

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(WESTERN DIVISION - LOS ANGELES)

JEFFREY POWERS, ET AL,)	CASE NO: 2:22-cv-08357-DOC-KS
)	
Plaintiffs,)	CIVIL
)	
vs.)	Los Angeles, California
)	
DENIS RICHARD MCDONOUGH,)	Monday, October 28, 2024
ET AL,)	(3:10 p.m. to 4:37 p.m.)
)	(4:58 p.m. to 5:37 p.m.)
Defendants.)	

HEARING RE INJUNCTIVE RELIEF

BEFORE THE HONORABLE DAVID O. CARTER,
UNITED STATES DISTRICT JUDGE

APPEARANCES: SEE PAGE 2

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ROB MERCHANT
JEFFREY POWERS
JONATHAN SANDLER
STEVE SOBOROFF

1 Los Angeles, California; Monday, October 28, 2024; 3:10 p.m.

2 --oOo--

3 **THE COURT:** We're on the record and counsel if you'd
4 just remain seated but make your appearances so we know who's
5 here.

6 **MR. SILBERFELD:** Good afternoon, Your Honor. Roman
7 Silberfeld for the plaintiffs.

8 **THE COURT:** Great. Thank you.

9 **MS. PIAZZA:** Amelia Piazza for the plaintiffs.

10 **MR. ROSENBERG:** Brad Rosenberg from the Department of
11 Justice, Civil Division, Federal Programs Branch on behalf of
12 the federal defendants.

13 **MR. DALE:** Tobin Dale with Department of Veterans
14 Affairs, Office of General Counsel.

15 **THE COURT:** Rob, well you don't have to make your
16 appearance but Rob's here and so is Ms. Black. And then on
17 behalf of Brentwood.

18 **MR. SANDLER:** Jonathan Sandler, Your Honor.

19 **THE COURT:** Thank you. Mr. Cardozo, I can see you,
20 can you see and hear us?

21 **MR. CARDOZO:** Yes, I can, Your Honor.

22 **THE COURT:** Okay. Why don't -- if you'd make your
23 appearance, please. Appreciate it.

24 **MR. CARDOZO:** Sure. Ray Cardozo on behalf of the
25 Regents University of California.

1 **THE COURT:** Okay. I'd like to hear what occurred
2 today out at the two sites, Magenta B and Parcel 7. And Ms.
3 Black and Mr. Soboroff and Mr. Johnson, I'd like to hear what
4 else is needed, you know, what needs to be completed to make
5 the procurement process go smoothly.

6 **MR. SILBERFELD:** So here's the overview of what
7 occurred this morning, Your Honor. We had a number of
8 tradespeople out there. We had representatives from the VA
9 were there. Ms. Black was there. Mr. Strain was there. And I
10 think the overview is that there is sufficient sewer, water,
11 and electrical service available, existing, that can be tapped
12 into and used on Parcel B, the parking lot at UCLA, and the
13 section of Parcel 7 that we've been talking about so far.

14 **THE COURT:** That's outside the 500 feet of the
15 freeway.

16 **MR. SILBERFELD:** That's outside the 500 feet of the
17 freeway.

18 **THE COURT:** Okay. Now, hold on. I need that. Don,
19 I want you to move so I don't laser you. I really appreciate
20 it.

21 Okay. Now, back up for a second so I don't -- no,
22 I've got it. Can all of you see that? Okay. Turn it just a
23 little bit if you would.

24 Mr. Cardozo, can you see this? Can you see what I'm
25 pointing to on the laser?

1 **MR. CARDOZO:** I can't, but --

2 **THE COURT:** Okay, I'll try to describe it then as
3 best I can. What can you see right now from your position? If
4 I put this near the lectern, can you see the counsel at the
5 lectern right now?

6 **MR. CARDOZO:** All I'm seeing is you. There's
7 another -- yeah, all I'm seeing is you.

8 **THE COURT:** Well, let me apologize for you just
9 seeing me for a moment. I'm just joking with you. Okay, now
10 hold on. All right.

11 **MR. CARDOZO:** Yeah, there. Now I can see the
12 lectern.

13 **THE COURT:** Now, yes -- Ms. Black, for your
14 procurement purposes, you know, making sure that you get what
15 you need, what are you missing? What do they need to get to
16 you so you're satisfied with, you know, doing your job
17 professionally?

18 **MS. BLACK:** So we had the first part. The discussion
19 last week was the procurement of the units. That's one
20 procurement. What we did today was going to the site to see
21 what existing utilities were there. That is going to be a
22 separate procurement. That is for the site prep, bringing in
23 the utilities. So that is going to have to be another scope of
24 work that we're going to have to get, you know, completed, get
25 in the process, and, you know --

1 **THE COURT:** Let's go back to the first part because
2 you'd asked information about the units, and I want to go down
3 a checklist of some kind that you might have because I'm
4 probably going to try to let council go today or tomorrow or
5 Wednesday whenever we're done, and I'd like to do that as soon
6 as possible, but I'm not going to do that until you have what
7 you need so I don't have to rush everybody back to court and
8 waste time.

9 **MS. BLACK:** Correct, and what we talked about Friday,
10 the plaintiffs' experts provided that scope of work from the
11 manufacturer. So I have that Word document with the
12 specifications and the scope of work for the assembly of the
13 units. So that is done.

14 **THE COURT:** Do you need anything else concerning
15 those units?

16 **MS. BLACK:** Not at this time.

17 **THE COURT:** Okay, no. Excellent.

18 **MR. SOBOROFF:** Two parcels. Today, parcel five. I
19 mean parcel -- let me just --

20 **THE COURT:** Oh, this is Mr. Soboroff.

21 **MR. SOBOROFF:** Parcel Magenta B, the UCLA parking
22 lot. We were pleasantly surprised at the extent and the ease
23 to which utilities will be available to the homes, the
24 temporary homes, on the UCLA parking lot. When you stand
25 there, you look and say, well, gee, is that all they can put on

1 there? What is it, 36, Randy? Is that the number? 34, but we
2 have to have, as you said, not only access to the people who
3 are going to the games, but fire truck access in there.

4 **THE COURT:** Right. Right.

5 **MR. SOBOROFF:** So it renders that site a little less
6 efficient, but Randy will go through the details of the
7 discussions, utility by utility. The important thing for us
8 right now is on parcel 7, we also looked at trying to get more
9 units on 7 and take the heat off of other places. And the way
10 we felt to do that would be to expand it within the 500-foot
11 line beyond the existing recycling center.

12 **THE COURT:** In the direction towards Sunset
13 Boulevard, up?

14 **MR. SOBOROFF:** No, the other way.

15 **THE COURT:** Would that take me within 500 feet of the
16 freeway?

17 **MR. SOBOROFF:** No.

18 **THE COURT:** Well, yes it would.

19 **MR. SOBOROFF:** No, not if we go straight up. In
20 other words, we're going to take the same line and go straight
21 up, but we --

22 **THE COURT:** That's what I meant. Then you're going
23 up towards what I'm going to call Sunset.

24 **MR. SOBOROFF:** The homes.

25 **THE COURT:** You're going north.

1 **MR. SILBERFELD:** No. Your Honor, Roman Silberfeld.
2 The idea is if parcel 7, where you have the pointer now, could
3 be expanded eastward slightly --

4 **THE COURT:** Then that would move within 500 feet of
5 the freeway.

6 **MR. SILBERFELD:** That's correct.

7 **THE COURT:** Okay, now just a moment.

8 **MR. SOBOROFF:** Okay. But that's my second -- that's
9 my second point.

10 **THE COURT:** No, just a moment. Before we ever get
11 involved in that, I don't know how I then ethically, morally
12 justify all of the information I've gotten on so many other
13 cases --

14 **MR. SILBERFELD:** Right.

15 **THE COURT:** -- where so many other counsel have
16 argued, Judge, homeless people are dying because of fumes,
17 laying on the ground, et cetera. I'm not willing to make that
18 exception.

19 **MR. SOBOROFF:** What if we could get you that
20 information?

21 **THE COURT:** What happens if we don't? Okay, now hold
22 on, because I'm not going to turn my back on two or three other
23 settlements. It's been 500 feet. I need to stay with that.
24 So I'm going to ask you another question.

25 Why can't we, and I apologize for this laser, there

1 we go, why can't we move north?

2 **MR. SILBERFELD:** We can. Moving north, Your Honor,
3 involves relocating the recycling center, which is that
4 building right where my finger is.

5 **THE COURT:** Right.

6 **MR. SOBOROFF:** And a loading dock.

7 **MR. SILBERFELD:** And there's a loading dock there
8 that is, you know, a massive cement structure. And what we
9 were told this morning, Ms. Black can help us with this, is
10 that the VA has considered other locations for the recycling
11 center other than where it sits today, and has so far not come
12 up with a suitable alternative location. And the only thing I
13 would say, not to go back to the 500 foot line too often, but I
14 would like to go back just for one second.

15 The Gensler people, Ms. Farrell, was out there this
16 morning with us, and she advised us that if we were to move
17 slightly east, we could get a significant number of the units
18 there, and they would build, as they have in other places, an
19 accommodation for the freeway noise and the freeway fumes, if
20 any, in Pasadena today, and we can go see it if the Court
21 wants.

22 Gensler is working on a project that has homes within
23 200 feet, actually 180 feet, of the freeway. They have a sound
24 wall, they have a planted wall, they have irrigation, and they
25 have air filtration.

1 Now all those things cost money and take time, but
2 our view is that that would be a better answer than trying to
3 relocate the recycling center, if the Court would consider it.
4 And these units are intended to be temporary.

5 **MR. SOBOROFF:** The existing trees up against the
6 freeway, and the existing noise buffer up against the freeway,
7 if we were to take an additional -- if we were to change from
8 500 feet to 350 or 400 feet, I believe that you could get a
9 series of experts that would say that there is no harm to
10 someone living on that line in that specific location.

11 **THE COURT:** I don't know enough to know if there
12 might be exceptions. For instance, it may be that an elevated
13 freeway is far different than ground level.

14 **MR. SOBOROFF:** Maybe.

15 **THE COURT:** It may be that a wall is sufficient. I
16 just know in the past settlements, generally, after listening
17 to Carol Sable and Brooke Weitzman and the ACLU, that we all
18 had come to the conclusion that the life expectancy of a
19 homeless person was anywhere from 20 to 23 years less than a
20 non-homeless person.

21 The second is I was told that three things were
22 killing homeless people primarily. First of all, initially,
23 five, six years ago, heart attack. Second, a close second, was
24 narcotics. That's switched, by the way, now. The third was,
25 believe it or not, just getting hit by a car. And that's why I

1 imposed the, quite frankly, sua sponte injunction on the
2 freeway overpasses and underpasses, because that was my third
3 leading cause of death.

4 If you can come back to me and assure me that I'm not
5 violating a law or that there's an exception, I would consider
6 that. But right now, to ask that commitment from the Court
7 when I've said that to every little council person in Los
8 Angeles, I don't think ethically I could do that unless you can
9 show me.

10 **MR. SILBERFELD:** We'll do that.

11 **THE COURT:** Okay. Now, let's keep this --

12 **MR. SILBERFELD:** We'll prepare something.

13 **THE COURT:** But what I need to know is if we have 32
14 or 34, I forget, mobile spaces or modular spaces in Magenta B.

15 **MR. SILBERFELD:** 32.

16 **THE COURT:** 32. What, if you extended this, would we
17 have then in Parcel 7?

18 **MR. SILBERFELD:** So currently it's 24.

19 **THE COURT:** Right. And what would we expand to?

20 **MR. SILBERFELD:** Could be 48.

21 **THE COURT:** Okay, so 48 and 32 is?

22 **MR. SILBERFELD:** 80.

23 **THE COURT:** Excellent. How do we get to 106?

24 **MR. SILBERFELD:** We still have to talk about 4A.

25 **THE COURT:** Well, we're always going to have a

1 disagreement about any time I move to South Campus. But I'm
2 trying to take the paved parking lots first, because I don't
3 have to wait for paving. And in many of them, I'm already
4 assuming that we've got lights as we do in 4A. And I know
5 Mr. Braverman wanted to move everything north. I don't see how
6 that's possible.

7 You've taken, by stipulation, Lot 5 away from me, and
8 if you hadn't stipulated, I would not only be in Lot 5, I would
9 be paving onto that great lawn, including that parking lot. So
10 by stipulation, I'm listening to you now, but I may reverse
11 that decision.

12 So I'm telling you right now, I'm staying with you on
13 Lot 5, because the domiciliary being too close. But when I'm
14 done with 4A and 4B, or 4A, now I'm starting to look at unpaved
15 parcels, right?

16 **MR. SOBOROFF:** Yes, sir.

17 **THE COURT:** And that's why I asked the sequence of
18 what you wanted. So when I moved to my unpaved parcels, have
19 you had a discussion, Brad, Rob, have you had a discussion
20 about, and not that you're stipulating to this, just a
21 preference, let's say, so you're not bound by me coming back
22 and saying you agreed to this, okay? But is there a
23 preference, and if so, where does the UCLA Baseball Stadium lie
24 on this preference?

25 **MR. SOBOROFF:** Judge, the mandate for 106 units,

1 which is needed to save people's lives immediately --

2 **THE COURT:** Right.

3 **MR. SOBOROFF:** -- is a difficult mandate when we keep
4 having all these issues on all the easy parcels.

5 **THE COURT:** You're going to have an issue, I promise
6 you --

7 **MR. SOBOROFF:** On everything.

8 **THE COURT:** -- from the VA or somebody on any parcel
9 you choose.

10 **MR. SOBOROFF:** But if you were to tell us now, start
11 looking at some of the unpaved parcels on the North Campus --

12 **THE COURT:** That's exactly what I'm telling you to
13 do. That's why I asked for a sequence now of the unpaved
14 parcels. That was clear in my last order. What is your
15 sequence in the unpaved parcels? Because one of those is the
16 UCLA Baseball Field --

17 **MR. SOBOROFF:** Yes, it is.

18 **THE COURT:** -- and if we're not using it right now,
19 then Mr. Cardozo and I may have, you know, some good news.

20 **MR. SOBOROFF:** I would think, and I'm going to turn
21 this over to Randy to give a real granular summary of what we
22 found utility-wise. But we'd have to go back --

23 **THE COURT:** No, no, just 1, 2, 3, 4.

24 **MR. SOBOROFF:** -- out there with the same people and
25 pick which site is the easiest.

1 **THE COURT:** No. 1, 2, 3, 4. What's your preference?
2 And then we'll come back to all the problems.

3 **MR. SILBERFELD:** If I could just ask the VA a
4 question.

5 **THE COURT:** Go over and ask him.

6 **MR. SILBERFELD:** Yeah, well, I'll do it right from
7 here, Rob and Chelsea. If the choice were Lot 4A, we know
8 where that one is, right? Or Parcel 5, which is the parking
9 lot near the domiciliary. If those were the only paved
10 choices, which of those would you say is least intrusive, least
11 disruptive? Because that's what I think the answer is. I
12 think it's either 4A or 5A.

13 **THE COURT:** But I thought -- folks, I thought last
14 time we'd all agreed. I thought you stipulated that you wanted
15 me to stay away from any direction concerning Parcel 5, so I'll
16 wait.

17 **MR. SOBOROFF:** And I thought they could flip the
18 police station. There's all --

19 **THE COURT:** Too complicated. I'm not waiting for the
20 police station, and I'm not waiting for the double-paved
21 parking lot in 6B, you know, that we're going to construct.

22 **MR. SOBOROFF:** Okay.

23 **THE COURT:** I'm not waiting for this now.

24 **MR. SOBOROFF:** Okay.

25 **THE COURT:** Mr. Cardozo, we'll be right with you.

1 Let them sort out some preferences so you and I know what we're
2 dealing with, okay?

3 **MR. CARDOZO:** Sure.

4 **(Pause)**

5 **THE COURT:** Mr. Cardozo, what we're trying to find
6 out is where the baseball stadium would lie in terms of these
7 unpaved parcels. I think we've exhausted the paved parcels.
8 I'm not sure after the discussion today, but these unpaved
9 parcels, there's seven or eight. One of those is the baseball
10 field or stadium. And let's see what they have to say first
11 before we have a concern, okay?

12 **(Pause)**

13 **THE COURT:** And remember, I'm taking off the
14 Brentwood field, which is 9, and I'm taking off Barrington
15 Park. Those two seem perfect for long-term supportive housing.
16 They're virgin, in a sense, and I don't have to wait for the
17 master plan and you deciding what you're going to demolish or
18 refurbish.

19 **MR. ROSENBERG:** Judge Carter, did you want to hear
20 from us now or are you waiting --

21 **THE COURT:** I just want all of you folks to get
22 together, and if you can agree on a sequence, so be it. But if
23 you can't, that's fine.

24 **(Pause)**

25 **THE COURT:** In other words, folks, I don't know if

1 you're placing the next best option as the baseball stadium or
2 it's the least best option. And that's what Mr. Cardozo needs
3 to know also, because right now we're not using it. And I
4 don't want to be surprised with one of you saying if you do
5 want to use it, then I think both Mr. Cardozo and I need to
6 know that and know why.

7 Now remember, folks, if you give me 5, I'm going to
8 go on from 5 and start paving, because I've got 5 and I've got
9 to cross the street, and I'm going to expand that very rapidly,
10 so fair warning, which would be good, but each of you chose not
11 to put 5 on the table last time.

12 **(Pause)**

13 **THE COURT:** Mr. Cardozo, bear with us. If you need
14 to use a restroom or get something, I won't go on until I see
15 you. So if you want to -- this could take one minute, it could
16 take 30 minutes.

17 **MR. CARDOZO:** Thanks, Your Honor. I'm fine.

18 **THE COURT:** As long as you're within hearing shot, if
19 you want to do something and you can hear us all, I won't go
20 further without you. Okay?

21 **MR. CARDOZO:** Great. Thank you.

22 **THE COURT:** In fact, I may get up and wander around.
23 So you might want to stretch also for a moment. Okay?

24 **(Pause)**

25 **THE COURT:** Folks, can I give you a little bit of

1 guidance? Eventually, regardless of 4A being in contention,
2 I'm eventually going to be moving to South Campus at some point
3 because these are the first 106 units. I'm still going to get
4 between 2 and 300 units. But then I'd like to pause, see if we
5 really need them, see if these can become long term supportive
6 and count those in our 1,800.

7 So eventually, whether it's long-term supportive or
8 temporary, I believe that I've got to move to the South Campus
9 in some form. Okay? So just guidance.

10 **(Pause)**

11 **THE COURT:** You okay?

12 **MR. ROSENBERG:** There's something I want to put on
13 the record. Yeah.

14 **(Pause)**

15 **THE COURT:** So, folks, when we get back on the
16 record, eventually, Mr. Cardozo is on the Elmo. We want to
17 know where the baseball stadium stands. Where in this
18 hierarchy are you asking for it now? Are you asking for it
19 later, sequentially? Where does it stand? So he knows and I
20 know. Okay?

21 **(Pause)**

22 **THE COURT:** Okay. Then we're back on the record.

23 **MR. SILBERFELD:** So I know counsel wants to make some
24 remarks, but to answer the Court's direct question, the
25 plaintiff's view is that the order in which parcels should be

1 used for temporary housing is Magenta B, followed at the same
2 time, Parcel 7, those two together account for 56 units,
3 followed by Lot 4A, the paved lot on the South Campus, which is
4 50 units.

5 **THE COURT:** 50 units, so therefore we'd be 106.

6 **MR. SILBERFELD:** We'd be at 106.

7 **THE COURT:** Okay, just a moment.

8 **MR. SILBERFELD:** And this again assumes no expansion
9 of 7 for the moment.

10 **THE COURT:** Right, now just a minute. 50, which
11 would give us our 106 hope for goal of emergency units and see
12 if we can break the iceberg.

13 **MR. SILBERFELD:** Okay.

14 **THE COURT:** All right, now hold on. Do you want me
15 to stay away from 5?

16 **MR. SILBERFELD:** Our next choice would be 5.

17 **THE COURT:** Okay. So, in other words, if we're
18 successful and we move to the next criteria, we have one paved
19 parking lot left, 5.

20 **MR. SILBERFELD:** Yes.

21 **THE COURT:** And you know if we choose 5, then I would
22 be asking you to expand on that into the other parking lot
23 across the road, where the homeless were moved initially into
24 tents, which is just to the, as you face it.

25 **MR. SILBERFELD:** Southwest.

1 **THE COURT:** Yeah, all of you know where that is.
2 Okay. Now I've got a lawn there also. Between human beings
3 and a lawn, guess what? My choice is real easy. That lawn
4 goes.

5 So, Mr. Soboroff, I'll take that into your equation,
6 because if I start paving that lot south, and you've got a
7 beautiful picture of that. Everybody know what we're talking
8 about? I think all of you do.

9 **MR. SOBOROFF:** Yeah.

10 **THE COURT:** Yeah. And right across the way, if we
11 take Lot 5 and we start paving, we've got a lot of room over
12 there.

13 **MR. SOBOROFF:** Yes, sir. The only mistake I made is
14 that Eisenhower has to -- we can't put parking in the
15 Eisenhower area. I was wrong. I'll admit it. That because
16 of -- even if the entrance is never open, it's got to be there
17 for fire access.

18 **THE COURT:** There's no problem. You don't have to.
19 There's a gate at Eisenhower. It remains closed for emergency
20 vehicles, et cetera. I still have a huge parking area --

21 **MR. SOBOROFF:** Yes, you do.

22 **THE COURT:** -- towards Barrington and San Vicente.
23 And if I am going to get involved with all of you folks in
24 terms of 5, then it seems to be economical to go across the
25 street and continue to pave, that partially paved parking lot,

1 and quite frankly, to look at that lot.

2 **MR. SILBERFELD:** So, 5 yields approximately 50 units?

3 **THE COURT:** Okay. And that's --

4 **MR. SOBOROFF:** Could be one or the other.

5 **THE COURT:** 50, okay. And these are modular again.

6 **MR. SILBERFELD:** Same units.

7 **THE COURT:** Okay.

8 **MR. SILBERFELD:** I think the lot the Court is talking
9 about across the street from Lot 5 near the Eisenhower gate, I
10 think that's about an acre. So that would be roughly 20.

11 **THE COURT:** Okay.

12 **MR. SILBERFELD:** And then the last piece in this
13 sequence would be the Brentwood ball field outside the
14 Brentwood gate. And that has an asterisk next to it because of
15 the landfill issue, which will hopefully be cleared sooner
16 rather than later.

17 **THE COURT:** And how large is that so I don't have
18 to --

19 **MR. SILBERFELD:** Roughly an acre and roughly 20
20 units.

21 **THE COURT:** Okay. So there you've got another 90
22 units. You've got 106 plus 90, about 196.

23 **MR. SILBERFELD:** You've got 206 by my count, but
24 that's okay.

25 **THE COURT:** Well, let's not quibble. Let's take 56

1 units, Magenta B and Parcel 7. Let's take 50 units for 4A.
2 That's 106, right?

3 **MR. SILBERFELD:** Yes.

4 **THE COURT:** Then you told me Lot 5 had 50, correct?

5 **MR. SILBERFELD:** Yes.

6 **THE COURT:** Okay. Then you told me --

7 **MR. SILBERFELD:** The lot across the way is --

8 **THE COURT:** Had 20.

9 **MR. SILBERFELD:** -- 20.

10 **THE COURT:** And then I had 20 more.

11 **MR. SILBERFELD:** Yeah, that's 206.

12 **THE COURT:** So that's 90 plus 106.

13 **MR. SILBERFELD:** Maybe I did it wrong. I don't
14 think --

15 **THE COURT:** 196?

16 **MR. SILBERFELD:** Yeah. That's correct.

17 **THE COURT:** Okay, 196.

18 **MR. SILBERFELD:** 196. All right.

19 **THE COURT:** Okay.

20 **MR. SOBOROFF:** One last point. Making the units
21 smaller.

22 **THE COURT:** I'm not going to make them smaller.

23 **MR. SOBOROFF:** Even to 300 feet or cutting off the
24 patio or cutting down this or cutting down that, it picks up
25 very few units and it destroys the community aspect.

1 **THE COURT:** Okay. So in other words, I thought you
2 were going to argue the other and making them smaller.

3 **MR. SOBOROFF:** I'm just trying to say --

4 **THE COURT:** Yeah. So we don't save very much by
5 cutting off a few feet on these units, right?

6 **MR. SILBERFELD:** Correct.

7 **THE COURT:** Because one thing, remember, we're trying
8 to attract veterans in to these units, right? And if they have
9 450 square feet approximately in some of these refurbished 209,
10 208, I don't want to go out to a veteran and you folks don't
11 want to go out there and tell them they get a 266 square foot
12 because it's temporary again. And what I'm hoping is that we
13 can move some of these temporaries into permanent, that we can
14 start counting these eventually against.

15 But right now by them being modulars, they seem to
16 fit the tiny homes concept that the VA's already paid for,
17 which makes it easier for Brad or Rob or somebody else to say,
18 look, this is following the same pattern we did with tiny
19 homes. That's why I'm staying away from long-term supportive
20 housing right now. So 390 feet, 400 feet. Okay.

21 Okay. Fair enough. Now that gets us to give or take
22 200, right?

23 **MR. SOBOROFF:** Yes.

24 **THE COURT:** All right. Let's not quibble for a
25 moment. That would be a great start. All right.

1 Now, Brad, do you want to --

2 **MR. ROSENBERG:** This is Brad Rosenberg from the
3 Department of Justice on behalf of the federal defendants. I
4 appreciate Mr. Soboroff's effort to pre-but some of what I am
5 about to explain to the Court.

6 And let me start with two or three big picture
7 issues. Number one, regarding the square footage of the units,
8 450 square feet.

9 **THE COURT:** 400.

10 **MR. ROSENBERG:** My understanding is that they are
11 450, but whether it's 400 or 450 square feet in terms of the
12 specs --

13 **THE COURT:** Well, let's get that straight. Ms.
14 Black, what is the square footage? Now, let's get that right
15 off the bat. How big are they? I heard they were 390 to 400.

16 **UNIDENTIFIED SPEAKER:** 380.

17 **THE COURT:** 380. They're 380.

18 **MS. BLACK:** Let me verify. I'm pulling --

19 **THE COURT:** Yeah, verify that for us. Brad, just a
20 moment. Let's make sure we're all on the same page.

21 Mr. Cardozo, in just a moment I'm going to ask the
22 critical question, and that is, are we getting to the stadium,
23 you know, in the next baseball season or not? So hold on for a
24 second.

25 **(Pause)**

1 **MS. BLACK:** I probably need a few minutes to pull up
2 the brochures and -- okay.

3 **THE COURT:** Let's just spend the time now so we're
4 not arguing about the square footage.

5 **(Pause)**

6 **MR. ROSENBERG:** I'd just like the record to reflect
7 that Ms. Black and Mr. Johnson are currently conferring.

8 **(Pause)**

9 **MR. JOHNSON:** So, Judge, we just had Kelly Farrell on
10 the line. Oh, Randy Johnson for the plaintiff. The footage is
11 398 feet.

12 **THE COURT:** 388?

13 **MR. JOHNSON:** 398.

14 **THE COURT:** 398. Thank you.

15 **MR. JOHNSON:** And that's exterior wall to exterior
16 wall. The porch, which is approximately 60, little under 60
17 square feet, is not included. You never include garages or
18 porches in a living area.

19 **THE COURT:** Okay, so the bottom line is 398 to 500.

20 **MR. JOHNSON:** Yeah.

21 **THE COURT:** Or 458.

22 **MR. JOHNSON:** Chelsea was looking at the footprint
23 versus the living area.

24 **THE COURT:** But the point is with the porch, it takes
25 up 458.

1 **MR. JOHNSON:** Roughly 5 by 12, 60 feet.

2 **THE COURT:** Okay, thank you. Please continue.

3 **MR. ROSENBERG:** So, Brad Rosenberg from the
4 Department of Justice. That goes to the point that I was
5 trying to make. If the units could be shrunk, that would allow
6 for the placement of more units. And the relevant square
7 footage for that analysis is the overall square footage,
8 including the porch, because the porch would be part of this
9 unit.

10 And if you're looking at a set amount of land and
11 you're trying to figure out how many units you can fit,
12 obviously the porch needs to be part of that equation. So one
13 method by which the court could work its way through this issue
14 would be to have VA procure smaller units.

15 **THE COURT:** Now, just a moment. Is there a
16 difference in cost if the porch was taken out? And number two,
17 if the porch was taken out, you'd still want a nice community.
18 And what I'm worried about is when you start taking out
19 porches, are we going to have trees? Are we going to have, you
20 know, somebody pay for this? Because if we're just taking out
21 a porch and we're not supplanting it with a community
22 environment, then -- now back to Brad for a moment. I want to
23 listen to him. So think about that for a moment. Now, where
24 do we get the money for the trees? Where do we create a nice
25 community center for taking out porches? And does it cost less

1 or not?

2 **MR. ROSENBERG:** Maybe I could walk through the rest
3 of my points, and that would give them an opportunity to think
4 about what their response will be.

5 **THE COURT:** Yeah, excellent.

6 **MR. ROSENBERG:** One more point on the square footage.
7 And I think it's important to keep in mind, what is the overall
8 goal for the Court here? The overall goal, as we've understood
9 it, is to provide temporary housing. But the square footage of
10 these units rivals the square footage of permanent housing
11 units. And the mission that the Court is trying to accomplish
12 should drive, ultimately, whatever it orders VA to do in terms
13 of procurement, rather than starting with a unit, saying that
14 it looks nice, and then letting that drive the decision-making
15 process.

16 But on that point, and not to get lawyerly for a
17 minute, I do need to be clear, and as I've said during our many
18 hearings since September 25th or so, the government continues
19 to object to the Court's underlying decision on the merits, as
20 well as the forms of injunctive relief that it has entered.
21 And its discussion of the square footage of these units, or any
22 other issues relating to the placement of these units,
23 obviously, is subject to our objections to the Court entering
24 any form of relief.

25 And I'll also note that because we have filed a

1 notice of appeal, it's our position that the Court now lacks
2 jurisdiction to enter any additional injunctive relief, and can
3 only enforce the injunctions that it's already entered.

4 **THE COURT:** Okay.

5 **MR. ROSENBERG:** With those objections in mind, I did
6 want to discuss some of the other issues that my good friend,
7 Mr. Silberfeld --

8 **THE COURT:** Let's freeze with that for just one
9 moment for you folks on the defense side.

10 Internally, you may decide how you want to guide the
11 Court, because there may be an opportunity to convert these
12 from what we're calling temporary modulars to permanent
13 supportive units, which would count against our 1,800. And
14 that's why any reduction to 266 square feet may just be an
15 interim, because the cost may not be that much more going to
16 398, because we've got to put them on the site, hook up the
17 utilities, all of those expenses, whether it's 266 or 400. So
18 I kind of look at this as an opportunity for the VA to
19 potentially move the Court to count these as supportive units
20 if they're good units and that's why I'm trying to stay near
21 the 400 square foot level.

22 It's an opportunity, I think, for you. I'm trying to
23 stay away from 266 square feet because even if we could put
24 more in, I don't see it happening quicker right now. And I
25 think our utility costs, our hookups, et cetera, is something

1 I'd like not to repeat if we could turn this into a decent
2 village. So I'm happy to take away a porch, for instance, but
3 if I do that, then I'd have to see a real community with trees,
4 you know, something that attracts veterans. If not, then I'm
5 going to keep that porch because I'm not sure where the money
6 comes from for the trees. So those are just idle thoughts.
7 Put them aside.

8 So Brad, continue.

9 **MR. ROSENBERG:** Okay. Subject to the objections that
10 I just laid out, I'd like to turn to some of the particular
11 lots.

12 **THE COURT:** Okay.

13 **MR. ROSENBERG:** And the problem is once you start
14 looking at alternatives, there really aren't any good
15 alternatives, at least from VA's perspective. So once you move
16 beyond, for example, 7 and Magenta B, you know, we discussed
17 and plaintiff's counsel discussed Lot 5. VA thinks that is not
18 an appropriate location for housing because of its location
19 next to the domiciliary.

20 Indeed, one of plaintiff's own experts, Dr. Sharon,
21 at least as of today or our understanding as of today, holds
22 the same view. So that's a problem. And so we would object to
23 the location of housing on that lot as being inconsistent with
24 the goals of helping veterans. And that has to be the overall
25 goal of any action that any of us take.

1 Lot 4A has significant challenges. It would be a
2 terrible location for a veteran to live because it'll be in the
3 midst of a major construction zone.

4 **THE COURT:** I'm going to imagine you're going to go
5 through a problem with every one of these lots. And I'm going
6 to focus back on what I'm asking.

7 You have a chance to participate without binding
8 yourself and give me your best viewpoint of if you had to go
9 through a sequence or preference, what you'd prefer, because I
10 expect to hear a parade of horrors as to any lot that's
11 coming up. So go through the parade of horrors first. And
12 then I'm still going to ask you if you want to participate and
13 lend some help, some wisdom to me, fine. If not, then

14 **MR. ROSENBERG:** Let me finish with the legitimate
15 objections that the Government has to these particular lots
16 because they are very real and serious concerns that the VA
17 has.

18 So Lot 4A is in the midst of a construction zone. It
19 is also, my understanding, and Ms. Black can elaborate on this,
20 has significant challenges in terms of utilities, bringing the
21 electricity in to that lot, for example. So that has serious,
22 serious problems.

23 My understanding is that there was discussion of the
24 lot that is by the Eisenhower Gate that is next to Lot 5. That
25 is the planned future location for VA's police station. That

1 would be enormously disruptive to VA to have to scrap its plans
2 for the police station and, you know, begin that process anew.

3 You know, we think that the best solution would be
4 to, again, subject to all these objections, is to start by
5 shrinking the size of the units and keeping in mind what the
6 overall mission is and see what units can be fit in, for
7 example, on Lot 7 and Magenta B.

8 The problem with identifying a preference between
9 Lots 5 and 4A, for example, is that it's not easy to line up
10 all of the challenges that those lots face, and it depends to
11 some extent on what the Court's overall goals are. They're
12 both challenged in terms of housing veterans, in terms of
13 conflicts with the domiciliary or conflicts with a construction
14 site, setting aside the burdens that those lots might place on
15 VA's and the disruption to its plans, both under the master
16 plan as well as its plans to develop the South Campus.

17 But obviously Lot 4A has the additional challenge
18 that it is next to where VA is planning on building a major
19 hospital. So it's hard to figure out, under these
20 circumstances, what the best sequencing would be. You know, we
21 did previously indicate at the last hearing that between Lot 5
22 and Lot 4A, Lot 4A does not present the same conflict with VA's
23 programs that Lot 5 does.

24 In other words, it doesn't present a conflict with a
25 medical program at the domiciliary, so that is an advantage of

1 Lot 4A, rather. But of course then the Court would be placing
2 veterans in a construction site, and there are significant
3 utility challenges that I believe were identified this morning,
4 but that are consistent with the record that we created, and I
5 believe Dr. Braverman testified to at trial.

6 **THE COURT:** Brad, would you put up this diagram? And
7 pardon the marking on it for a moment. Just put it up in the
8 Elmo, because I want to know each of your thoughts about 1, 2,
9 and 4. We haven't even discussed those yet.

10 And eventually I'm going to keep asking, because
11 Mr. Cardozo is going to ask if I don't, what about the baseball
12 stadium? Where does that lie in this preference for both
13 parties? And if it's first, he needs to hear that. And if
14 it's last, he needs to hear that.

15 So, Mr. Cardozo, just wait just a moment. Let's have
16 them sort this out, okay? Because we haven't even talked about
17 three of the other lots yet.

18 **(Pause)**

19 **THE COURT:** Now, don't cut off Mr. Cardozo. Let's
20 see if we can get this up on the screen. There we go.

21 I'm going to make it simple. Where does the baseball
22 stadium lie in relation to Lot 4A? Is it your preference that
23 the baseball stadium be raised and that we use this before Lot
24 A? Yes or no? I'm going to go through each one of these. Yes
25 or no?

1 4A. 4A or the baseball stadium?

2 **MR. SILBERFELD:** From our perspective, 4A.

3 **THE COURT:** 4A, okay. Government?

4 **MR. ROSENBERG:** What about the practice field?

5 **THE COURT:** Okay, now hold on. Practice field, would
6 that be your next choice? 4 or 4A?

7 **MR. ROSENBERG:** One moment.

8 **THE COURT:** Okay. Make sure.

9 Mr. Cardozo, don't have a heart attack yet. Just
10 stay there. Let's have them sort this out, see what the
11 Government is thinking.

12 **(Pause)**

13 **MR. ROSENBERG:** VA's preference would be the practice
14 field, 4A.

15 **THE COURT:** Next -- okay. Now if I took 5 and the
16 practice -- or the stadium and/or the practice field, what
17 would your preference be?

18 **MR. ROSENBERG:** I'm sorry, can you repeat that?

19 **THE COURT:** Yeah, if I took 5, now we're on Lot 5.
20 I'm going down the list that the plaintiff suggested. I assume
21 it's always going to be the practice field because you've
22 already chosen that for 4A; is that correct?

23 **MR. ROSENBERG:** 5 versus the practice field, the
24 preference would be the practice field.

25 **THE COURT:** Okay. Now if I decided that the practice

1 field was part of the stadium and this would be for a limited
2 period of time, let's say -- well, I'm not sure yet, what about
3 the other two 20-acre sites? I forget, what were those again?

4 **MR. SILBERFELD:** That was the lot adjacent to the
5 Eisenhower Gate, across from 5.

6 **THE COURT:** Okay, the lot across from 5, that's 20.

7 **MR. SILBERFELD:** Call that roughly an acre.

8 **THE COURT:** Yeah, and the other 20?

9 **MR. SILBERFELD:** Was the Brentwood baseball field
10 outside the gate.

11 **THE COURT:** Okay. Brentwood.

12 **MR. SILBERFELD:** However, that's within the landfill
13 zone. We'd have to clear that.

14 **THE COURT:** And we'd have to get Barbara Farrar in
15 here or something, the monitors.

16 **MR. ROSENBERG:** VA's position is that temporary
17 housing does not require permitting from the county. So --

18 **THE COURT:** Okay, fine.

19 **MR. ROSENBERG:** I mean, that's why we raised the
20 issue of the Brentwood field. I think it's also referred to as
21 MacArthur Field, the field that's outside the gate as a
22 preferred location because VA has previously looked at that
23 location as one that could potentially be suitable for
24 temporary housing.

25 **THE COURT:** Okay.

1 **MR. ROSENBERG:** And the landfill issue shouldn't
2 directly impact the placement of temporary housing on that
3 field.

4 **THE COURT:** Now you've heard during the trial, or I'm
5 sorry, after the trial -- no, it was during the trial, I think
6 Mr. Johnson's testimony that a lay-down yard would be
7 approximately two acres, and yet you've designated 6A and 6B,
8 which are parking lots now, 1, 2, 4A, and also, I can't see
9 that bottom, I think it's 6 down at the bottom.

10 You've designated a huge acreage for lay down fields
11 and it's well over 14 acres. My question is really? And
12 number two, I've got a lay down field or parcel, right, next
13 quite frankly to the Governor's mansion down that road, I've
14 got a lay down field in back of the circular portion of the new
15 addition being built, there's acreage back there. I'm just
16 really questioning both of you about whether it's 2 acres or
17 whether it's 14 acres. All right.

18 John, let me talk to you for a moment. I'll be right
19 with you.

20 **(Pause)**

21 **THE COURT:** All right. I'm going to ask you the
22 critical question. Aren't we going to get to this baseball
23 field before July?

24 **MR. SILBERFELD:** Your Honor, from our perspective we
25 are not.

1 **THE COURT:** Okay.

2 **MR. SILBERFELD:** However, to anticipate another
3 question the Court may have, we do want to register our
4 client's opposition to allow UCLA back on the field.

5 **THE COURT:** Okay. And that would be as to the
6 stadium and the supporting Branca field?

7 **MR. SILBERFELD:** Correct.

8 **THE COURT:** Okay.

9 **(Pause)**

10 **THE COURT:** Okay. Would you put up a tentative that
11 we've written for just a moment? And I want to show you what
12 my thoughts were before we came into this hearing and then out
13 of courtesy let you push back with objections from both sides,
14 which I expect.

15 And I'll read this into the record. Now, this is not
16 a final ruling, I'm going to go slowly, we're going to have to
17 blow this up on the screen somehow. Mr. Cardozo, somehow we're
18 going to put you somehow with my apologies, we're not going to
19 lose you.

20 **MR. CARDOZO:** Yeah, I can --

21 **THE COURT:** But we're going to put that document up
22 in form so that you can read through it slowly with us, so you
23 can also -- you're going to have to turn it the other way.

24 Yeah, counsel, you're going to turn it long ways. So
25 we're going to have to shrink Mr. Cardozo so he's still on the

1 screen in the small box. No, you don't have to tilt,
2 Mr. Cardozo, that's fine.

3 All right. Let's do this. Let's put Mr. Cardozo --

4 **MR. CARDOZO:** It won't be the first time I've gone
5 sideways.

6 **THE COURT:** Well, let's get you straightened up and
7 let's get this document turned and then we're going to blow up
8 this document.

9 Now, if I'm -- why don't you just have a seat over
10 here so you can see the screen and I'll read through this.

11 **(Pause)**

12 **THE COURT:** I'd like to get that straightened out if
13 we could.

14 **MR. ROSENBERG:** We can turn it this way and --

15 **THE COURT:** Yeah, turn it and then see if we can --
16 well, guess what, let's just blow it up by paragraph by
17 paragraph and, Mr. Cardozo, I'm going to read slowly, and
18 counsel, I'll read slowly.

19 And my tentative thoughts were as follows. Because
20 the parties reached tentative resolutions about the location of
21 temporary housing adjacent to the UCLA baseball stadium on the
22 West LA VA Campus, the Court is prepared to provide UCLA
23 limited and interim access to baseball facilities on the
24 campus.

25 Upon representation by UCLA that it will pay \$600,000

1 to VA within seven days of this order and let me stop. I
2 didn't know the appropriate time period, 7 days, 14 days,
3 whatever, so I was going to talk to Mr. Cardozo about that.
4 The Court will allow UCLA access to the Jackie Robinson
5 Baseball Stadium until the end of the baseball season.

6 And I refer you back to UCLA's modified proposal.
7 The Regents of the University of California's motion to modify
8 injunction at Docket 333 at 1, the baseball season includes any
9 post-season use, if the UCLA baseball team is engaged in post-
10 season, regional, and/or national games.

11 This use/temporary lease shall extend no later than
12 July 4th, 2025. Let me stop as an aside. I didn't know
13 exactly when the baseball season left, I didn't know if UCLA
14 made the regionals and I didn't know if there was a national
15 play off and how long that would extend. Also July 4th is just
16 a wonderful patriotic day.

17 Now, access will include the small practice field
18 adjacent to the stadium known as Branca Practice Field and all
19 concessions and training facilities within the stadium, because
20 it didn't make sense to the Court to allow access to the
21 stadium, but not the practice field, in other words, they go
22 hand in hand if you've got a baseball team trying to make --
23 win games. So I didn't see separating them and it's all or
24 nothing and they either went in or they stayed out.

25 After extensive deliberation with the parties, the

1 Court does not believe that the stadium itself or practice
2 field would be used as a temporary housing location before July
3 4th, 2025. The stadium and practice field land may be needed
4 in the future if the VA continues to argue contrary to the
5 Court's findings that there is insufficient space available for
6 veteran housing on the campus.

7 After July 4th, 2025, the land on which the baseball
8 facility sits may be used for housing. If UCLA is unable to
9 reach a new agreement with the VA by that date, UCLA will lose
10 access. So July 4th is the trigger date.

11 The Court further orders that the parking areas
12 adjacent to the UCLA stadium, Magenta B and Parcel 7 remain
13 cordoned off by the VA. I refer you to Exhibit 1. The Court
14 has enacted an emergency declaration finding disabled and
15 homeless veterans in immediate need of shelter. All efforts by
16 the parties should focus on providing immediate shelter on the
17 grounds of the campus before approaching winter conditions.

18 Based on representations by the parties, the two
19 designated parking lots, Magenta B and Parcel 7 will be active
20 construction sites within three weeks with electrical, sewage
21 lines, and placement of modular homes immediately forthcoming.

22 On site assessments by experts are already underway
23 including one this morning. Once construction has been
24 completed and modular homes have been installed, the Court will
25 reconsider any available parking sites or parking on these

1 sites for UCLA. The Court is hopeful that these discussions
2 can take place before baseball season begins in March 2025.

3 Let me stop without reading further. My thought was,
4 if we got the modulars in and we had any available parking on
5 Magenta B or Parcel 7 that there's no reason that UCLA couldn't
6 use it. And I didn't know about the expansion of Parcel 7
7 northwards towards Sunset and I didn't know if the VA was
8 willing to open up the remaining of Parcel 7 because you almost
9 have two remaining acres of parking where modular homes aren't
10 going. And we can reach that in a number of ways and it would
11 require the athletes to walk about a hundred extra feet
12 literally.

13 In the meantime, the Court finds there is adequate
14 parking across the street from these lots, as well as almost 2
15 acres of parking remaining on parcel 7 and more parking to the
16 north of parcel 7, thus access to Lots Magenta B and Parcel 7
17 at present is for planning and facilities construction purposes
18 only.

19 In other words, the parking lots are cordoned off and
20 they remain cordoned off because I don't want to have to call
21 you, asking permission for people to go on for site inspection.
22 I consider these now active construction zones and they remain
23 cordoned off, period.

24 The Court's encouraged by the new engagement of UCLA,
25 Mr. Cardozo and the veterans, but reminds the parties that in

1 any lease with UCLA the provision of services to veterans must
2 be the predominant focus of UCLA's activities on the campus
3 under the West LA Leasing Act. This is in the post-trial
4 opinion, you'll see it at Docket 302 at 48.

5 The true value of any lease of campus lands is the
6 land itself. Let me repeat that. The true value, I can't
7 emphasize this enough, of any lease of campus lands is the land
8 itself. The greatest and most urgent use of the land is
9 veteran housing, period.

10 Now, let me stop for a moment with another thought.
11 First, you have 3 million from Brentwood School, another 2
12 million, but it goes into a box and it should be used locally,
13 but this land is precious and is needed for housing. So the
14 best use eventually of this whether it's 5 million or 20
15 million is irreplaceable land for veteran housing.

16 Now I go on and note and make some suggestions, some
17 thoughts for both of you to think about. The Court encourages
18 the parties and UCLA to continue discussions that have included
19 veteran student housing, might be a possibility, or other
20 possibilities such as the use of vacant lands owned by UCLA,
21 including the vacant over 30 acre Palos Verdes property. And I
22 can put up those parcels again and show you pictures of the 22
23 acres UCLA purchased in 1978 and another 10 acres plus that
24 they purchased in the 1980s. There's Palos Verdes land up
25 there, it's literally vacant and unused at the present time.

1 Now, these are only suggestions. But I'm encouraging
2 the parties to seek a holistic and long lasting resolution.
3 According to the VA -- accordingly the VA is ordered to
4 continue to cordon off parking lots Magenta B and Parcel 7 for
5 the emergency placement of modular housing.

6 Based on UCLA's representation of the forthgoing
7 payment or forthcoming payment of 600,000, the Court, and I'll
8 say tentatively because it states hereby, but hereby grants
9 limited and interim access to the stadium at Branca Practice
10 Field as of Tuesday, October 29th, 2024 at 12 noon.

11 This order advances the primary goal of housing,
12 without unnecessarily keeping the stadium closed until the land
13 is needed for veteran housing. The Court will have a better
14 understanding of which available parcels are needed for housing
15 in the coming months.

16 Given the emergency need for housing, all vacant
17 parcels on the campus are being considered as potential housing
18 sites. To maintain the availability of land for housing, the
19 Court has precluded VA at present from entering into any long
20 term lease of land on the campus.

21 This temporary restriction on long term VA leases,
22 such as the unlawful and voided ten year leases originally
23 challenged in this lawsuit is needed to ensure the availability
24 of land for emergency and permanent veteran housing. Again,
25 UCLA may lose access to the baseball facilities after July 4th,

1 2025 if the parties unable to reach settlement that complies
2 with the West LA Leasing Act and this Court's post-trial
3 opinion, findings of fact and conclusions of law.

4 I anticipate the VA would object and I stated over
5 objections of the VA, the VA is ordered to carry out the order
6 of this Court forthwith.

7 Now, a couple of other random thoughts. First of
8 all, if one starts destruction, there's destruction on both, if
9 I follow your guidance from the VA, money costs for Branca
10 Field, but there's also destruction costs for -- not for 4-A,
11 but if I move to -- can you put up that. If I move to -- I
12 need that diagram back up. Yeah.

13 If I move to 1 and 2, the solar panel lots, that also
14 requires destruction of the solar panel lots and when I was
15 weighing this weekend, when I was writing this, what's the
16 respective costs in the immediate future and how is money being
17 spent for destruction purposes and I don't know which is least
18 expensive. But I can feel may cost a lot to destroy or raze,
19 or the solar panels may cost a lot and I don't know how
20 dependent the hospital is on the solar panels at the present
21 time. I don't think that they are. In fact, I think it was
22 represented these were going to be removed anyway pursuant to
23 the hospital construction which is supposed to start next year.

24 So when I was writing this, my thought was, if I'm
25 going to put money in right now, not my money, but your money,

1 then I'd be spending money on destroying something immediately
2 and I'd rather have that money go into the emergency housing,
3 so the next place I was going to turn after 4-A was going to be
4 to 1 and 2, because they're contiguous to 4-A.

5 So as I'm looking at 4-A with utilities, I can also
6 take 1 and 2 in the same area. Now, those are my initial
7 thoughts. So give me your thoughts.

8 **MR. SILBERFELD:** Your Honor, for the plaintiffs,
9 three observations about this tentative. One is, just to
10 restate our objection to this approach. The veterans, the
11 plaintiffs class members, the plaintiffs class are opposed to
12 allowing UCLA back on the field.

13 **THE COURT:** And to both fields I assume, stadium and
14 Branca obviously?

15 **MR. SILBERFELD:** I call it one thing, yes.

16 **THE COURT:** They go together.

17 **MR. SILBERFELD:** To both. We appreciate the carve
18 out of the parking lot because we're going to use that for
19 housing and the lot behind, but as to the field and the
20 practice field itself we are opposed.

21 **THE COURT:** And you haven't answered the key question
22 for me because it makes a huge difference. Are we going to
23 raze either of those fields, you know, in the sequence at best
24 before July 4th?

25 **MR. SILBERFELD:** No.

1 **THE COURT:** Then if we're not going to raze them
2 before July 4th, in other words, if they're just sitting
3 there --

4 **MR. SILBERFELD:** Right.

5 **THE COURT:** -- and we're walking away from \$600,000,
6 which is undervalued from your perspective I understand that,
7 grossly undervalued. But still, they're sitting there, we're
8 not going to raze them. Now, if you're asking me to bulldoze
9 them, that's a different matter and if you're telling me today
10 that that's our first parcel that we should look at --

11 **MR. SILBERFELD:** It's not.

12 **THE COURT:** Okay.

13 **MR. SILBERFELD:** Yeah.

14 **THE COURT:** Then that's what I'm asking you, why then
15 isn't this going to be accessible until July 4th, with a move
16 out date on that date unless we reach a most holistic
17 resolution?

18 **MR. SILBERFELD:** Well, Mr. Cardozo and I had a
19 discussion yesterday about a more holistic --

20 **THE COURT:** Fill me in.

21 **MR. SILBERFELD:** -- possible solution. Well, there's
22 nothing to fill in at the moment.

23 **THE COURT:** Okay.

24 **MR. SILBERFELD:** But we're going to continue to have
25 conversations I hope this week about that. But part of the

1 opposition candidly is that the increase in rent is a pittance.

2 **THE COURT:** Sure.

3 **MR. SILBERFELD:** It doesn't go to anything that
4 directly benefits veterans, which was my second point and that
5 is I hope --

6 **THE COURT:** Let's freeze on that first point. Let's
7 just say that you were hypothetically correct, okay? This
8 isn't a final resolution.

9 **MR. SILBERFELD:** Right.

10 **THE COURT:** This isn't X amount of money that you're
11 asking for or something else, this is just a wasting asset.
12 Now just hold that thought for a moment, now you go on and
13 think about that for a while, okay?

14 **MR. SILBERFELD:** Sure.

15 **THE COURT:** All right.

16 **MR. SILBERFELD:** The second point, beyond our sort of
17 general opposition to the idea is that I think the order should
18 reflect and perhaps the VA can agree to this part, even over
19 their own objections, is that money will stay local --

20 **THE COURT:** Oh, yeah.

21 **MR. SILBERFELD:** -- it will go into the lease revenue
22 fund and at least be used locally because otherwise --

23 **THE COURT:** Right.

24 **MR. SILBERFELD:** -- it just goes into the ether.

25 **THE COURT:** Agreed.

1 **MR. SILBERFELD:** And the third --

2 **THE COURT:** And just a moment, and by the way, let's
3 say you were asking for 10, 15, 20, \$50 million hypothetically
4 and I'm just throwing, you know, out idle sums.

5 **MR. SILBERFELD:** Sure.

6 **THE COURT:** That's going to go into some -- I'll joke
7 with you, a lockbox, but I'm just joking with you. Instead of
8 going to some place, money is not -- no matter what you're
9 asking for eventually, 5, 10, 15, 20, 25 million I'm not going
10 to end up necessarily making a judgment call on the money,
11 because the land may be so much more valuable for housing.
12 Ultimately it's the housing that counts. And I'm not going to
13 let this land run out, which may be worth hundreds of millions
14 of dollars quite frankly and irreplaceable over a money
15 request.

16 Now, Brentwood had much more to offer. They had
17 facilities to offer. They had things that veterans could never
18 obtain like a swimming pool, a track, weights, you know, people
19 to help them with swimming, et cetera. Both of you thought
20 that was a quote/unquote good deal, I do too.

21 **MR. SILBERFELD:** Uh-huh.

22 **THE COURT:** Okay. But here, those things aren't
23 available. But if we're not going to use it and we've got a
24 move out date of July 4th, unless we can come up with something
25 else, and I don't know if that's student veteran housing or,

1 you know, whatever, I'm concerned it just sits there.

2 **MR. SILBERFELD:** Understood.

3 **THE COURT:** Okay. Now, I want all of you to think
4 about it back there, because we'll have one more conference
5 about this.

6 **MR. SILBERFELD:** I have --

7 **THE COURT:** Now I know you're opposed.

8 **MR. SILBERFELD:** Your Honor, I had one more --

9 **THE COURT:** Go ahead.

10 **MR. SILBERFELD:** -- point to make about the
11 tentative. And that is, it may be implicit, but let's make it
12 explicit, UCLA has taken steps in the Ninth Circuit and here
13 seeking emergency or extraordinary relief from the injunction
14 that's been imposed on it. We have no problem with their
15 appellate rights, they can pursue their appellate rights. But
16 part and parcel of this, if they get this relief that the Court
17 is considering giving, if they get this, our view is that they
18 must cease these extraordinary efforts to get stays in the
19 Court of Appeal. I think that's implicit in what they've
20 asked.

21 **THE COURT:** I can't -- how as a Judge do I ask them
22 that though?

23 **MR. SILBERFELD:** Well, they can agree to it.

24 **THE COURT:** Well, you have to talk to them about
25 that. And you'd have to agree --

1 **MR. SILBERFELD:** Well --

2 **THE COURT:** -- also, in other words, this would have
3 to be something that you'd give them something as well.

4 **MR. SILBERFELD:** Well, they've gotten something if
5 the Court orders it.

6 **THE COURT:** No, I know. But the end result is, how
7 does that work in terms of a bargaining. You'd asked them to
8 give up their appellate rights, they would probably ask you in
9 return, Mr. Cardozo, then let us play baseball, you know, from
10 his perspective until the season ends.

11 **MR. SILBERFELD:** Those are my observations.

12 **THE COURT:** All right. No, I know you're opposed.

13 **MR. ROSENBERG:** I have two observations for the
14 Court. Three things. Number one, I think we do need a little
15 bit of time to digest this because this case is also proceeding
16 now in the Ninth Circuit from the Government's perspective. I
17 need to make sure that my colleagues in the civil division
18 appellate staff are also aware of these developments.

19 Number two, to the extent that we're discussing a
20 \$600,000 payment I think there is agreement that any such
21 payment would need to stay local. And the way that that
22 happens is for it to be a lease payment that goes into the
23 lease revenue fund. How that happens, sometimes the devil is
24 in the details, so we need to give that thought.

25 The third issue that I will flag is a procedural

1 issue, in that because both UCLA has appealed and the federal
2 government has appealed we do not think that the Court has
3 jurisdiction to modify the injunction that it has already
4 entered as to UCLA.

5 There is, however, a potential workaround on that and
6 that would be, I believe it's Federal Rule of Civil Procedure
7 62.1, which allows a district court to give an indicative
8 ruling on a motion for relief that would otherwise be barred
9 due to a pending appeal. That may be more of an issue for
10 Cardozo to think about, because the relief in many respects
11 flows to UCLA. But that might be something for the Court to
12 consider, because at this point we don't think that it does
13 have jurisdiction to modify the injunction that's already
14 entered.

15 **THE COURT:** Let me hear from Mr. Cardozo. I think
16 he's been very polite waiting on the line.

17 Mr. Cardozo, do you have some thoughts?

18 **MR. CARDOZO:** Yeah, I -- we believe the Court has
19 jurisdiction to enter a temporary injunction like it just has
20 indicated tentatively that would specify the ground operating
21 rules, while the field continues, just like the way the Court
22 could stay its order pending appeal, it can partially stay its
23 order, it can partially alleviate its order pending appeal, so
24 the Court certainly has jurisdiction to enter a tentative
25 ruling it did. That's not -- it's because it's a temporary and

1 you say provisional injunction how we're going to live during
2 pendency of an appeal at least through July 4 is perfectly
3 appropriate and fine.

4 And then a holistic resolution would either eliminate
5 the appeal or if one isn't reached, the appeal would go
6 forward. What the Court's done is a perfect way to get a
7 better injunction in place for this temporary interval than the
8 one that's currently in place which as the Court aptly -- has a
9 wasting asset and does not deliver consideration to veterans
10 that could be delivered under this temporary policy.

11 **THE COURT:** Okay. Any other thoughts? Otherwise,
12 I'll take a brief recess.

13 **MR. SILBERFELD:** Mr. Cardozo and I had a conversation
14 about this topic of they're withdrawing their extraordinary
15 relief petitions in the circuit. I believe he's agreeable that
16 they will do so if the Court enters the order that's
17 tentatively --

18 **THE COURT:** Would you ask him though? I'm
19 uncomfortable as a Judge --

20 **MR. SILBERFELD:** Sure.

21 **THE COURT:** -- asking any party to give up a right.

22 **MR. SILBERFELD:** Sure.

23 **THE COURT:** I really --

24 **MR. CARDOZO:** Yeah, I can attest that, Your Honor.

25 We do not intend to ask the Circuit for emergency relief if

1 there is no emergency. That's an extraordinary ask of an
2 Appellate Court and with this order we don't see that there
3 would be an emergency that would require us.

4 There was a procedural order at the Ninth Circuit
5 that took emergency order motion off calendar out of first
6 appeal and instead put it in the second appeal from the final
7 judgment. So, in fact, there is no emergency motion pending
8 before the Ninth Circuit. We would need to refile it and with
9 this order we would not need to refile it.

10 **THE COURT:** All right. Any other thoughts? Why
11 don't you talk to your clients for just a moment. Just make
12 sure that they have some input. And why don't you talk to your
13 folks and I'll come back in just a couple of moments, if you
14 have any other thoughts, otherwise, I think I'll hand out a
15 ruling today in some form. Okay? Thank you.

16 Mr. Cardozo, if you want to use the restroom or get a
17 cup of coffee, why don't you join us in about 15 minutes.
18 Okay?

19 **MR. CARDOZO:** Thank you.

20 **MR. SILBERFELD:** Your Honor, how long a recess?

21 **THE COURT:** About 15.

22 **MR. SILBERFELD:** Okay.

23 **(Recessed at 4:37 p.m.; reconvened at 4:58 p.m.)**

24 **THE COURT:** Okay. We're back on the record. All
25 counsel are present and, counsel, I'd given you the opportunity

1 for any other thoughts or statements you'd like to make?

2 **MR. SILBERFELD:** Nothing further from the plaintiffs,
3 Your Honor.

4 **THE COURT:** All right. Thank you.

5 **MR. ROSENBERG:** Nothing further from the federal
6 defendants, Your Honor.

7 **THE COURT:** Mr. Cardozo.

8 **MR. CARDOZO:** Just one thing from UCLA, Your Honor,
9 the reference in the order to payment of 600,000 in seven days,
10 if we could change that to 14.

11 **THE COURT:** 14.

12 **MR. CARDOZO:** I think UCLA was contemplating when it
13 made its proposal it would just sort of up the way it normally
14 makes rent payments. So this is a substantial change which I
15 haven't discussed with the --

16 **THE COURT:** All right. That's reasonable. And upon
17 that representation then it'll be 14 days.

18 **MR. CARDOZO:** Yeah.

19 **THE COURT:** All right. The order will now grant
20 interim access to UCLA's baseball team for that limited time
21 period to July 4th of 2025 and that will give UCLA time also to
22 enact an extra strategy at that time to the fields.

23 All right. Mr. Cardozo, if you'd like to remain,
24 you're more than welcome to but I think you're three hours
25 difference. We're simply going to discuss --

1 **MR. CARDOZO:** Yes, Your Honor.

2 **THE COURT:** -- procurement and anything needed
3 concerning the modules, so you're welcome to -- but by the way,
4 this will be docketed this evening. So you can make the
5 representation based on this order. The only substantive
6 change is to the 14 days. Okay?

7 **MR. CARDOZO:** All right. Thank you, Your Honor.

8 **THE COURT:** Okay. Good. All right. Now, Ms. Black,
9 I'm going to turn to you because I'm going to bring the parties
10 back next week. I don't want us to have an unforeseen problem
11 even if you believe that all of the things you need are in
12 place. Because if three weeks go by and then there's something
13 that's come up, that causes further delay.

14 Is there anything further you need for these
15 procurement?

16 **MS. BLACK:** As stated earlier, the procurement that
17 we've been contemplating up to this point has been the units
18 and that is the commodity purchase that I have the information
19 for as far as the specifications, the assembly.

20 The second part of this is the scope of works that
21 will have to be done to do the actual construction. So it's
22 concurrent work and we can do it concurrently but there are
23 technically two separate contracts that will have to be done,
24 construction and then the purchasing of the units.

25 **THE COURT:** Define that out for me. First of all

1 concerning the, I'm going to call it the purchase of the
2 modules for want of a better word. Is there anything else you
3 need for your purposes for procurement?

4 **MS. BLACK:** At this point I still need -- I got the
5 information this morning from the plaintiffs. So my team is
6 looking at that right now. From my standpoint right now, we're
7 good for the modulars. I'll have some more information if
8 something comes up, we'll let the plaintiffs know what
9 information we need.

10 **THE COURT:** Okay. As far as facilities are
11 concerned, is there anything else you need right now?

12 **MS. BLACK:** Facilities as far as the construction or?

13 **THE COURT:** Yes.

14 **MS. BLACK:** Yes. We need to put together a scope of
15 work to do the site prep and the utility work.

16 **THE COURT:** And you can work on that --

17 **MS. BLACK:** Concurrently, yes.

18 **THE COURT:** Okay. When would I bring the parties
19 back? I'm not willing to wait for three weeks, but what would
20 be convenient next week? What's the best date?

21 **MS. BLACK:** Any date, any day next week is good.
22 We're getting started right now on the work to get that.

23 **THE COURT:** I know that but I'm trying to be
24 courteous and ask you what's the best day because we're coming
25 back next week. And on behalf of the plaintiffs, you might

1 consult with them or is any day acceptable?

2 **MR. SILBERFELD:** Any day, Your Honor.

3 **THE COURT:** Okay. Mr. Johnson, Mr. Soboroff, any
4 particular day?

5 **MR. JOHNSON:** Well, we -- one week should be fine.

6 **THE COURT:** How about Wednesday of the following
7 week?

8 **MR. JOHNSON:** All right. All right.

9 **THE COURT:** That means if you're running into trouble
10 later this week or Monday or Tuesday, you have time to sort it
11 out.

12 **UNIDENTIFIED:** That'd be the 6th?

13 **THE COURT:** The 6th?

14 **MR. JOHNSON:** Judge, just to be clear so we're all --

15 **THE COURT:** Wait, wait, is that election day?

16 **MR. SILBERFELD:** It's the day after.

17 **MS. BLACK:** Day after.

18 **THE COURT:** Oh, you'll all be in great form.

19 **MS. BLACK:** How about Thursday?

20 **THE COURT:** You know you'll probably be up late
21 watching the results.

22 **MR. SILBERFELD:** That's still fine. It's fine for --

23 **THE COURT:** That's okay?

24 **MR. SILBERFELD:** Yeah, yeah.

25 **THE COURT:** How about you folks coming from the East

1 Coast?

2 **MR. ROSENBERG:** So --

3 **THE COURT:** Just give me a day.

4 **MR. ROSENBERG:** The 6th works for us.

5 **THE COURT:** Okay.

6 **MR. ROSENBERG:** There's perhaps one other issue that
7 maybe we can discuss that might impact that date. As I
8 mentioned on Friday, the Government does intend to file a
9 motion for stay pending appeal on most of the issues in this
10 case. And we still plan to file that motion by Wednesday.

11 **THE COURT:** Why don't I send you home then to do that
12 if we have nothing else concerning procurement rather than
13 simply holding you, you can go home and file that motion and I
14 can look at it on Thursday and Friday.

15 **MR. ROSENBERG:** Well, that's what I wanted to discuss
16 because we've -- you know, we're willing to forego an oral
17 argument on that to the extent the Court -- you know, we think
18 the motion obviously has merit.

19 **THE COURT:** Why don't you step over and talk to the
20 other side, give me a schedule. I just know for procurement
21 purposes we're coming back the following week. Now, if you can
22 combine that on the emergency stay, you two give me --

23 **MR. ROSENBERG:** That's what I was thinking.

24 **THE COURT:** Yeah.

25 **(Pause)**

1 **THE COURT:** And we're back for a final fairness
2 hearing on Brentwood on November --

3 **MR. SILBERFELD:** 13.

4 **THE COURT:** -- 13th. Yeah, so that's going to give
5 me another check in day on that week also probably.

6 **MR. ROSENBERG:** Can you give us just one minute, Your
7 Honor?

8 **THE COURT:** Sure.

9 **(Pause)**

10 **MR. SILBERFELD:** Your Honor, would the 7th rather
11 than the 6th, in other words, Thursday rather than Wednesday
12 work for the Court?

13 **THE COURT:** Sure, absolutely. Make it the 7th and
14 this can be it for you folks.

15 **MR. SILBERFELD:** All right. So we'll have then a
16 check in on where we are with respect to the temporary housing
17 on the 7th.

18 **THE COURT:** I just want to make sure there's no
19 procurement problems --

20 **MR. SILBERFELD:** Yep.

21 **THE COURT:** -- paperwork, things that haven't been
22 done so we're not wasting time and I hear a parade of horribles
23 three weeks from now.

24 **MR. SILBERFELD:** And then the two other procedural
25 matters, the motion seeking a stay that the Government wants to

1 file on Wednesday of this week, we would file our opposition if
2 that's acceptable to the Court, I know it is to counsel, on
3 Tuesday election day the 5th.

4 **THE COURT:** Sure, that's fine.

5 **MR. SILBERFELD:** They're going to waive reply.

6 **THE COURT:** Okay.

7 **MR. SILBERFELD:** And we'll either have a hearing or
8 decide the matter on the papers on Thursday the 7th.

9 **THE COURT:** I pay each the courtesy of a hearing,
10 you're here anyway.

11 **MR. SILBERFELD:** Okay.

12 **THE COURT:** And I just don't want to shortcut that,
13 so --

14 **MR. SILBERFELD:** That's fine.

15 **THE COURT:** -- I will look for those papers on the
16 6th, I promise you. But then it'll be open to oral argument on
17 that day.

18 **MR. SILBERFELD:** And Mr. Sandler on behalf of
19 Brentwood has something he'd like to add as --

20 **THE COURT:** Mr. Sandler.

21 **MR. SILBERFELD:** -- to the hearing on the 7th.

22 **MR. SANDLER:** Thank you, Your Honor, Jonathan Sandler
23 on behalf of Brentwood. More of a heads up at this moment than
24 anything formal, as the Court knows in our settlement agreement
25 that the Court's preliminarily approved, Brentwood reserves the

1 right to file its own protective appeal. In light of the
2 conversation that took place in this court last Friday,
3 Brentwood is potentially looking at intervening into the case,
4 discussed it with plaintiffs, haven't discussed it with the
5 Government yet, part of what I'm here to do today, so I'm just
6 giving you the heads up that they may come -- we may want to
7 participate. I don't know yet.

8 This would obviously have to be a Board decision.
9 Because it's a significant change in circumstances --

10 **THE COURT:** Okay.

11 **MR. SANDLER:** -- but I wanted you to know up front, I
12 also discussed it with your special master.

13 **THE COURT:** Yeah. And you know the Court's inclined
14 to go forward on the dates that are set for the consideration
15 of final approval.

16 **MR. SANDLER:** That's Brentwood's desire.

17 **THE COURT:** So I'm not hearing anything changed from
18 perspectives, positions or the -- Brentwood's position; is that
19 correct?

20 **MR. SANDLER:** That is correct, Your Honor.

21 **THE COURT:** And from the veterans' position?

22 **MR. SILBERFELD:** No change, Your Honor.

23 **THE COURT:** And I know that there's still opposition
24 from the Government, so let's plan on keeping that date and
25 we'll have a final approval hearing on the 13th. Okay?

1 **MR. SANDLER:** Exactly, thank you, Your Honor.

2 **THE COURT:** Okay. Then is there anything further?

3 **MR. SILBERFELD:** Not from our perspective, Your
4 Honor.

5 **MR. ROSENBERG:** Just confirming nothing else this
6 week?

7 **THE COURT:** Nothing else this week. Okay.

8 **MR. ROSENBERG:** Thank you.

9 **THE COURT:** Thank you very much. Then we're in
10 recess, appreciate it.

11 **(Pause)**

12 **THE COURT:** Oh, counsel, before you leave. I'll
13 leave it for now, but come back prepared as you did today to
14 try to discuss the sequence of lots and it became apparent to
15 me, with your representation, that we weren't going to get to
16 the stadium before July 4th. But I want to know more about
17 this master plan.

18 I'm not sure how the decision is made, Brad, with
19 what buildings are going to be torn down, what buildings are
20 going to be refurbished, who makes that decision, you have
21 every right to tell me that it's made internally. I can
22 understand that.

23 By the same token, I don't understand why we're not
24 moving forward with this last 400 of the 1,200 and where we
25 stand, you know, in that decision-making. I don't understand

1 which buildings might be subject to a tear down because
2 Mr. Soboroff is much more aggressive about that. He would have
3 more buildings torn down because it's much more economical to
4 build new structure unless time consumptive, but you may take a
5 position of refurbishment. So I'd like to hear a little bit
6 more about that.

7 Number two, I'd like to really have you consider
8 although I don't know how I -- right, because I expected you to
9 come back to me with what I call final injunctive relief. In
10 other words, I always thought that there might be a second
11 phase of this, where I could set forth some other reasoning and
12 thoughts with you.

13 I'm worried that the Town Center is going to, in a
14 sense, impede our housing. And all the way from the survey and
15 whether this hotel was included or not to the bar issues and
16 alcohol being served to the different, you know, inputs in
17 terms of what it's supposed to look like.

18 I'm just wondering why this isn't a separate master
19 plan frankly. So, Mr. Soboroff, if you have any thoughts
20 you're more than welcome or, Mr. Johnson, to share them now.
21 But I'm going to be coming back and asking instead of impeding
22 the housing progress that we're going to make and getting tied
23 up in this, I don't see why we can't move simultaneously and
24 separately with a different master plan for the town and just
25 keep the master plan for housing. But, Mr. Soboroff, I need

1 your help on this.

2 **MR. SOBOROFF:** Okay. Judge, two things, let's talk
3 about the demolition first. You've been out to the site and
4 you've walked the site. And today we were out to the site and
5 walked the site with groups of people. We need to have a group
6 of people, we could give you the list of who they are, to walk
7 every one of those buildings and make a determination if
8 they're three different parties, including the historical
9 people, including the VA, et cetera, and decisions can be made,
10 but it needs to happen with that kind of -- it's tennis shoe
11 time, it's time to do what you did with those buildings,
12 otherwise it's going to take years.

13 We did it at Playa Vista with Howard -- with all
14 these Howard Hughes' national historic registered buildings,
15 they can be done here. Very few of these buildings on any
16 registers.

17 **THE COURT:** When do you want to do it?

18 **UNIDENTIFIED:** Next week?

19 **MR. SOBOROFF:** Well, I think that we need --

20 **THE COURT:** You decide, consult with the other side.

21 **MR. SOBOROFF:** And we need to give -- we need to
22 agree on the list of the people that need to do the walk.

23 **THE COURT:** Well if any building right now is
24 occupied by let's say VA personnel, but we don't have housing
25 inside that building then I would wonder why that isn't

1 suitable for housing purposes because it's already partially
2 occupied.

3 There might be other buildings that aren't occupied
4 at all, they're so decrepit that they need to be torn down.
5 That's why, where's my laser --

6 **MR. SOBOROFF:** Some may be and some may not, but
7 we've got to go look.

8 **THE COURT:** Well, that's what we're going to do.

9 **MR. SOBOROFF:** Yeah.

10 **THE COURT:** So, Don, would you help me? And I don't
11 want to hit you with this laser.

12 Yeah, no, it's the other one. Don, would you help me
13 with this one? That's actually more readable. I don't know
14 these buildings in the master plan area either.

15 **MR. SOBOROFF:** Okay.

16 **THE COURT:** And I agree with you, I don't see how we
17 make a decision on paper without looking at the condition of
18 each of these buildings with everybody present.

19 **MR. SOBOROFF:** You take three stickers, a red one, a
20 white one and a blue one.

21 **THE COURT:** Yeah, yeah.

22 **MR. SOBOROFF:** And when you're done with it, you
23 stick a red one on the buildings that come down, a blue on the
24 buildings that don't come down and a white on the buildings
25 that need more work.

1 **THE COURT:** How are those decisions going to be made,
2 though, Brad? I see you're shaking your head so who makes them
3 and do -- who's my central authority here? Rob, are you?

4 **MR. MERCHANT:** Rob Merchant for VA. In most parts,
5 those decisions have been made and made some time ago. I'm not
6 sure precisely which buildings that you're speaking of, but
7 there are very few buildings remaining on the campus that don't
8 have a purpose identified for them.

9 I can probably just off the top of my head, not
10 precise measure at all, but think of five.

11 **THE COURT:** Well, but --

12 **MR. MERCHANT:** So --

13 **THE COURT:** -- do me a favor, hold that. Just put
14 that on the chair right here so you folks can see it, yeah.
15 Here. Would you give him this pointer? You're not held to
16 what you say because I don't -- I can respect that. You can
17 tilt it more towards the folks.

18 **UNIDENTIFIED:** Folks from the Navy you --

19 **THE COURT:** That's fine.

20 **MR. MERCHANT:** Thank you. I'll just start here. So
21 on the north campus the things that immediately come to mind is
22 this building right here, 264. 264, this building is currently
23 vacant, it's in very bad shape and needs to come down.

24 This building 236 is our current police headquarters.
25 When the new police station is built and relocated here, this

1 building really doesn't have any life beyond that.

2 Here is the historic trolley station and the Hoover
3 Barrack, 66 and 199. Those two buildings. Building 212 is
4 currently --

5 **THE COURT:** Wait, wait, does this come down? 199?

6 **MR. MERCHANT:** No, it will be relocated I believe.

7 Isn't that correct, Chelsea?

8 **MS. BLACK:** That is correct.

9 **THE COURT:** But we have room to build?

10 **MS. BLACK:** That is a very historic barracks from --

11 **THE COURT:** I've seen it.

12 **MS. BLACK:** Yeah.

13 **THE COURT:** Once we relocate it, we've got vacant
14 land, don't we?

15 **MS. BLACK:** Correct. That actually is in between Lot
16 18 and Lot 20, those will be new developments. So buildings
17 408 and 409 will be coming on line in the parking lots.

18 **THE COURT:** Just a moment.

19 408 and 409?

20 **MS. BLACK:** Correct. So --

21 **THE COURT:** Where 199 is and Lot 20, we're going to
22 have 408 and 409?

23 **MS. BLACK:** It comes really close to the boundaries
24 of the parcel lots.

25 **THE COURT:** And what are 408 and 409?

1 **MS. BLACK:** Those are new EULs for permanent
2 supportive housing.

3 **THE COURT:** And what's the capacity of each,
4 approximately?

5 **MS. BLACK:** So 408 I believe they just modified that
6 I think it's up to a hundred now, so a hundred units. And --
7 yes, please. Going off of memory.

8 My eyes are really bad too. 94 in 409. I'm sorry,
9 408 is 100 units, and 409 is 94.

10 **THE COURT:** And that's part of the unaccounted for
11 approximately 400? I'm rounding that off.

12 **MS. BLACK:** No, those are above the line. So the
13 parcel release 408 and 409, those are above.

14 **THE COURT:** 12?

15 **MS. BLACK:** Yes. So those are part of the 1,200.

16 **THE COURT:** And why don't somebody add these up for
17 me. 80, 84, 74, 92, 48 and 48.

18 **MR. SOBOROFF:** I get 426.

19 **THE COURT:** Okay. Whatever that is, give or take,
20 let's say it's right. That means that the 1,200 we have 426 in
21 a sense that we haven't designed or contracted out. Where are
22 these going to go?

23 **MS. BLACK:** Those are right here.

24 **THE COURT:** Yeah, it's all the pink. In fact, why
25 don't you just put -- could we put this up? Could you put this

1 up?

2 **MR. SILBERFELD:** Thank you, sir.

3 **THE COURT:** Put it down there. I'm going to share a
4 mic with you, Chelsea.

5 Okay. Is the bottom portion, so move it up on the
6 screen. There we go. That should add up to 426 of 1, 2, 3, 4,
7 5, 6, so we're two-thirds approximately through the 1,200 by
8 2030 and what I'm asking is, how are the decisions made about
9 where those go because if they're in the present master plan
10 area, I know that I'm hoping that all of you will target parcel
11 9 eventually which will be a longer term and Barrington Park.
12 And that's going to give us some amount I'm going to ask
13 Mr. Soboroff and Mr. Johnson to calculate for me before our
14 next meeting, I'm hoping about 500 to 700, in that range.

15 **MR. SOBOROFF:** We have other opportunities too, maybe
16 we can bring them up next week.

17 **THE COURT:** Yeah, I'd like that.

18 Number two, there's a lot of rumors floating around
19 about some nuclear medical disposal around or near the
20 Barrington area. I haven't seen the report on that. But I'd
21 certainly like to make certain that there's a monitor or
22 something so that there isn't a later disqualification.

23 **MR. POWERS:** My understanding is behind the baseball
24 field --

25 **THE COURT:** Come on up.

1 **UNIDENTIFIED:** Can you introduce yourself,
2 Mr. Powers.

3 **MR. POWERS:** Jeffrey Powers, plaintiff.

4 **THE COURT:** Yeah.

5 **MR. POWERS:** It's my understanding that the landfill
6 that is by that baseball field down by where the Brentwood --
7 it's part of the Brentwood deal that that landfill is the one
8 that's got the nuclear waste.

9 **THE COURT:** It's out by the stadium?

10 **MR. POWERS:** No, not by the stadium, by the other
11 baseball field where the gate is that goes into Brentwood.

12 **MR. JOHNSON:** It's one of the three sites, Judge.

13 **THE COURT:** Is that the back road that we went up by
14 the Koi pond?

15 **MR. POWERS:** Yes. It's --

16 **MR. JOHNSON:** Underneath the --

17 **MR. POWERS:** It's the same landfill that's causing
18 the methane issue.

19 **THE COURT:** If you walk up to what I'm going to call
20 the back gate, not the gate off of Barrington.

21 **MR. POWERS:** Correct.

22 **THE COURT:** As we walk by the pond, that that's where
23 we believe that that material might be.

24 **MR. POWERS:** Yes.

25 **THE COURT:** So we're not wasting time, how do we get

1 a report about that or even if we have a report, how do we take
2 this off of our worry list and get a monitor there? Can you
3 think about that between now and the next meeting?

4 **MR. SILBERFELD:** I'm shocked they don't have one.

5 **MR. MERCHANT:** We do. We do. So we'll bring that to
6 our next meeting.

7 **THE COURT:** Okay. Bring that with you. And then
8 number two, just to double-check so we don't run into a problem
9 like we did with Barbara, can we get some kind of monitor out
10 there just to make certain, and set these rumors to wait?

11 **MS. BLACK:** So as part of the post closure land use
12 plan that we have to produce for the county we are actually
13 contracting for monitors to monitor the perimeter of the sites
14 for methane and also, you know, doing that phase 1, phase 2.

15 **THE COURT:** But I'm switching that for a moment.

16 **MS. BLACK:** Right.

17 **THE COURT:** I know methane, I expected that, because
18 we don't want the same problem. What I'm saying is that
19 there's a whole set of rumors floating around about this
20 allegedly nuclear medical material. I just want to have the
21 veterans at ease and I'm at ease if we're going to pursue this,
22 so at the next meeting would you bring the report?

23 **MR. MERCHANT:** We will bring that.

24 **MS. BLACK:** Yes.

25 **MR. MERCHANT:** Yes, Your Honor.

1 The other buildings that I wanted to draw attention
2 to were building 212, which is currently vacant. This building
3 right here. It is part of a VA major construction project to
4 be rehabilitated into units of what we are calling sub-acute
5 mental health. This is largely for geriatric veterans who
6 can -- do not acute care in the hospital but cannot live
7 independently. And this would be Building 212 right here.

8 In the FY '26 budget this is the -- one of the
9 priority projects for the department to get funded.

10 **THE COURT:** And what would that hold, how many
11 people?

12 **MR. MERCHANT:** It's about 40 roughly.

13 **THE COURT:** Okay.

14 **MR. MERCHANT:** I can get you a more precise number,
15 Judge Carter.

16 Also important I think to note, the buildings here 1,
17 13, 14 and 15, part of our research complex, this is where our
18 research activities are largely located. These buildings will
19 be vacated if and when we get appropriations from Congress for
20 construction of a new research center, which would be located
21 adjacent to Building 500 on the south campus.

22 So once we have that building up, we can vacate these
23 buildings and the plan is likely to tear these down and use
24 this land for housing.

25 **THE COURT:** So, Rob, let me ask you this and I'm not

1 holding you to it, if we had hypothetically with parcel 9 and
2 Barrington 5 to 700 long term supportive units, and we know
3 we've got 400 that we still have to account for and let's say,
4 let's be cautious 500 minus 1,800, 1,300, let's say we had
5 1,700. Does it fit in here? Just think about it, you don't
6 have to answer it now.

7 **MR. SOBOROFF:** Okay.

8 **THE COURT:** Because then it depends upon where I go
9 with all of you folks in trying to make a sequential decision
10 about this baseball and this practice field because as of July
11 4th, right now UCLA's leaving. It'll give us time to sort out
12 how they're going to leave but that's right back to us on July
13 4th. And I want you to start deciding if this is going to be
14 temporary or it's going to be long term supportive.

15 Because if you stay with modulars, I'm using a lot of
16 land. If you're going with long term supportive, I'm letting
17 you go three stories. And the folks who are going to push back
18 to you along Barrington, just have to step out and look at
19 where they're living. They're living in three story condos,
20 one of them is a two story by the way, if you drive out there,
21 those are all three stories right up against Barrington.
22 You're actually being an awfully good neighbor, because if you
23 take Barrington Park --

24 **MR. SOBOROFF:** It's set back.

25 **THE COURT:** Yeah. You take Barrington Park and we

1 keep that parking lot and the folks we're going to put in there
2 and we don't have any problems with methane, you've already got
3 a huge setback.

4 **MR. SOBOROFF:** That's why you can go to four stories
5 easy.

6 **THE COURT:** Huh?

7 **MR. SOBOROFF:** That's why you can go to four stories.
8 We can show you that 50 different ways.

9 **THE COURT:** And I may be willing to go to four.

10 **MR. SOBOROFF:** Okay.

11 **THE COURT:** Because there's some three to four
12 stories along Barrington.

13 **MR. SOBOROFF:** Correct.

14 **THE COURT:** If there's push back from your
15 residential area, it's hard for them to justify that when they
16 built right up on Barrington and you're building and setting
17 back minimally this parking lot and potentially keeping part of
18 this dog park, we don't need all of it, it seems to me that
19 we've got another portion of this dog park, you've got
20 Barrington, you're being awfully good neighbors because you've
21 got a setback that they didn't provide.

22 **MR. SOBOROFF:** We could modify the demolition to an
23 agreed number of buildings to look at. Some of the industrial
24 buildings are only a portion used, that could be merged, we're
25 trying to create land here so you can build housing.

1 **THE COURT:** I think you've got an abundance of land
2 quite frankly.

3 **MR. SOBOROFF:** Pardon me?

4 **THE COURT:** I think you've got an abundance of land.
5 The question is how far we go with these modulars, that's why I
6 want to get to about 200 plus and I want to stop for a moment
7 because the modulars can get converted to long term supportive,
8 in fact, it may be a preferable community when you don't have a
9 next-door neighbor, but by the same token it's taking up land.
10 And so I need to be cautious and not just impose 750 and move
11 with modulars along the way and that's why I'd like to get 200
12 in this first 106 emergency, come right back and then maybe,
13 and UCLA's on fair warning right now, that they're expected to
14 come up with some plan to exit on July 4th.

15 **MR. SOBOROFF:** Judge, you're talking about a master
16 plan. We're doing this piece-meal in real time and when we
17 think it out, we can meet what you're talking about, but nobody
18 is doing this as a master plan. There's an existing master
19 plan that keeps getting updated, but it's ignoring all these
20 issues.

21 We talked to a representative of the ULI about your
22 very concern, which is my concern because I know retail really
23 well and that is the location of the town center. And one of
24 the things that we thought about was if you use the Wadsworth
25 Theatre as one side of it, an anchor, and use the cathedral --

1 what's it called, the chapel as the other side, you can create
2 something very special, create a lot of -- you don't have to
3 worry about all this land you're displacing and all the stuff
4 they're talking about up into the campus. And it's possible we
5 can get some tenants in there.

6 **THE COURT:** But what do you do with 210? I thought
7 the 210 right now was part of the development of the town
8 center. And what I was perplexed about was this, we've got a
9 recreational center to the north, which is an amazing complex
10 for the veterans, swimming, life guards, weights, okay, been
11 there.

12 And then we have 210 being developed and then we're
13 down here with Wadsworth and meanwhile we're talking about a
14 hotel whether it was put on the survey list or not, whether
15 we're going to have alcohol or not, although you can bring it
16 to your room, whether the hotel is even viable here because
17 you've already got Patriot Hall down here that serves right now
18 as a semi-hotel.

19 **MR. SOBOROFF:** Uh-huh.

20 **THE COURT:** You know that, don't you? They've got
21 kind of what I call, unfortunately kind of a more hospice
22 oriented establishment across the street.

23 I'm not sure what your town center is supposed to
24 look like yet.

25 **MR. SOBOROFF:** Usually you create them by what the

1 demand is and where they should sit to create some demand to
2 serve the people you're trying to serve. That hasn't been done
3 here and when we went back to the ULI, basically with your
4 concern saying well it's in the middle here and everybody says
5 here and then everybody says well, we've already got this
6 building and we're putting in residential here, and then some
7 people we're not. Why not put it where -- why not allow us to
8 come up with an idea where it should be and float it? You
9 asked me to say my name, Steve Soboroff.

10 **MR. ROSENBERG:** Yeah, I just want the record to
11 reflect for clarity that the last three exchanges with the
12 Court and speaker has been with Mr. Soboroff.

13 **MR. SOBOROFF:** Steve Soboroff, friend of Brad's. You
14 said I was your friend, right?

15 **MR. ROSENBERG:** Yes.

16 **THE COURT:** But there's the complexity. That town
17 center should be its own separate master plan and I don't see
18 why we're redoing the master plan that we have in place. I
19 think that those decisions that you're making are
20 extraordinarily helpful. Because, you know, Mr. Soboroff's a
21 little bit more aggressive he would tear it down for economical
22 purposes to clear more than you may be wanting to do in terms
23 of refurbishing. I just need to know if we're going to meet
24 that deadline with the remaining 426 or we've got problems
25 along the way. Because it makes a difference on what I do with

1 the rest. What's left in this area, Rob, that could
2 potentially absorb that 1,800?

3 **MR. SOBOROFF:** Judge, I don't make decisions, but
4 what I'd like to do is show alternatives and possibilities.

5 **THE COURT:** Sure.

6 **MR. SOBOROFF:** And I can't do that unless we're all
7 out there and looking.

8 **THE COURT:** Oh, no, we've already decided we're going
9 out there.

10 **MR. SOBOROFF:** But the point that Rob's bringing up
11 now, I believe you, I don't need to see, we don't need to go
12 through all those. All around where the laundry area and let's
13 say we leave the laundry area, those buildings look like
14 they've been in some sort of war zone for 75 years. And I
15 don't know --

16 **THE COURT:** Okay. Just a moment. We're going out
17 there to look at it.

18 **MR. SOBOROFF:** Good, thank you, sir.

19 **THE COURT:** The more you can do beforehand the better
20 we are. Let Rob have a chance to go back, because he says he's
21 got records of some of these decisions having been made --

22 **MR. SOBOROFF:** Yeah.

23 **THE COURT:** -- that I'm not aware of. So let's leave
24 this discussion. I'm just saying to you, I'm worried about
25 getting this town center mixed up with the master plan for our

1 housing and starting to cause delay because of the complexity.
2 And I think, I'm suggesting we might work on parallel tracks at
3 the same time and that we may need to create our own master
4 plan for the town center. Let's just leave it at that, okay?

5 **MR. SOBOROFF:** Okay. But we have done some work on
6 the feasibility of a hotel.

7 **THE COURT:** Hold on, I want to hear from Rob.

8 **MR. MERCHANT:** Judge Carter, if I could just clarify,
9 Building 210 --

10 **THE CLERK:** And introduce yourself, please.

11 **MR. MERCHANT:** Sorry. Rob Merchant, VA. Building
12 210 is not contemplated as part of the town center.

13 **THE COURT:** Oh.

14 **MR. MERCHANT:** This is permanent supportive housing
15 targeting women veterans and families --

16 **THE COURT:** My mistake.

17 **MR. MERCHANT:** -- located there.

18 **THE COURT:** Thank you.

19 **MR. MERCHANT:** Now, the town center is currently
20 contemplated basically in this area here more generally.

21 **THE COURT:** Okay. So 210 that's --

22 **MR. MERCHANT:** Yes.

23 **THE COURT:** Okay.

24 **MR. MERCHANT:** Is it?

25 **THE COURT:** Now, we haven't even touched the merits

1 (phonetic). Watch how much land we have.

2 **MS. BLACK:** 300?

3 **THE COURT:** I know you're going to push back. We've
4 got 6 acres like right here.

5 **MR. SOBOROFF:** Right.

6 **THE COURT:** Hold on, I'm just starting. I've got a
7 great lawn that I know you're trying to protect but if I have
8 to choose between the great lawn and veterans, guess what?
9 I've got a Governor's mansion down here that nobody's living
10 in. You lived there?

11 **MR. POWERS:** I'll live there.

12 **THE COURT:** Oh, you'll live there? We have a
13 volunteer. Well, no, I know, but right now I've got a huge
14 amount of land back there. I mean, if you put me to the choice
15 I'm going to go after that land, real simple.

16 Meanwhile we've got UCLA's baseball stadium sitting
17 up here for either temporary or long term and I imagine now
18 they've got the courtesy of starting to go back to UCLA and
19 saying, where we going. What's our exit plan? Or coming up
20 with something that's so valuable to you that you would
21 actually accept it. Okay?

22 And I'm suggesting to you that it's not necessarily
23 money. Okay? So I don't see this -- them in the same position
24 as Brentwood which had a lot to offer in term of facilities.
25 Now, it may be that you come to me and say, hey, we're

1 suggesting X millions of dollars. I would be coming back to
2 you and asking you and UCLA, is that really for the veterans'
3 benefit? So what you've got today is a very interim solution,
4 okay, but you're right back in the same position on July 4th,
5 okay.

6 All right. Now --

7 **MR. SOBOROFF:** Judge, may I ask one more question,
8 Steve Soboroff?

9 **THE COURT:** Sure.

10 **MR. SOBOROFF:** Is there a mechanism and I do not know
11 the -- I don't ask a question unless -- if I know the answer to
12 where UCLA's -- if there was something worked out that was to
13 the benefit of the veterans for a longer term, three years --

14 **THE COURT:** Time out, I don't know.

15 **MR. SOBOROFF:** Can that money go to housing?

16 **THE COURT:** I want Mr. Cardozo, hold on, hold on. I
17 want Mr. Cardozo involved in that discussion. I've thrown out
18 a couple of things that were already on the table, what about
19 long term student veteran housing, UCLA needs it, they've got a
20 lot of veterans out there, that may or may not with anybody's
21 approval.

22 They've got 32 acres out at Palis Verdes sitting
23 there. I'll leave that to UCLA, but I want to stop that until
24 Mr. Cardozo is present, but I put that in my order so he could
25 look at it also. Okay?

1 I think we've had enough of a roundtable so here's
2 what I expect. You come back to me, Rob, with what buildings
3 you've already decided on and that would be really helpful.
4 And then we can make a guesstimate of how much more we need for
5 the 426 plus the 1,800. Okay?

6 Meanwhile I'm representing to you that if we can get
7 over 106 on the emergency and kick this off, if we can get
8 another hundred that we're working on on top of that, then I'll
9 start taking a breath between 200 and 300 and draw back a
10 little bit and just see if we need anymore, so we're not
11 overbuilding or extensively overbuilding on our temporary.

12 And if it helps the VA and you eventually if those
13 could be converted to long term and it's valuable, so be it.
14 Okay? Now, I might consider going to 266 if you got rid of
15 those tiny shelters down there. Those are abysmal. But when
16 you're spending money on that, who wants to live in the 266
17 square foot compared to going into the long term supportive
18 housing.

19 **MR. SOBOROFF:** They're only -- they're 80, they're 65
20 square feet, Judge. They're eight by eight.

21 **MS. BLACK:** Eight by eight.

22 **MR. SOBOROFF:** Or eight by ten or something.

23 **THE COURT:** Because you came to me with, Judge, we
24 want 400 square feet, right?

25 **MR. SOBOROFF:** Yes, sir.

1 **THE COURT:** Okay. That's what you got. Okay. Now,
2 anything else? Good for tonight?

3 **MR. SILBERFELD:** Good for tonight.

4 **THE COURT:** Any questions of me because sometimes I'm
5 not clear.

6 **MR. ROSENBERG:** I do have one question, just a
7 procedural question. So we're going to notice --

8 **MR. SOBOROFF:** Identify yourself.

9 **MR. ROSENBERG:** Thank you. I appreciate that
10 reminder. Brad Rosenberg from the Department of Justice. So
11 we're going to notice the stay hearing for November 7th. What
12 time would the Court like?

13 **THE COURT:** That's going to be up to you, you're
14 flying from the East Coast, family. Can you come in the night
15 before?

16 **MR. ROSENBERG:** Yes.

17 **THE COURT:** 9 o'clock okay?

18 **MR. SILBERFELD:** Sure.

19 **THE COURT:** Either 8 or 9?

20 **MR. SILBERFELD:** 8.

21 **MR. ROSENBERG:** How about 8:30?

22 **THE COURT:** Huh?

23 **MR. ROSENBERG:** 8:30.

24 **THE COURT:** 8:30, okay. Anything further?

25 **MS. BLACK:** No.

1 **THE COURT:** You okay for --

2 **MS. BLACK:** Thank you.

3 **THE COURT:** Thank you very much, goodnight.

4 **MR. SOBOROFF:** Thank you, Judge.

5 **MR. ROSENBERG:** Thank you.

6 **(Proceedings concluded at 5:37 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



October 29, 2024

Signed

Dated

TONI HUDSON, TRANSCRIBER