kidnappings that took
10 place.

11 We spent a long time -- we spent a long time looking for
12 them and we weren't able to find them, and we had to come home.
13 So it kind of messes with you, like, the whole don't leave
14 anybody behind.

15 I think a lot of that goes into the work that I do
16 today.

17 Q Do you mind describing, Mr. Reynolds, as best you can
18 recall -- I'm not asking you to talk to me about now how you
19 felt, but in the moment, do you have a recollection of what you
20 were experiencing, what you were feeling when these incidents
21 took place?

22 A It -- when the first incident took place, it was just -- I
23 remember times early on where I was like -- I was very panicked
24 to close my eyes or go to sleep because I thought I would see
25 things again. That really bothered me.

1 I felt like, sometimes, I was going to go crazy, but I
2 didn't.

3 Then later on, as the deployment progressed, I just kind
4 of became more and more numb or just would move on to the next
5 thing. It was kind of -- yeah.

6 Q And again, sir, now fast forwarding a little bit, when you
7 talked with veterans on the sidewalks of San Vicente and
8 Wilshire or the other veterans you work with, have you heard
9 similar sorts of relating back to the experiences as you just
10 described?

11 A Yes. I have heard similar stories and also physically
12 seen the physical ailments that have happened to them as a
13 result of their service.

14 Q Did you receive any recognition from the United States
15 government regarding your service in Iraq?

16 A I have my Global War on Terrorism, you know, that OIF, and
17 my Combat Infantryman Badge.

18 Q What is the Combat Infantryman Badge?

19 A Combat Infantryman Badge is you have to be an infantryman
20 and get awarded it for being under enemy fire and returning
21 fire.

22 Q On how many occasions would you estimate you were in such
23 combat?

24 A It happened several times. It wasn't -- you would have
25 days where things didn't happen, and then you would have days

1 where things did happen.

2 Q When you were in the days where it didn't happen, what
3 were you thinking with respect to the possibility of combat?

4 A Well, in the days it didn't happen, we were filling
5 sandbags and creating guard positions on rooftops or, you know,
6 doing maintenance or guard or all kinds of different things.

7 So it was -- there was -- just so busy that it was hard
8 to even have time to really think.

9 Q At some point you returned home from your deployment in
10 Iraq?

11 A Yes.

12 Q Do you remember what year that was?

13 A End of 2007. I turned 19 in Iraq. It was end of October,
14 early November. It was in that time frame.

15 Q Did you remain in the Army after you returned from Iraq?

16 A Yes.

17 Q So I want to break this down in terms of time periods.

18 When you come back in 2007, did anyone from the
19 government or the military talk to you about what you had seen
20 and experienced there, in an official sort of way?

21 A No. I just -- no, I don't recall any of that happening.
22 As soon as we got back, we were marched into a big auditorium
23 and all of our family was there, and some of the guys that were
24 injured that came home were there to greet us. And then they
25 just released us for, I think it was two days, right off the

1 bat to go visit our families.

2 And then when we came back from that, we ended up
3 getting a month of leave.

4 I don't remember anything about, like, you may feel this
5 or you may experience any of these things.

6 Q Or what to do if do you have those sorts of feelings?

7 A Yes.

8 Q Did you have any officer say anything to you about what
9 you just went through and what you should do to address that?

10 A No. When people would die, I remember, like, our platoon
11 sergeant would say this sucks, you will have time to think
12 about it later, have a beer for him when you get home. But
13 that was the extent of it.

14 Q How much longer did you remain in the Army?

15 A Until 2010.

16 Q So how many years was that additionally?

17 A Two and a half years.

18 Q And during those years, you were still doing work for the
19 Army?

20 A Yes. Came back and was doing training. And then the
21 following year after getting back from Iraq, I was selected to
22 go with my unit to go West Point Military Academy to be range
23 cadre for their cadet summer training.

24 It was, essentially, over the summer, the new recruits
25 that were coming to West Point, they get run through

1 essentially a basic training.

2 I was an M203 gunner in Iraq, so I helped with the M203
3 range.

4 Q I think you just answered this, but I just want to be
5 really clear.

6 Did you have any particular duties or responsibilities
7 with respect to this basic training that was being conducted at
8 West Point?

9 A So my role was to work on the 203 grenade range because
10 that was what I had.

11 I had an M4, a 203 grenade launcher in Iraq, so that's
12 where I was tasked.

13 Q Can you talk to the Court, please, what those years were
14 like for you, those two and a half, three years?

15 A Yes. The first year back was -- well, I wouldn't --
16 really, where issues for me started pocketing up was actually
17 while I was at West Point, was that -- we had to deploy home --
18 let me back up here.

19 When Joseph Anzack, Byron Fouty, and Alex Jimenez --

20 Q Just a little bit slower, please.

21 A Sorry. When they were kidnapped, Joseph Anzack was found
22 about a week later, but we spent so much time looking for Alex
23 and Byron -- everyone did -- and we weren't able to find them.
24 We deployed home.

25 And it was in the summer of 2008, while we were at West

1 Point that their bodies were discovered and --

2 Q Was there anything about that discovery of those bodies
3 that communicated what happened to those individuals?

4 A Yes. So the initial shock of when -- again, I knew Byron,
5 I didn't know Alex, but we spent a lot of time looking for them
6 with everyone.

7 And it was just -- it was like a moment that really kind
8 of shocked me to my core. Then I don't remember how much time
9 passed, but when the autopsy report came out for Byron, it
10 stated that he had wounds that had healed.

11 It was consistent with being tortured for four months
12 before passing.

13 Q Incidentally, you told the Court a few moments ago that
14 last week you were in Washington, D.C.

15 Did you do anything while you were there that related to
16 this experience?

17 A I stayed an extra day and I went to Arlington Cemetery.
18 That's where Alex Jimenez and Byron Fouty were buried.

19 Q Okay. At or about this time, Mr. Reynolds, did you know
20 what PTSD was?

21 A No.

22 Q Did anyone, when you came back, from the military or the
23 government, talk to you about PTSD that you recall?

24 A No.

25 Q Anyone give you any suggestions about how to deal with the

1 feelings you were experiencing?

2 A No.

3 Q Anyone give you any written materials or any lectures?

4 A Not that I recall, no. No.

5 Q Anyone from the military during this period of time talk
6 to you about the emotional and psychological impact of service
7 in a combat zone like what you went through?

8 A No.

9 Q Incidentally, regarding the individuals whom you have been
10 telling about, the unhoused disabled veterans in West LA, have
11 you heard similar stories from them in terms of whether they
12 learned anything about PTSD or addressing the emotional wounds
13 of the war?

14 A No. I think a lot of the veterans that I have just talked
15 about, you know, they are out of the military, they learned
16 about it through other veterans and what they hear about.

17 I think now it's more commonly known what PTSD is than
18 it was before.

19 Q But did anyone at that time from the military talk to you
20 about whatever the state of the knowledge was, whether it was
21 PTSD or the emotional sufferings or the emotional impact, any
22 of that happen when you came back?

23 A No.

24 Q Did the military ever educate you about PTSD?

25 A No.

1 Q Did the military ever offer you any support with
2 processing what happened in Iraq?

3 A Not that I recall, no. It was -- a lot of people just
4 didn't talk about it, it was kind of encouraged not to talk
5 about it, don't do anything, so.

6 Q Do you remember receiving any mental health assessment
7 during this period of time while you were in the Army?

8 A No.

9 Q Do you remember receiving any mental health treatment
10 while you were still in the Army?

11 A No.

12 Q Do you remember it ever being offered either the treatment
13 or counseling or anything like that?

14 A I don't recall, no.

15 Q I take it, sir, that at some point you found a way to cope
16 with this as best you could?

17 A Yes.

18 Q Can you explain?

19 A Sure. I ended up, between my deployment and training and
20 then everything else, I ended up getting a knee injury where I
21 tore ligaments in my knee.

22 This was after I was at West Point, it was early 2009.

23 And while I was going to treatment for that, I was
24 prescribed OxyContin, 10 milligram OxyContin pills from the
25 Army at the time, which were awful.

1 They caused such a huge problem for me, almost killed
2 me.

3 I think I don't -- you know, they were prescribing them
4 a lot at the time, and after a while, it became less for the
5 pain and more to deal with mental anguish of things.

6 Q Who prescribed this?

7 A At the time I was getting them prescribed from the Army,
8 that and Benzodiazepine, anxiety medication.

9 Q The impact -- well, when you were being prescribed these
10 opioids, any inquiry from anyone in the military as to how you
11 were dealing with them, how they were affecting you?

12 Do you remember anything like that at the time from the
13 military?

14 A No. I just remember when I went home on my leave, my mom
15 worked at the hospital and my mom, seeing the medication, was
16 like, why the hell are you talking all of this?

17 She was very concerned about it.

18 Q Would you say you became addicted?

19 A I did.

20 Q And what impact, if any, did it have on your will to live?

21 A I got to a point where I didn't care if I was alive or not
22 any more, it didn't matter.

23 Q Was -- did you ever receive anything from the military at
24 that time that addressed if you had feelings about wanting to
25 live or not?

1 A No. I got to go to -- before I got out, I went to a detox
2 center, and outside -- they sent me to one outside of the
3 military. I got detoxed from medication.

4 Q Was there a point you left the Army?

5 A Yes, in 2010.

6 Q And so how old were you then?

7 A 21 years old.

8 Q Are you doing okay?

9 A Yes.

10 Q Mr. Reynolds, let's go to what happened after the
11 discharge --

12 A Yes.

13 Q -- leading up to West LA VA?

14 A Okay.

15 Q Okay. After you got out of the Army, where did you go
16 next?

17 A I went home briefly. I got there 2010. I went back to
18 stay with some family and friends and then --

19 Q In what state?

20 A Massachusetts.

21 Q For about how long?

22 A Year and a half.

23 Q How was that for you?

24 A I just wanted to get out of there.

25 Fort Drum is on the east coast, it is not far from

1 Massachusetts, it's about three hours from Massachusetts.

2 And between my deployment and, you know, father passing
3 away as a child, I wanted to get as far away as I could. There
4 were too many memories.

5 That's when I came back to California.

6 Q When you were back home in Massachusetts, did you get any
7 mailings or any communications or anything from the military
8 saying, how are you doing? How are you coping? How are you
9 dealing with what you are experiencing?

10 Anything like that from the military?

11 A I don't recall. I don't recall.

12 Q You don't recall ever receiving anything like that?

13 A I don't recall, no.

14 Q Now, at some point -- incidentally, did you talk to anyone
15 whom you had served with during that period of time or other
16 individuals who you knew who had been in Iraq?

17 A Initially when we -- the deployment I was on, everyone --
18 we also got extended, because it was during the surge of
19 troops, so when President Bush did the surge, so when we were
20 scheduled to come home and we were extended another three
21 months, by the time we got back within couple of months,
22 everyone that I served with in Iraq, were either ETS and going
23 to different units, or just getting out of the Army.

24 Some got in trouble, so a lot of the people I served
25 with, they were gone. It was all new people.

1 Q When you say they got in trouble, what do you mean by
2 that?

3 A When, for example, like, on the first night we came back
4 from deployment and they marched us into the auditorium to see
5 our families and everything. They released us pretty quickly
6 and said, go with your family for 48 hours, and then come back.

7 You know, and then I remember coming back to the
8 barricks after being with my family, and just hearing so and so
9 got a DUI, so and so got into a fight, so and so is in jail.
10 The list went on and on.

11 Q At some point you told us you left Massachusetts and you
12 came to California?

13 A I did.

14 Q What year was that?

15 A 2012.

16 Q And how old were you then?

17 A 23 years old.

18 Q Did you settle somewhere in California?

19 A I went to visit an uncle of mine that was living in San
20 Francisco, and then I went to stay with a friend of mine that I
21 grew up with that was living in the central coast of
22 California.

23 Q Do you remember what community in Central California?

24 A San Luis Obispo County, Paso Robles, city.

25 Q Did you start any work at that time, either paid work or

1 volunteering work?

2 A I did. I got a job right away with a manufacturing plant
3 and also was hired with the fire department in San Luis Obispo
4 County and going through the training they were sending me
5 through.

6 Q And why did you choose to work with the fire department?

7 A I really didn't -- it was -- I met someone that just -- I
8 was having a conversation with somebody that I just met, and I
9 was, I'm not sure what I'm going to do, just got out of the
10 military.

11 And he actually happened to work for Cal Fire, the State
12 Fire Department and he said to me, he's, like, oh you need to
13 go -- you should give firefighting a try. They do wildland
14 fire fighting, he is like, they do wildland and city
15 firefighting, you would probably enjoy it.

16 So at that point I went to the station. They told me to
17 go to -- and interviewed, and they said they would accept me
18 and send me through the training.

19 Q And in terms of your work with fire department, that was
20 paid or volunteer?

21 A It was -- so in San Luis Obispo County, when you are going
22 through the training, it's called paid call firefighters. When
23 you are at your training you have hours you can bill and they
24 send you on a 1099 to reimburse you. At that time, I was going
25 through school.

1 Q How long did you do that sort of work?

2 A Well, I went through -- once I finished school, I did that
3 from 2012 until 2017.

4 Q And the schools you went to during this period of time?

5 A All kinds of state fire classes, fire academy, EMT school,
6 paramedic school.

7 Q And did you only do firefighting in San Luis Obispo area?

8 A No. I then went to Riverside County.

9 Q And how long did you do this sort of work?

10 A Between 2012 and 2017.

11 Q Okay. And you talked to us already about how you were
12 doing mentally and emotionally.

13 What impact, if any, did the firefighting have on you
14 mentally and emotionally?

15 A I feel like it helped me really get back into getting into
16 a good place, at least so I thought.

17 For me, going on 911 calls, was kind of -- felt like
18 Zen. It was the one place that everything quieted down and it
19 was just dealing with situations at hand and trying to work
20 through them.

21 Q Did you work 9 to 5 hours?

22 A No. We worked -- we would work three, like, when I was in
23 Riverside, it was a three-day shift. You would be there for
24 three-day shift, then would you go home.

25 If there was a wildland fire you got sent to, that would

1 go on for a month or more.

2 It just all depended. In the summer it was really busy
3 because you were doing extra staffing for the other units when
4 they get sent to forest fires.

5 Q During this period of time, were you receiving disability
6 compensation from the VA?

7 A No.

8 Q Did anyone from the VA reach out to you and talk to you
9 about obtaining benefits?

10 A No.

11 Q Or about getting involved in programs?

12 A No.

13 Q Or anything that the VA could offer you?

14 A No.

15 Q Did you see any sort of program or system to inform
16 veterans of these wars as to what the VA could do for them?

17 A I did not, no.

18 Q At some point, did you end up making contact with the VA?

19 A I did.

20 Q And when was that, sir?

21 A 2018.

22 Q And could you describe for the Court, please, what the
23 circumstances were regarding your -- let me strike that.

24 Did the VA come to you or did you reach out to the VA?

25 A I reached out to the VA.

1 Q Could you describe to the Court, please, what the
2 circumstances were that resulted in your reaching out to the
3 VA?

4 A Sure. Over the years between 2012 and 2017, working first
5 as an EMT firefighter in San Luis Obispo and Riverside, you
6 consistently -- they deal with a lot of death and people
7 passing away in traumatic incidents.

8 And I was handling it really well, at least so I thought
9 for a while, and when I finished a fire season in Riverside, I
10 want to say the end of 2016 or mid 2016, I was working with
11 another paramedic firefighter, and he recommended that I go to
12 paramedic school.

13 So, I went to paramedic school at Questa College in San
14 Luis Obispo and finished that and did my paramedic internship
15 on American Ambulance in Fresno.

16 And it was -- once I finished that, just running on a
17 lot of calls with -- they call them codes, CPR in progress and
18 things like that, and I just started having some first trouble
19 with, like, when I would get home, like, being able to calm
20 down. My mind would be going a million miles a minute with all
21 kinds of racing thoughts.

22 And I wasn't able to get that under control and then I
23 started not being able to sleep, and it was at that time that I
24 talked to my fire captain, and I was, like, I need to take a
25 leave of absence or not come back right now, and try to figure

1 out what is going on with myself.

2 But I had no -- I had never had treatment for any
3 trauma-related issues.

4 So I didn't know how to deal with it.

5 And that's when I -- you know, about a year, 2017 to
6 2018, a year went by, I just went downhill and relapsed, and,
7 you know, I ended up losing everything, and going to the
8 veteran center in San Luis Obispo.

9 Q When you said you lost everything, what did you lose?

10 A I ended up losing -- I moved out of my house, the house
11 that I was renting, put everything into storage unit, and just
12 because I wasn't working and I wasn't able to pay my bills and
13 I was really just spiraling mentally, and --

14 Q Where were you sleeping?

15 A At that time, couch surfing or in my car.

16 Q And you have told us both in Iraq and subsequently, you
17 were around dead bodies.

18 Do I have that right, sir?

19 A Yes.

20 Q Did that have any impact on you that you are aware of?

21 A Yes.

22 Q What was that?

23 A The impact of being around?

24 Q Being -- having to deal with dead bodies frequently?

25 How did you feel? Did you feel this is strange, this is

1 weird that I'm dealing with dead bodies?

2 A Desensitized to it.

3 I mean, it was some of the situations affected me, and
4 that's what -- I just had a lot of hard time processing, like,
5 my thoughts around different incidents and things that
6 happened.

7 And I think that sort of attributed to my mind just
8 taking off with racing thoughts, and I ended up -- requesting
9 to come to the West LA VA.

10 Q You mentioned to the Court, you went to a veteran center?

11 A I did, yes.

12 Q Was that veteran center run by the VA?

13 A No.

14 Q Was it run by the military?

15 A No.

16 Q Who ran it so far as you know?

17 A My understanding is that the veteran center is a separate
18 organization that is to try to help get veterans connected to
19 the VA or something to that effect.

20 Q It was privately run, so far as you know?

21 A Yes.

22 Q And at that veteran center, you started talking to us
23 about what someone said to you -- put that on hold for a
24 moment.

25 Did you get anything that assisted you?

1 A So, I did. Through that veteran center, I was introduced
2 to another veteran that trained service animals, and so that's
3 where I got my service animal, Diva, from.

4 And then I met a veteran's advocate, he was a Vietnam
5 veteran, and he was the one that recommended that I go to -- he
6 said I should go to the West LA VA to try to get PTSD combat
7 treatment.

8 Q Was that veteran advocate an employee of the VA?

9 A No.

10 Q Employee of the Department of Defense?

11 A Not to my knowledge.

12 Q Employee of government?

13 A Not to my knowledge.

14 Q Incidentally, where is -- this therapy dog that you have,
15 have a name?

16 A Diva.

17 Q Where is Diva today?

18 A She's home.

19 Q She's home here in Los Angeles?

20 A She is home in Los Angeles.

21 Q Did you get at some point to the West LA grounds?

22 A Yes. So I was recommended that I go to the West LA VA.
23 If I'm not mistaken, there was a referral put in or something
24 to that effect, and I traveled to West LA VA at the end of
25 2018.

1 Q Okay. And had you been to the West LA VA grounds prior to
2 this moment when you arrived there?

3 A I did not, no.

4 Q Did you form an impression of the West LA grounds when you
5 first got there?

6 A That was a massive -- and nothing was there.

7 Q Easy to get around?

8 A No. There was really no signs to direct you where to go
9 or anything like that.

10 It was a bunch of vacant empty buildings.

11 Q When you got to the West LA grounds, where did you go?

12 A I went to the hospital, which is Building 500, that is
13 where I was instructed to go.

14 And when I got to the emergency room, they contacted the
15 on-call social worker. And the social worker came down, and,
16 you know, I explained to her I was referred to come to go to
17 the domiciliary, which is -- has a combat track.

18 Q Had you ever heard of a domiciliary before?

19 A No.

20 Q The Building 500, were there signs telling you how to get
21 to Building 500?

22 A Right when you come off of Wilshire, the hospital is on
23 the left and you can see right on the side of it, it says VA
24 Hospital.

25 That was easy to get to, I saw that right away.

1 Q And did you have an understanding at that time of what the
2 domiciliary was?

3 A Not entirely, just that they had a program that was
4 specific for combat veterans, that it would be a benefit if I
5 went.

6 Q Had you ever seen or received any materials saying if you
7 are having particular sort of issues emotionally, the
8 domiciliary in the West LA grounds, is a place to go?

9 Did you ever receive anything like that subsequent to
10 your leaving the Army?

11 A No. When I first heard about it, was when I met with the
12 Vietnam veteran advocate at the veteran center.

13 Q Incidentally, where was Diva at this time?

14 A She was with me.

15 Q And when you spoke -- you spoke with a social worker?

16 A I did, yes.

17 Q Man or woman?

18 A It was a woman.

19 Q And when you spoke with her, where was Diva?

20 A She was sitting with me.

21 Q And could you relate to the Court the conversation you had
22 then?

23 A Yes. I said that I was here to go to the combat track
24 domiciliary program.

25 And the social worker, at the time, said I can put in a

1 consult for you -- something to the effect if I can put in a
2 referral consult for you, but you are not getting in with the
3 dog. You might want to find another option for the dog.

4 I was, like, well, I have paperwork she's a service
5 animal.

6 And she said, well, this is -- like I remember this to
7 this day, this is the West LA VA where we have the largest
8 population of homeless veterans, and, we do things differently
9 here.

10 Q Are you characterizing what she said?

11 A No, that is exactly what was said to me. I remember that
12 from that day, that was what was said to me.

13 Q Incidentally, what year are we in right now?

14 A 2018.

15 At some point, did you become informed about -- when you
16 talked about meeting -- about the *Valentini* case? I'm just
17 asking if you heard about the *Valentini* case?

18 A Not at this point, I did become informed shortly
19 thereafter.

20 Q Do you know how many years in 2018, it is since the
21 *Valentini* case was filed?

22 Do you know when the *Valentini* case was filed?

23 A 2011.

24 Q This was seven years after that?

25 A Yes.

1 Q Do you know about the existence of a draft master plan?

2 A At that time, no.

3 Q Do you now know there is such a thing of a draft master
4 plan?

5 A Yes.

6 Q Do you know what year that was?

7 A If I'm mistaken, 2016 was the first one.

8 Q This is two years after the draft master plan?

9 A Yes.

10 Q Okay. After you said to the social worker that -- help
11 repeat this for me -- you said to the social worker something
12 about the paperwork?

13 A I had paperwork for the dog. And just the one thing I
14 remember about the conversation, and the reason why I remember
15 this is because it was so infuriating to me, and actually, it
16 came into play later on when I wound up getting into the
17 domiciliary, that the social worker saying to me, this is West
18 LA VA, we have the largest population of homeless veterans, we
19 do things differently here.

20 And in response to me saying I have a service animal
21 with paperwork, and I'm trying to get into housing.

22 Then she told me to go to the Homeless Welcome Center
23 the next day.

24 And I said, "Why am I going to a homeless veteran
25 welcome center, I shouldn't be homeless."

1 I am here asking for help.

2 When I asked, "Where do I stay tonight?"

3 She said, "There is nowhere to stay tonight and you are
4 going to have issues with the dog. And that's when I walked
5 out of the hospital.

6 I was furious, I was already at a really low point in my
7 life, I didn't really care if I was alive.

8 I walked out of the hospital, walked down Wilshire
9 Boulevard, and I got to the intersection of Wilshire and San
10 Vicente Boulevard, and I ran into a veteran, Marine veteran
11 named Del Gills.

12 Q Do you have any capacity to spell that for the reporter?

13 A Yeah. D-e-l-l, I believe it was two L's, no, it is one.
14 Dell Gills G-i-l-l-s.

15 Q Let me stop you for a moment before we get to Mr. Gills.

16 Besides what the social worker told you about your not
17 being able to get into the dom with a registered service dog,
18 did the social worker say to you in 2018, but here is an array
19 of services that the VA -- West VA has for you?

20 A No. At that time it was -- it was not the most pleasant
21 experience. It was not like being greeted by someone who wants
22 to help you.

23 It was just very -- it was very off-putting, it was
24 almost like I was a burden at the time.

25 I think that experience, coupled with everything I do is

1 why I continue to do this today.

2 Q So you didn't get a list of services that were available
3 in the West LA grounds?

4 You are saying no?

5 A Yes. No, I did not.

6 Q Did you get a sheet of paper that said, here are some
7 available services in the West LA grounds?

8 A No. What was said to me was go to the Homeless Veteran
9 Welcome Center tomorrow.

10 And again my response to her, why would I go to homeless
11 veteran welcome center, I shouldn't be a homeless veteran. I
12 was referred to come here.

13 Q Did you get a list of places you could sleep that night?

14 A No, she said there was nowhere you could sleep tonight.

15 Q You walked down Wilshire Boulevard. About what time is it
16 now?

17 A It's in the evening now. It's already dark out. It was
18 -- I showed up in the early afternoon, evening, so, October,
19 November of 2018, so it could have been 8 or 9 o'clock. It was
20 dark.

21 Q And when you spoke to Mr. -- is it Gill or Gills?

22 A Gills.

23 Q -- to Mr. Gills.

24 Do you remember the first thing he said to you?

25 A He asked me if I was veteran, which I said, he saw me with

1 my bags and dogs.

2 He said, are you a veteran?

3 I said, yes.

4 He jokingly said to me, well, what did they tell you no
5 for?

6 I was just kind of shocked when he said that, and he's
7 like, don't worry, you can come and stay with us tonight.

8 And I responded to him, us? What do you mean "us"?

9 He was like, just come with me.

10 So we walked down San Vicente Boulevard, I don't know
11 less than quarter of a mile, and now, I'm seeing there was no
12 tents, there was just mattresses and sleeping bags and there
13 was, like, eight or nine of them, and he's like, you can stay
14 here with us.

15 I was like, are these all veterans?

16 And he told me that they were, and it was just like
17 completely surreal, couldn't believe this.

18 Like, where I grew up on the east coast, I was taught to
19 respect veterans, and I was just, like, what in the hell is
20 going on.

21 Why are people that serve this country on the street?

22 Q The eight or nine people, sir, did they include men?

23 A Yes.

24 Q Did they include women?

25 A Yes.

1 Q Did you see anyone on the sidewalk from the VA offering
2 assistance to individuals who were encamped?

3 A No, no.

4 Q Did you see any signs on the sidewalk as to, if you need a
5 place to stay, here is where to go?

6 MS. WELLS: Counsel is testifying, basically asking
7 these questions. I object to that basis.

8 THE COURT: The question is, did anyone ask you
9 where to go?

10 MS. WELLS: No, the question was, were there any
11 signs from the VA telling people what to do and where to go on
12 sidewalk?

13 THE COURT: Overruled. You can answer the question.

14 THE WITNESS: There was not. There was no signs.
15 In fact, I am sure we will get into it later, but a lot of
16 these issues became things that, you know, we are still
17 fighting to get done today.

18 MR. ROSENBAUM: Your Honor, I want to be respectful
19 of everybody here, the reporter, and, of course, the Court. Is
20 this a convenient time for me to stop until tomorrow?

21 If that works for the Court and for folks who are here.

22 THE COURT: Does everybody want to recess tonight?

23 MR. ROSENBERG: No objection from the government,
24 Your Honor.

25 THE COURT: Counsel?

1 MS. WELLS: No objection.

2 THE COURT: Well, let's recess tonight then.

3 What time would you like -- let's fall into some kind of
4 pattern.

5 What time do you want to reconvene tomorrow?

6 MR. ROSENBAUM: 8:30 or 9:00 is fine with us.

7 THE COURT: Give me a time.

8 MR. ROSENBAUM: 8:30 is fine.

9 THE COURT: Is that acceptable to everyone?

10 Then, go have a good evening.

11 We will see you tomorrow at 8:30.

12 Sir, you may step down, and we will recall you first in
13 the morning.

14 MR. ROSENBERG: Your Honor, I do have one
15 housekeeping question.

16 THE COURT: So if we can stay on the record.

17 MR. ROSENBERG: One moment.

18 THE COURT: Sure.

19 MR. ROSENBERG: Your Honor, with the Court's
20 indulgence, and this is a question regarding the application of
21 the local rules and deposition transcripts, I believe
22 plaintiffs, within the last hour or so, lodged a copy of one
23 deposition transcript for which the parties have designated
24 testimony.

25 It's the only deposition transcript that is being used

1 for that purpose.

2 The only other situation in which deposition transcripts
3 might be used in this case is for impeachment.

4 And I have become aware of a provision of this Court's
5 local rules that could be read to require the lodging of a
6 deposition transcript.

7 We read the rules as for purposes of deposition
8 designations, but it could also potentially be used for
9 purposes of impeachment.

10 So just to avoid any logistical hiccups in the off
11 chance that a deposition transcript is used for impeachment
12 during this trial, does the Court have any preferences and is
13 there any flexibility in light of where we are?

14 THE COURT: First of all, if these were what I call
15 witnesses appearing in court, I would never require you to
16 disclose your impeachment; that is cross-examination.

17 And you are not required, either party, when you are
18 examining somebody in cross-examination to disclose what your
19 cross-examination is.

20 The sad thing is, I'm really concerned about just
21 deposition testimony.

22 And the reason for that is, I think it's a great
23 discovery tool, but quite frankly, sometimes is only discovery
24 tool, because typically in a deposition a witness is called.

25 One party bears down on that witness, and the other

1 party somewhat protects the witness, and oftentimes, doesn't
2 ask them any questions.

3 I read that coequally under the rules of evidence, but I
4 have to tell you, when you have people testifying in court,
5 it's much more effective, I think, for the trier of fact.

6 You can all do what you want with that, but I'm saying
7 depositions also causes problems.

8 If there is designations and cross designations, I don't
9 want to take my time or your time at the last moment going
10 through the objections.

11 So why don't you meet and confer, see if there is an
12 issue concerning designations and cross designations and if
13 there is, let me know.

14 MR. ROSENBERG: We will, of course, confer, as we
15 have throughout the litigation.

16 Just to clarify, we do not need to formerly lodge them?

17 THE COURT: You do not need to disclose your
18 cross-examination coming through a deposition.

19 I wouldn't require you to do that with a witness here in
20 court. I wouldn't require you to do that with depositions
21 testimony that might be impeaching.

22 MR. ROSENBERG: Thank you, Your Honor.

23 THE COURT: Just a moment, how are all of you
24 holding up? Okay?

25 You need to continue to help me, because I don't know

1 when your witnesses are available.

2 But are you somewhere on schedule right now, whatever
3 the schedule is?

4 You thought you might finish your case as early as next
5 week? I doubt that.

6 MR. SILBERFELD: I was optimistic about that. I
7 remain optimistic about that.

8 THE COURT: Okay. You are not required to, but as a
9 courtesy to the other side, you know, we want to let you folks
10 know on the other side when you are flying people out or
11 bringing them in, so they are not standing in the hallway.

12 Listen, for the record, both of you have been exemplary.

13 As far as the Court is concerned, I don't have a
14 problem, unless you bring me a problem. Good-night.

15 (The proceedings concluded at 3:58 p.m.)

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