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COUNTY OF LOS ANGELES

16
17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

19
20 LA ALLIANCE FOR HUMAN
RIGHTS, et al.,

21 Plaintiffs,

22
23 v.

24 CITY OF LOS ANGELES, et al.,

25 Defendants.

CASE NO. 2:20-cv-02291 DOC-KES

**DEFENDANT COUNTY OF LOS
ANGELES' ANSWER TO
PLAINTIFFS' COMPLAINT**

Assigned to the Hon. David O. Carter
and Magistrate Judge Karen E. Scott

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28

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1 On May 25, 2021, before the deadline expired, counsel for Defendant County
2 of Los Angeles (“County”) asked counsel for Plaintiffs LA Alliance For Human
3 Rights, an unincorporated association; Joseph Burk, an individual; Harry Tashdjian,
4 an individual; Karyn Pinsky, an individual; Charles Malow, an individual; Charles
5 Van Scoy, an individual; George Frem, an individual; Gary Whitter, an individual;
6 and Leandro Suarez, an individual (collectively, “Plaintiffs”) to stipulate to a 15-day
7 extension of the County’s time to respond to their Complaint. On May 26, 2021,
8 Plaintiffs said they would consider it. The County sent a draft stipulation.

9 That same day, without responding to the County, Plaintiffs filed an
10 application for default. Plaintiffs would have suffered no prejudice from extending
11 the routine professional courtesy of a 15-day extension. Their actions violated the
12 Central District of California’s Civility and Professional Guidelines, which state:
13 “Unless time is of the essence, as a matter of courtesy we will grant first requests for
14 reasonable extensions of time to respond to litigation deadlines.” The County was
15 asking for 15 days for a simple Answer. Time was not of the essence.

16 The County answers the Complaint filed by Plaintiffs and asserts its
17 affirmative defenses to the Complaint as follows:

18 **INTRODUCTION**

19 1. Defendant admits that it is undertaking tremendous efforts to support
20 people experiencing homelessness (“PEH”) in Los Angeles County. Defendant
21 otherwise lacks sufficient knowledge or information to admit or deny the allegations
22 in Paragraph 1, and therefore denies those allegations on that basis.

23 2. Defendant admits that it is undertaking tremendous efforts to support
24 PEH in Los Angeles County. Defendant otherwise lacks sufficient knowledge or
25 information to admit or deny the allegations in Paragraph 2, and therefore denies
26 those allegations on that basis.

27 3. Paragraph 3 contains legal conclusions, arguments, and
28 characterizations to which no response is required. To the extent a response is

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1 required, Defendant denies the allegations in Paragraph 3.

2 4. Paragraph 4 contains legal conclusions, arguments, and
3 characterizations to which no response is required. To the extent a response is
4 required, Defendant denies the allegations in Paragraph 4.

5 5. Defendant lacks sufficient knowledge or information to admit or deny
6 the allegations in Paragraph 5, and therefore denies those allegations on that basis.

7 6. Defendant lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 6, and therefore denies those allegations on that basis.

9 7. Paragraph 7 contains legal conclusions, arguments and
10 characterizations to which no response is required. To the extent a response is
11 required, Defendant denies the allegations in Paragraph 7.

12 8. Defendant lacks sufficient knowledge or information to admit or deny
13 the allegations in Paragraph 8, and therefore denies those allegations on that basis.

14 9. Defendant lacks sufficient knowledge or information to admit or deny
15 the allegations in Paragraph 9, and therefore denies those allegations on that basis.

16 10. Paragraph 10 contains legal conclusions, arguments, and
17 characterizations to which no response is required. To the extent a response is
18 required, Defendant denies the allegations in Paragraph 10.

19 11. Paragraph 11 contains legal conclusions, arguments, and
20 characterizations to which no response is required. To the extent a response is
21 required, Defendant denies the allegations in Paragraph 11.

22 12. Paragraph 12 contains legal conclusions, arguments, and
23 characterizations to which no response is required. To the extent a response is
24 required, Defendant denies the allegations in Paragraph 12.

25 13. Paragraph 13 contains legal conclusions, arguments, and
26 characterizations to which no response is required. To the extent a response is
27 required, Defendant denies the allegations in Paragraph 13.

28 14. Paragraph 14 contains legal conclusions, arguments, and

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1 characterizations to which no response is required. To the extent a response is
2 required, Defendant denies the allegations in Paragraph 14.

3 15. Paragraph 15 contains legal conclusions, arguments, and
4 characterizations to which no response is required. To the extent a response is
5 required, Defendant denies the allegations in Paragraph 15.

6 16. Paragraph 16 contains legal conclusions, arguments, and
7 characterizations to which no response is required. To the extent a response is
8 required, Defendant denies the allegations in Paragraph 16.

9 17. Defendant denies that Defendant “failed to dedicate the necessary funds
10 or build the infrastructure to support the significant numbers of unhoused persons.”
11 The remainder of Paragraph 17 contains legal conclusions, arguments, and
12 characterizations to which no response is required. To the extent a response is
13 required, Defendant denies the remainder of the allegations in Paragraph 17.

14 18. Defendant admits that “Officials in both the County and City have gone
15 to great lengths in the last couple years to address this crisis.” The remainder of
16 Paragraph 18 contains legal conclusions, arguments, and characterizations to which
17 no response is required. To the extent a response is required, Defendant denies the
18 allegations in Paragraph 18.

19 **JURISDICTION AND VENUE**

20 19. Paragraph 19 contains legal conclusions, arguments, and
21 characterizations to which no response is required.

22 20. Paragraph 20 contains legal conclusions, arguments, and
23 characterizations to which no response is required.

24 21. Paragraph 21 contains legal conclusions, arguments, and
25 characterizations to which no response is required.

26 **GENERAL ALLEGATIONS**

27 22. Paragraph 22 contains legal conclusions, arguments, and
28 characterizations to which no response is required.

1 23. Paragraph 23 contains legal conclusions, arguments, and
2 characterizations to which no response is required.

3 24. Paragraph 24 contains legal conclusions, arguments, and
4 characterizations to which no response is required.

5 **FACTUAL ALLEGATIONS**

6 25. Paragraph 25 contains legal conclusions, arguments, and
7 characterizations to which no response is required. To the extent a response is
8 required, Defendant lacks sufficient knowledge or information to admit or deny the
9 allegations in Paragraph 25, and therefore denies those allegations on that basis.

10 26. Defendant admits that Los Angeles Homeless Services Authority
11 (“LAHSA”) is an independent, joint powers authority created by the City and
12 County of Los Angeles in 1993. The remainder of Paragraph 26 contains legal
13 conclusions, arguments, and characterizations to which no response is required. To
14 the extent a response is required, Defendant denies the remainder of the allegations
15 in Paragraph 26.

16 27. Paragraph 27 contains legal conclusions, arguments, and
17 characterizations to which no response is required. To the extent a response is
18 required, Defendant denies the allegations in Paragraph 27.

19 28. Paragraph 28 contains legal conclusions, arguments, and
20 characterizations to which no response is required. To the extent a response is
21 required, Defendant lacks sufficient knowledge or information to admit or deny the
22 allegations in Paragraph 28, and therefore denies those allegations on that basis.

23 29. Paragraph 29 contains legal conclusions, arguments, and
24 characterizations to which no response is required. To the extent a response is
25 required, Defendant lacks sufficient knowledge or information to admit or deny the
26 allegations in Paragraph 29, and therefore denies those allegations on that basis.

27 30. Paragraph 30 contains legal conclusions, arguments, and
28 characterizations to which no response is required. To the extent a response is

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1 required, Defendant lacks sufficient knowledge or information to admit or deny the
2 allegations in Paragraph 30, and therefore denies those allegations on that basis.

3 31. Paragraph 31 contains legal conclusions, arguments, and
4 characterizations to which no response is required. To the extent a response is
5 required, Defendant lacks sufficient knowledge or information to admit or deny the
6 allegations in Paragraph 31, and therefore denies those allegations on that basis.

7 32. Paragraph 32 contains legal conclusions, arguments, and
8 characterizations to which no response is required. To the extent a response is
9 required, Defendant denies the allegations in Paragraph 32.

10 33. Paragraph 33 contains legal conclusions, arguments, and
11 characterizations to which no response is required. To the extent a response is
12 required, Defendant lacks sufficient knowledge or information to admit or deny the
13 allegations in Paragraph 33, and therefore denies those allegations on that basis.

14 34. Paragraph 34 contains legal conclusions, arguments, and
15 characterizations to which no response is required. To the extent a response is
16 required, Defendant lacks sufficient knowledge or information to admit or deny the
17 allegations in Paragraph 34, and therefore denies those allegations on that basis.

18 35. Paragraph 35 contains legal conclusions, arguments, and
19 characterizations to which no response is required. To the extent a response is
20 required, Defendant lacks sufficient knowledge or information to admit or deny the
21 allegations in Paragraph 35, and therefore denies those allegations on that basis.

22 36. Paragraph 36 contains legal conclusions, arguments, and
23 characterizations to which no response is required. To the extent a response is
24 required, Defendant lacks sufficient knowledge or information to admit or deny the
25 allegations in Paragraph 36, and therefore denies those allegations on that basis.

26 37. Paragraph 37 contains legal conclusions, arguments, and
27 characterizations to which no response is required. To the extent a response is
28 required, Defendant lacks sufficient knowledge or information to admit or deny the

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1 allegations in Paragraph 37, and therefore denies those allegations on that basis.

2 38. Defendant lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 38, and therefore denies those allegations on that basis.

4 39. Defendant lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 39, and therefore denies those allegations on that basis.

6 40. Paragraph 40 contains legal conclusions, arguments, and
7 characterizations to which no response is required. To the extent a response is
8 required, Defendant lacks sufficient knowledge or information to admit or deny the
9 allegations in Paragraph 40, and therefore denies those allegations on that basis.

10 41. Paragraph 41 contains legal conclusions, arguments, and
11 characterization to which no response is required. To the extent a response is
12 required, Defendant admits that the quote from Dr. Barbara Ferrer accurately
13 reflects how the quote was reported in the Curbed, Los Angeles Article. Except as
14 expressly admitted herein, Defendants deny the allegations in Paragraph 41.

15 42. Defendant admits that the Housing for Health Program was established
16 in 2012 as a division within the Los Angeles County Department of Health Services
17 to provide supportive housing to DHS patients with complex medical and behavioral
18 health issues who were experiencing homelessness.

19 43. Paragraph 43 contains legal conclusions, arguments, and
20 characterizations to which no response is required. To the extent a response is
21 required, Defendant lacks sufficient knowledge or information to admit or deny the
22 allegations in Paragraph 43, and therefore denies those allegations on that basis.

23 44. Paragraph 44 contains legal conclusions, arguments, and
24 characterizations to which no response is required. To the extent a response is
25 required, Defendant denies the allegations in Paragraph 44.

26 45. Paragraph 45 contains legal conclusions, arguments, and
27 characterizations to which no response is required. To the extent a response is
28 required, Defendant lacks sufficient knowledge or information to admit or deny the

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1 allegations in Paragraph 45, and therefore denies those allegations on that basis.

2 46. Defendant lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 46, and therefore denies those allegations on that basis.

4 47. Paragraph 47 contains legal conclusions, arguments, and
5 characterizations to which no response is required. To the extent a response is
6 required, Defendant denies the allegations in Paragraph 47.

7 48. Paragraph 48 contains legal conclusions, arguments, and
8 characterizations to which no response is required. To the extent a response is
9 required, Defendant denies the allegations in Paragraph 48.

10 49. Paragraph 49 contains legal conclusions, arguments, and
11 characterizations to which no response is required. To the extent a response is
12 required, Defendant lacks sufficient knowledge or information to admit or deny the
13 allegations in Paragraph 49, and therefore denies those allegations on that basis.

14 50. Paragraph 50 contains legal conclusions, arguments, and
15 characterizations to which no response is required. To the extent a response is
16 required, Defendant lacks sufficient knowledge or information to admit or deny the
17 allegations in Paragraph 50, and therefore denies those allegations on that basis.

18 51. Paragraph 51 contains legal conclusions, arguments, and
19 characterization to which no response is required. To the extent a response is
20 required, Defendant admits that the quote from the Environmental Protection
21 Agency accurately reflects how the quote appeared in a letter to Governor Gavin
22 Newsom. Except as expressly admitted herein, Defendants deny the allegations in
23 Paragraph 51.

24 52. Paragraph 52 contains legal conclusions, arguments, and
25 characterizations to which no response is required. To the extent a response is
26 required, Defendant lacks sufficient knowledge or information to admit or deny the
27 allegations in Paragraph 52, and therefore denies those allegations on that basis.

28 53. Paragraph 53 contains legal conclusions, arguments, and

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1 characterizations to which no response is required. To the extent a response is
2 required, Defendant lacks sufficient knowledge or information to admit or deny the
3 allegations in Paragraph 53, and therefore denies those allegations on that basis.

4 54. Paragraph 54 contains legal conclusions, arguments, and
5 characterizations to which no response is required. To the extent a response is
6 required, Defendant lacks sufficient knowledge or information to admit or deny the
7 allegations in Paragraph 54, and therefore denies those allegations on that basis.

8 55. Paragraph 55 contains legal conclusions, arguments, and
9 characterizations to which no response is required. To the extent a response is
10 required, Defendant lacks sufficient knowledge or information to admit or deny the
11 allegations in Paragraph 55, and therefore denies those allegations on that basis.

12 56. Paragraph 56 contains legal conclusions, arguments, and
13 characterizations to which no response is required. To the extent a response is
14 required, Defendant lacks sufficient knowledge or information to admit or deny the
15 allegations in Paragraph 56, and therefore denies those allegations on that basis.

16 57. Defendant lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 57, and therefore denies those allegations on that basis.

18 58. Paragraph 58 contains legal conclusions, arguments, and
19 characterizations to which no response is required. To the extent a response is
20 required, Defendant denies the allegations in Paragraph 58.

21 59. Paragraph 59 contains legal conclusions, arguments, and
22 characterizations to which no response is required. To the extent a response is
23 required, Defendant denies the allegations in Paragraph 59. Defendant specifically
24 denies that it has violated any section or provision of the California Welfare and
25 Institutions Code.

26 60. Paragraph 60 contains legal conclusions, arguments, and
27 characterizations to which no response is required. To the extent a response is
28 required, Defendant lacks sufficient knowledge or information to admit or deny the

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1 allegations in Paragraph 60, and therefore denies those allegations on that basis.

2 61. Defendant lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 61, and therefore denies those allegations on that basis.

4 62. Defendant lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 62, and therefore denies those allegations on that basis.

6 63. Defendant lacks sufficient knowledge or information to admit or deny
7 the allegations in Paragraph 57, and therefore denies those allegations on that basis.

8 64. The first sentence of Paragraph 64 is an argument not necessitating a
9 response. Defendants lack sufficient knowledge or information to admit or deny the
10 remainder of Paragraph 64, other than that the County admits that Measure H was
11 approved by voters in March 2017 and provides for a ¼ percent increase to the
12 County’s sales tax to provide an ongoing revenue stream to fund services, rental
13 subsidies, and housing.

14 65. Paragraph 65 contains legal conclusions, arguments, and
15 characterizations to which no response is required. To the extent a response is
16 required, Defendant denies the allegations in Paragraph 65.

17 66. Paragraph 66 contains legal conclusions, arguments, and
18 characterizations to which no response is required. To the extent a response is
19 required, Defendant denies the allegations in Paragraph 66.

20 67. Paragraph 67 contains legal conclusions, arguments, and
21 characterizations to which no response is required. To the extent a response is
22 required, Defendant denies the allegations in Paragraph 67.

23 68. Defendant admits that both the County and City of Los Angeles fund
24 LAHSA. The remainder of Paragraph 68 contains legal conclusions, arguments, and
25 characterizations to which no response is required. To the extent a response is
26 required, Defendant denies the allegations in Paragraph 68.

27 69. Paragraph 69 contains legal conclusions, arguments, and
28 characterizations to which no response is required. To the extent a response is

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1 required, Defendant lacks sufficient knowledge or information to admit or deny the
2 allegations in Paragraph 69, and therefore denies those allegations on that basis.

3 70. Paragraph 70 contains legal conclusions, arguments, and
4 characterizations to which no response is required. To the extent a response is
5 required, Defendant lacks sufficient knowledge or information to admit or deny the
6 allegations in Paragraph 70, and therefore denies those allegations on that basis.

7 71. Defendant lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 71, and therefore denies those allegations on that basis.

9 72. Paragraph 72 contains legal conclusions, arguments, and
10 characterizations to which no response is required. To the extent a response is
11 required, Defendant denies the allegations in Paragraph 72.

12 73. Paragraph 73 contains legal conclusions, arguments, and
13 characterizations to which no response is required. To the extent a response is
14 required, Defendant denies the allegations in Paragraph 73.

15 74. Defendant admits that it is undertaking tremendous efforts to support
16 PEH in Los Angeles County. Defendant otherwise lacks sufficient knowledge or
17 information to admit or deny the allegations in Paragraph 74, and therefore denies
18 those allegations on that basis.

19 75. Paragraph 75 contains legal conclusions, arguments, and
20 characterizations to which no response is required. To the extent a response is
21 required, Defendant denies the allegations in Paragraph 75.

22 THE PARTIES

23 76. Defendant lacks sufficient knowledge or information to admit or deny
24 the allegations in Paragraph 76 and subparagraphs a-i, and therefore denies those
25 allegations on that basis.

26 77. Defendant lacks sufficient knowledge or information to admit or deny
27 the allegations in Paragraph 77, and therefore denies those allegations on that basis.

28 78. Defendant lacks sufficient knowledge or information to admit or deny

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1 the allegations in Paragraph 78 and subparagraphs a-d, and therefore denies those
2 allegations on that basis.

3 79. Defendant lacks sufficient knowledge or information to admit or deny
4 the allegations in Paragraph 79, and therefore denies those allegations on that basis.

5 80. Defendant lacks sufficient knowledge or information to admit or deny
6 the allegations in Paragraph 80, and therefore denies those allegations on that basis.

7 81. Defendant lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 81, and therefore denies those allegations on that basis.

9 82. Defendant lacks sufficient knowledge or information to admit or deny
10 the allegations in Paragraph 82 and subparagraph a, and therefore denies those
11 allegations on that basis.

12 83. Defendant lacks sufficient knowledge or information to admit or deny
13 the allegations in Paragraph 83, and therefore denies those allegations on that basis.

14 84. Defendant lacks sufficient knowledge or information to admit or deny
15 the allegations in Paragraph 84, and therefore denies those allegations on that basis.

16 85. Defendant lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 85, and therefore denies those allegations on that basis.

18 86. Defendant lacks sufficient knowledge or information to admit or deny
19 the allegations in Paragraph 86, and therefore denies those allegations on that basis.

20 87. Defendant lacks sufficient knowledge or information to admit or deny
21 the allegations in Paragraph 87, and therefore denies those allegations on that basis.

22 88. Defendant lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 88, and therefore denies those allegations on that basis.

24 89. Defendant lacks sufficient knowledge or information to admit or deny
25 the allegations in Paragraph 89, and therefore denies those allegations on that basis.

26 90. Defendant lacks sufficient knowledge or information to admit or deny
27 the allegations in Paragraph 90, and therefore denies those allegations on that basis.

28 91. Defendant lacks sufficient knowledge or information to admit or deny

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- 1 the allegations in Paragraph 91, and therefore denies those allegations on that basis.
- 2 92. Defendant lacks sufficient knowledge or information to admit or deny
- 3 the allegations in Paragraph 92, and therefore denies those allegations on that basis.
- 4 93. Defendant lacks sufficient knowledge or information to admit or deny
- 5 the allegations in Paragraph 93, and therefore denies those allegations on that basis.
- 6 94. Defendant lacks sufficient knowledge or information to admit or deny
- 7 the allegations in Paragraph 94, and therefore denies those allegations on that basis.
- 8 95. Defendant lacks sufficient knowledge or information to admit or deny
- 9 the allegations in Paragraph 95, and therefore denies those allegations on that basis.
- 10 96. Defendant lacks sufficient knowledge or information to admit or deny
- 11 the allegations in Paragraph 96, and therefore denies those allegations on that basis.
- 12 97. Defendant lacks sufficient knowledge or information to admit or deny
- 13 the allegations in Paragraph 97, and therefore denies those allegations on that basis.
- 14 98. Defendant lacks sufficient knowledge or information to admit or deny
- 15 the allegations in Paragraph 98, and therefore denies those allegations on that basis.
- 16 99. Defendant lacks sufficient knowledge or information to admit or deny
- 17 the allegations in Paragraph 99, and therefore denies those allegations on that basis.
- 18 100. Defendant lacks sufficient knowledge or information to admit or deny
- 19 the allegations in Paragraph 100, and therefore denies those allegations on that basis.
- 20 101. Defendant lacks sufficient knowledge or information to admit or deny
- 21 the allegations in Paragraph 101, and therefore denies those allegations on that basis.
- 22 102. Defendant lacks sufficient knowledge or information to admit or deny
- 23 the allegations in Paragraph 102, and therefore denies those allegations on that basis.
- 24 103. Defendant lacks sufficient knowledge or information to admit or deny
- 25 the allegations in Paragraph 103, and therefore denies those allegations on that basis.
- 26 104. Defendant lacks sufficient knowledge or information to admit or deny
- 27 the allegations in Paragraph 104, and therefore denies those allegations on that basis.
- 28 105. Defendant lacks sufficient knowledge or information to admit or deny

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1 the allegations in Paragraph 105, and therefore denies those allegations on that basis.

2 106. Defendant lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 106, and therefore denies those allegations on that basis.

4 107. Defendant lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 107, and therefore denies those allegations on that basis.

6 108. Defendant lacks sufficient knowledge or information to admit or deny
7 the allegations in Paragraph 108, and therefore denies those allegations on that basis.

8 109. Defendant lacks sufficient knowledge or information to admit or deny
9 the allegations in Paragraph 109, and therefore denies those allegations on that basis.

10 110. Defendant lacks sufficient knowledge or information to admit or deny
11 the allegations in Paragraph 110, and therefore denies those allegations on that basis.

12 111. Defendant lacks sufficient knowledge or information to admit or deny
13 the allegations in Paragraph 111, and therefore denies those allegations on that basis.

14 112. Defendant lacks sufficient knowledge or information to admit or deny
15 the allegations in Paragraph 112, and therefore denies those allegations on that basis.

16 113. Defendant lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 113, and therefore denies those allegations on that basis.

18 114. Defendant lacks sufficient knowledge or information to admit or deny
19 the allegations in Paragraph 114, and therefore denies those allegations on that basis.

20 115. Defendant lacks sufficient knowledge or information to admit or deny
21 the allegations in Paragraph 115, and therefore denies those allegations on that basis.

22 116. Defendant lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 116, and therefore denies those allegations on that basis.

24 117. Defendant lacks sufficient knowledge or information to admit or deny
25 the allegations in Paragraph 117, and therefore denies those allegations on that basis.

26 118. Defendant lacks sufficient knowledge or information to admit or deny
27 the allegations in Paragraph 118, and therefore denies those allegations on that basis.

28 119. Defendant lacks sufficient knowledge or information to admit or deny

1 the allegations in Paragraph 119, and therefore denies those allegations on that basis.

2 120. Defendant lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 120, and therefore denies those allegations on that basis.

4 121. Defendant lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 100, and therefore denies those allegations on that basis.

6 122. Defendant lacks sufficient knowledge or information to admit or deny
7 the allegations in Paragraph 122, and therefore denies those allegations on that basis.

8 123. Defendant admits the allegations in Paragraph 123.

9 124. Defendant admits the allegations in Paragraph 124.

10 125. Defendant admits the allegations in Paragraph 125.

11 126. Defendant lacks sufficient knowledge or information to admit or deny
12 the allegations in Paragraph 100, and therefore denies those allegations on that basis.

13 **CAUSES OF ACTION**

14 **FIRST CAUSE OF ACTION**

15 **(Negligence)**

16 127. Defendant hereby incorporates and references paragraphs 1 through
17 126 of this Answer, inclusive, as though set forth fully herein.

18 128. Paragraph 128 exclusively contains legal conclusions, arguments, and
19 characterization to which no response is required. To the extent a response is
20 required, Defendant denies the allegations in Paragraph 128.

21 129. Paragraph 129 exclusively contains legal conclusions, arguments, and
22 characterization to which no response is required. To the extent a response is
23 required, Defendant denies the allegations in Paragraph 129.

24 130. Paragraph 130 exclusively contains legal conclusions, arguments, and
25 characterization to which no response is required. To the extent a response is
26 required, Defendant denies the allegations in Paragraph 130.

27 131. Paragraph 131 exclusively contains legal conclusions, arguments, and
28 characterization to which no response is required. To the extent a response is

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1 required, Defendant denies the allegations in Paragraph 131.

2 132. Paragraph 132 exclusively contains legal conclusions, arguments, and
3 characterization to which no response is required. To the extent a response is
4 required, Defendant denies the allegations in Paragraph 132.

5 133. Paragraph 133 exclusively contains legal conclusions, arguments, and
6 characterization to which no response is required. To the extent a response is
7 required, Defendant denies the allegations in Paragraph 133.

8 **SECOND CAUSE OF ACTION**

9 **(Violation of Mandatory Duty pursuant to Cal Gov't Code § 815,1; Welf. &**
10 **Inst. Code § 17000)**

11 134. Defendant hereby incorporates and references paragraphs 1 through
12 133 of this Answer, inclusive, as though set forth fully herein.

13 135. Paragraph 135 exclusively contains legal conclusions, arguments, and
14 characterization to which no response is required. To the extent a response is
15 required, Defendant denies the allegations in Paragraph 135.

16 136. Paragraph 136 exclusively contains legal conclusions, arguments, and
17 characterization to which no response is required. To the extent a response is
18 required, Defendant denies the allegations in Paragraph 136.

19 137. Paragraph 137 exclusively contains legal conclusions, arguments, and
20 characterization to which no response is required. To the extent a response is
21 required, Defendant denies the allegations in Paragraph 137.

22 138. Paragraph 138 exclusively contains legal conclusions, arguments, and
23 characterization to which no response is required. To the extent a response is
24 required, Defendant denies the allegations in Paragraph 138.

25 139. Paragraph 139 exclusively contains legal conclusions, arguments, and
26 characterization to which no response is required. To the extent a response is
27 required, Defendant denies the allegations in Paragraph 139.

28 140. Paragraph 140 exclusively contains legal conclusions, arguments, and

1 characterization to which no response is required. To the extent a response is
2 required, Defendant denies the allegations in Paragraph 140.

3 141. Paragraph 141 exclusively contains legal conclusions, arguments, and
4 characterization to which no response is required. To the extent a response is
5 required, Defendant denies the allegations in Paragraph 141.

6 **THIRD CAUSE OF ACTION**

7 **(Violation of Cal. Civ. Code § 34900, *et seq.* (Public Nuisance))**

8 142. Defendant hereby incorporates and references paragraphs 1 through
9 141 of this Answer, inclusive, as though set forth fully herein.

10 143. Paragraph 143 exclusively contains legal conclusions, arguments, and
11 characterization to which no response is required. To the extent a response is
12 required, Defendant denies the allegations in Paragraph 143.

13 144. Paragraph 144 exclusively contains legal conclusions, arguments, and
14 characterization to which no response is required. To the extent a response is
15 required, Defendant denies the allegations in Paragraph 144.

16 145. Paragraph 145 exclusively contains legal conclusions, arguments, and
17 characterization to which no response is required. To the extent a response is
18 required, Defendant denies the allegations in Paragraph 145.

19 146. Paragraph 146 exclusively contains legal conclusions, arguments, and
20 characterization to which no response is required. To the extent a response is
21 required, Defendant denies the allegations in Paragraph 146.

22 147. Paragraph 147 exclusively contains legal conclusions, arguments, and
23 characterization to which no response is required. To the extent a response is
24 required, Defendant denies the allegations in Paragraph 147.

25 **FOURTH CAUSE OF ACTION**

26 **(Violation of Cal. Civ. Code § 3501, *et seq.* (Private Nuisance))**

27 148. Defendant hereby incorporates and references paragraphs 1 through
28 147 of this Answer, inclusive, as though set forth fully herein.

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1 149. Paragraph 149 exclusively contains legal conclusions, arguments, and
2 characterization to which no response is required. To the extent a response is
3 required, Defendant denies the allegations in Paragraph 149.

4 150. Paragraph 150 exclusively contains legal conclusions, arguments, and
5 characterization to which no response is required. To the extent a response is
6 required, Defendant denies the allegations in Paragraph 150.

7 151. Paragraph 151 exclusively contains legal conclusions, arguments, and
8 characterization to which no response is required. To the extent a response is
9 required, Defendant denies the allegations in Paragraph 151.

10 **FIFTH CAUSE OF ACTION**

11 **(Inverse Condemnation/Cal. Const. art. I § 19)**

12 152. Defendant hereby incorporates and references paragraphs 1 through
13 151 of this Answer, inclusive, as though set forth fully herein.

14 153. Paragraph 153 exclusively contains legal conclusions, arguments, and
15 characterization to which no response is required. To the extent a response is
16 required, Defendant denies the allegations in Paragraph 153.

17 154. Paragraph 154 exclusively contains legal conclusions, arguments, and
18 characterization to which no response is required. To the extent a response is
19 required, Defendant denies the allegations in Paragraph 154.

20 **SIXTH CAUSE OF ACTION**

21 **(Waste of Public Funds and Resources pursuant to Cal. Civ. Proc. Code**
22 **§ 526a)**

23 155. Defendant hereby incorporates and references paragraphs 1 through 154
24 of this Answer, inclusive, as though set forth fully herein.

25 156. Paragraph 156 exclusively contains legal conclusions, arguments, and
26 characterization to which no response is required. To the extent a response is
27 required, Defendant denies the allegations in Paragraph 156.

28 157. Paragraph 157 exclusively contains legal conclusions, arguments, and

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1 characterization to which no response is required. To the extent a response is
2 required, Defendant denies the allegations in Paragraph 157.

3 158. Paragraph 158 exclusively contains legal conclusions, arguments, and
4 characterization to which no response is required. To the extent a response is
5 required, Defendant denies the allegations in Paragraph 158.

6 159. Paragraph 159 exclusively contains legal conclusions, arguments, and
7 characterization to which no response is required. To the extent a response is
8 required, Defendant denies the allegations in Paragraph 159.

9 160. Paragraph 160 exclusively contains legal conclusions, arguments, and
10 characterization to which no response is required. To the extent a response is
11 required, Defendant denies the allegations in Paragraph 160.

12 161. Paragraph 161 exclusively contains legal conclusions, arguments, and
13 characterization to which no response is required. To the extent a response is
14 required, Defendant denies the allegations in Paragraph 161.

15 **SEVENTH CAUSE OF ACTION**

16 **(Violation of California Environmental Quality Act (“CEQA”) Cal. Public.**
17 **Res. Code § 21000 et seq.)**

18 162. Defendant hereby incorporates and references paragraphs 1 through
19 161 of this Answer, inclusive, as though set forth fully herein.

20 163. Paragraph 163 exclusively contains legal conclusions, arguments, and
21 characterization to which no response is required. To the extent a response is
22 required, Defendant denies the allegations in Paragraph 163.

23 164. Paragraph 164 exclusively contains legal conclusions, arguments, and
24 characterization to which no response is required. To the extent a response is
25 required, Defendant denies the allegations in Paragraph 164.

26 165. Paragraph 165 exclusively contains legal conclusions, arguments, and
27 characterization to which no response is required. To the extent a response is
28 required, Defendant denies the allegations in Paragraph 165.

1 166. Paragraph 166 exclusively contains legal conclusions, arguments, and
2 characterization to which no response is required. To the extent a response is
3 required, Defendant denies the allegations in Paragraph 166.

4 **EIGHTH CAUSE OF ACTION**

5 **(Violation of California Disabled Persons Act pursuant to Cal. Civ. Code § 54,**
6 ***et seq.*)**

7 167. Defendant hereby incorporates and references paragraphs 1 through 166
8 of this Answer, inclusive, as though set forth fully herein.

9 168. Paragraph 168 exclusively contains legal conclusions, arguments, and
10 characterization to which no response is required. To the extent a response is
11 required, Defendant denies the allegations in Paragraph 168.

12 169. Paragraph 169 exclusively contains legal conclusions, arguments, and
13 characterization to which no response is required. To the extent a response is
14 required, Defendant denies the allegations in Paragraph 169.

15 170. Paragraph 170 exclusively contains legal conclusions, arguments, and
16 characterization to which no response is required. To the extent a response is
17 required, Defendant denies the allegations in Paragraph 170.

18 **NINTH CAUSE OF ACTION**

19 **(Violation of Title II of the Americans with Disabilities Act 42 U.S.C. § 12131,**
20 ***et seq.*)**

21 171. Defendant hereby incorporates and references paragraphs 1 through
22 170 of this Answer, inclusive, as though set forth fully herein.

23 172. Paragraph 172 exclusively contains legal conclusions, arguments, and
24 characterization to which no response is required. To the extent a response is
25 required, Defendant denies the allegations in Paragraph 172.

26 173. Paragraph 173 exclusively contains legal conclusions, arguments, and
27 characterization to which no response is required. To the extent a response is
28 required, Defendant denies the allegations in Paragraph 173.

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1 174. Paragraph 174 exclusively contains legal conclusions, arguments, and
2 characterization to which no response is required. To the extent a response is
3 required, Defendant denies the allegations in Paragraph 174.

4 175. Paragraph 175 exclusively contains legal conclusions, arguments, and
5 characterization to which no response is required. To the extent a response is
6 required, Defendant denies the allegations in Paragraph 175.

7 176. Paragraph 176 exclusively contains legal conclusions, arguments, and
8 characterization to which no response is required. To the extent a response is
9 required, Defendant denies the allegations in Paragraph 176.

10 177. Paragraph 177 exclusively contains legal conclusions, arguments, and
11 characterization to which no response is required. To the extent a response is
12 required, Defendant denies the allegations in Paragraph 177.

13 178. Paragraph 178 exclusively contains legal conclusions, arguments, and
14 characterization to which no response is required. To the extent a response is
15 required, Defendant denies the allegations in Paragraph 178.

16 179. Paragraph 179 exclusively contains legal conclusions, arguments, and
17 characterization to which no response is required. To the extent a response is
18 required, Defendant denies the allegations in Paragraph 179.

19 **TENTH CAUSE OF ACTION**

20 **(Violation of Section 504 of the Rehabilitation Act 29 U.S.C. § 791 et seq.)**

21 180. Defendant hereby incorporates and references paragraphs 1 through
22 179 of this Answer, inclusive, as though set forth fully herein.

23 181. Paragraph 181 exclusively contains legal conclusions, arguments, and
24 characterization to which no response is required. To the extent a response is
25 required, Defendant denies the allegations in Paragraph 181.

26 182. Paragraph 182 exclusively contains legal conclusions, arguments, and
27 characterization to which no response is required. To the extent a response is
28 required, Defendant denies the allegations in Paragraph 182.

1 183. Paragraph 183 exclusively contains legal conclusions, arguments, and
2 characterization to which no response is required. To the extent a response is
3 required, Defendant denies the allegations in Paragraph 183.

4 **ELEVENTH CAUSE OF ACTION**

5 **(Violation of Due Process and Equal Protection pursuant to 42 U.S.C. § 1983;**
6 **U.S. Const. amend. V/XIV)**

7 184. Defendant hereby incorporates and references paragraphs 1 through
8 183 of this Answer, inclusive, as though set forth fully herein.

9 185. Paragraph 185 exclusively contains legal conclusions, arguments, and
10 characterization to which no response is required. To the extent a response is
11 required, Defendant denies the allegations in Paragraph 185.

12 186. Paragraph 186 exclusively contains legal conclusions, arguments, and
13 characterization to which no response is required. To the extent a response is
14 required, Defendant denies the allegations in Paragraph 186.

15 187. Paragraph 187 exclusively contains legal conclusions, arguments, and
16 characterization to which no response is required. To the extent a response is
17 required, Defendant denies the allegations in Paragraph 187.

18 **TWELFTH CAUSE OF ACTION**

19 **(Violation of Due Process Clause (State-Created Danger Doctrine) 42. U.S.C. §**
20 **1983; U.S. Const. amend. 14)**

21 188. Defendant hereby incorporates and references paragraphs 1 through
22 187 of this Answer, inclusive, as though set forth fully herein.

23 189. Paragraph 189 exclusively contains legal conclusions, arguments, and
24 characterization to which no response is required. To the extent a response is
25 required, Defendant denies the allegations in Paragraph 189.

26 190. Paragraph 190 exclusively contains legal conclusions, arguments, and
27 characterization to which no response is required. To the extent a response is
28 required, Defendant denies the allegations in Paragraph 190.

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THIRTEENTH CAUSE OF ACTION

(Uncompensated Taking 42 U.S.C. § 1983; U.S. Const. Amend. V/XIV)

191. Defendant hereby incorporates and references paragraphs 1 through 190 of this Answer, inclusive, as though set forth fully herein.

192. Paragraph 192 exclusively contains legal conclusions, arguments, and characterization to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 192.

193. Paragraph 193 exclusively contains legal conclusions, arguments, and characterization to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 193.

FOURTEENTH CAUSE OF ACTION

(Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983))

194. Defendant hereby incorporates and references paragraphs 1 through 193 of this Answer, inclusive, as though set forth fully herein.

195. Paragraph 195 exclusively contains legal conclusions, arguments, and characterization to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 195.

196. Paragraph 196 exclusively contains legal conclusions, arguments, and characterization to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 196.

197. Paragraph 197 exclusively contains legal conclusions, arguments, and characterization to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 197.

AFFIRMATIVE DEFENSES

Defendant hereby pleads the following separate and additional defenses to the Complaint. By alleging the separate and additional defenses set forth below, Defendant intends no alteration of the burden of proof and/or burden of going forward with evidence that otherwise exists with respect to any particular issue at

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1 law or in equity. Furthermore, all such defenses are pleaded in the alternative, and
2 do not constitute an admission of liability or that Plaintiffs are entitled to any relief
3 whatsoever. Without limiting or waiving any defenses available to it, and based on
4 information and belief unless otherwise stated, Defendant alleges as follows:

5 **FIRST AFFIRMATIVE DEFENSE**

6 ***(Failure to State a Claim)***

7 The Complaint, in whole or in part, fails to state a claim upon which relief can
8 be granted.

9 **SECOND AFFIRMATIVE DEFENSE**

10 ***(Sovereign Immunity)***

11 The Complaint, in whole or in part, fails because Defendant is entitled to
12 sovereign immunity under the Eleventh Amendment.

13 **THIRD AFFIRMATIVE DEFENSE**

14 ***(Discretionary Act Immunity)***

15 The Complaint, in whole or in part, fails because Defendant is entitled to
16 discretionary act immunity under California Government Code section 820.2.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 ***(No Vicarious Liability)***

19 The Complaint, in whole or in part, fails because Defendant is not vicariously
20 liable under California Government Code section 815.2.

21 **FIFTH AFFIRMATIVE DEFENSE**

22 ***(No Violation Of A Legal Duty)***

23 The Complaint is barred, in whole or in part, because Defendant did not
24 violate any legal duty owed to Plaintiffs.

25 **SIXTH AFFIRMATIVE DEFENSE**

26 ***(Good Faith)***

27 The Complaint, in whole or in part, is barred because Defendant undertook
28 any challenged acts or omissions, in part or in total, in good faith and in conformity

1 with applicable orders, rulings, regulations, and/or interpretations.

2 **SEVENTH AFFIRMATIVE DEFENSE**

3 *(Waiver)*

4 The Complaint is barred, in whole or in part, by the doctrine of waiver.

5 **EIGHTH AFFIRMATIVE DEFENSE**

6 *(Laches)*

7 The Complaint is barred, in whole or in part, by the doctrine of laches.

8 **NINTH AFFIRMATIVE DEFENSE**

9 *(Unclean Hands)*

10 The Complaint is barred, in whole or in part, by the doctrine of unclean
11 hands.

12 **TENTH AFFIRMATIVE DEFENSE**

13 *(Impossibility by Operation of Law)*

14 The Complaint is barred, in whole or in part, by the doctrine of impossibility
15 of performance by operation of law.

16 **ELEVENTH AFFIRMATIVE DEFENSE**

17 *(Statutes of Limitations)*

18 The Complaint is barred, in whole or in part, by applicable statutes of
19 limitation.

20 **ELEVENTH AFFIRMATIVE DEFENSE**

21 *(No Standing)*

22 The Complaint is barred because Plaintiffs lack standing.

23 **TWELFTH AFFIRMATIVE DEFENSE**

24 *(Mootness)*

25 The Complaint is barred, in whole or in part, because some or all of the
26 allegations or claims in the Complaint are moot.

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THIRTEENTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

Any recovery by Plaintiffs on the Complaint against Defendant would be unfair and would constitute unjust enrichment.

FOURTEENTH AFFIRMATIVE DEFENSE

(Estoppel)

The Complaint is barred, in whole or in part, by the doctrine of estoppel.

FIFTEENTH AFFIRMATIVE DEFENSE

(Acquiescence)

The Complaint is barred, in whole or in part, by the doctrine of acquiescence.

SIXTEENTH AFFIRMATIVE DEFENSE

(Conduct Not Wrongful)

The Complaint is barred, in whole or in part, because Defendant's conduct was not wrongful or otherwise unlawful.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Superseding and Intervening Acts)

Any damage allegedly sustained by Plaintiffs was caused, in whole or in part, by the superseding and intervening acts and omissions of persons or entities for whose conduct Defendant is not responsible.

EIGHTEENTH AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

The Complaint is barred, in whole or in part, by the doctrine of after-acquired evidence.

NINETEENTH AFFIRMATIVE DEFENSE

(No Causation)

The Complaint is barred, in whole or in part, because Plaintiffs' damages, if any, were not caused by Defendant.

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TWENTIETH AFFIRMATIVE DEFENSE

(No Damages)

Without admitting that the Complaint states a claim, there has been no damage in any amount, manner, or at all by reason of any act alleged against Defendant in the Complaint, and the relief prayed for in the Complaint therefore cannot be granted.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Avoidable Consequences)

The Complaint is barred, in whole or in part, by the doctrine of avoidable consequences.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Absence of Malice)

Any acts or omissions by Defendant, if any, were not the result of oppression, fraud, or malice.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(No Deprivation of Constitutional Rights)

Defendant was not the proximate cause of the Plaintiffs’ alleged deprivation of a constitutionally protected right, privilege, or immunity.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Qualified Immunity)

Defendant is entitled to qualified immunity.

RESERVATION OF ADDITIONAL DEFENSES

Defendant reserves its right to add, delete, or modify any and all defenses which may pertain to the Complaint that are now or may become available in this action through clarification or amendment of the Complaint, through discovery, through further legal analysis of Plaintiffs’ or Defendant’s claims and positions in this litigation, or otherwise.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays that judgment be entered as follows:

- A. Plaintiffs take nothing by reason of their Complaint;
- B. The Complaint be dismissed with prejudice;
- C. Defendant recover its costs of suit, including attorneys’ fees; and
- D. Defendant be awarded such other and further relief as the Court deems just and proper.

DATED: May 26, 2021

MILLER BARONDESS, LLP

By: /s/ Louis R. Miller
 LOUIS R. MILLER
 Attorneys for Defendant
 COUNTY OF LOS ANGELES

MILLER BARONDESS, LLP

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