

**JOHN B.MURDOCK
ATTORNEY AT LAW
1209 PINE STREET
SANTA MONICA, CA 90405
TEL 310-450-1859**

jbmlaw@hotmail.com

RESUME AND INFORMATION FOR PROSPECTIVE CLIENTS

LAW DEGREE: J.D., 1970, University of Pennsylvania, Cum Laude Editor, University of Pennsylvania Law Review, 1968-70

American Jurisprudence Awards for Highest Honor in Constitutional Law and in Judicial Process

UNDERGRADUATE DEGREE: B.A., Economics, 1967, Wesleyan University Dean's List, Four Years

ADMITTED TO PRACTICE: All California State Courts; U.S. District Courts;
U.S. Circuit Court; U.S. Supreme Court

EXPERIENCE: 1970-1975 - Associate; Wyman, Bautzer, Rothman &
Kuchel, Beverly Hills, primarily in corporate/ securities and litigation.

1975-Present: Practice specializing in
Constitutional law/civil rights, land use and environmental law

For the most part, I represent citizen groups seeking to enforce land-use and environmental laws (primarily the Subdivision Map Act, local zoning laws, CEQA, and the California Coastal Act in the state courts) and individuals seeking to enforce or vindicate constitutional rights (primarily under the Civil Rights Act, 42 U.S.C. § 1983) in federal courts. In many instances the fields of constitutional law and environmental law will overlap, as the constitutional guarantees of due process and fundamental property rights interplay with governmental land-use and regulatory decisions. My practice necessarily encompasses administrative law (practice before various governmental agencies, boards, councils, etc.) and litigation in the state and federal courts. I do not undertake activities as a lobbyist. An interview can be found at <http://www.smmirror.com/articles/news/John-Murdock-Still-Fighting-the-Good-Fight/23259>.

Brief summaries of the type of cases I have undertaken follows.

Woosley v. State, Cal. App. Ct. 2d Cir., No. B275402, (Nov. 2017), and No. B261454 (April 2017), two unpublished opinions prevailing on behalf of client for award of attorney's fees in multi-year class action against the State and DMV, resulting in ultimate judgment and payment to client.

Save the Plastic Bag Coalition v. City of Manhattan Beach (2011) 52 Cal. 4th 155, Prepared and filed Amicus Curiae brief on behalf of nonprofit organization, Heal the Bay, for Supreme Court's determination in support of position that common sense under CEQA was properly exercised by city in decision to reject petroleum/plastic industry's demand to study the alleged world-wide effects of ordinance banning plastic bags in one small beach community.

Mejia v. City of Los Angeles (2007) 156 Cal. App. 4th 151, attorneys fees awarded to client by trial court, affirmed on appeal, for prevailing in public-interest litigation under CEQA to require EIR to address impacts of development on wildlife and on traffic, as described in earlier appellate court ruling.

Marlin v. Aimco_ (2007) 154 Cal.App.4th 154, appellate court opinion reverses dismissal of Marlins' action for declaratory relief against Landlord for eviction threats, which trial judge had ruled a SLAPP suit based on landlord's asserted right to use courts for eviction.

Lincoln Place Tenants Ass'n et al v. City of Los Angeles, et al.

(2007) 155 Cal. App. 4th 425. Action for writ of mandate to enforce CEQA mitigation measures against city and subdivision developer-landlord dismissed by trial court, reversed on appeal ordering issuance of mandate to City, injunction against evictions, and compliance with CEQA. Court awarded attorneys fees for public interest litigation enforcing state statutes under CEQA and Ellis Act.

Sheila Bernard, et al., v. Aimco Venezia, LLC et al., (2008-2011) Case. No.SC096605 (lead case), mass action filed with co-counsel, class action specialist David I. Lefkowitz, on behalf of over 190 tenants against real estate developer for damages caused by illegal development and eviction activities detailed in *Lincoln Place* case, *supra*, resulting in global settlement approved by all parties and court which reinstated tenants who wished to stay on the premises, restored the property, halted oversized buildings, and paid monetary damages.

Westwood South of Santa Monica Boulevard v. Antonio Villaraigosa, City of Los Angeles, et al., LASC No. BS 113440 (2008). Writ of mandate and injunction obtained ordering L.A. Mayor and L.A. Department of Transportation to conduct proper environmental review before implementing changes to major thoroughfares in congested areas of West Los Angeles. Attorneys fees reimbursed to clients as prevailing party acting as private attorney general to enforce state environmental laws.

Schuman v. Ignatin (2010) 191 Cal. App. 4th 255 co-counsel in appeal reversing trial court's ruling that CC&Rs governing hillside view protections had expired, upholding continuing

validity of CC&R protection against new structures impinging on neighbors' ocean and mountain views.

Mt. Holyoke Homes, LP v. California Coastal Commission (2008) 167 Cal. App. 4th 830 appealed and reversed ruling by trial court which had overturned Coastal Commission unanimous vote on neighbors' contention that proposed cliff-side development was in violation of California Coastal Act.

Beverly Wilshire Homes Association v. City of Los Angeles (2011) Case N. BS128935, L.A. Superior Court, obtained writ of mandate and judgment against City and developer based on improper grant of parking variance by city to restaurant proponent with potential for exacerbating nuisance conditions in nearby residential neighborhood.

Westwood South of Santa Monica Boulevard adv. Clear Channel, CBS Outdoor Advertising, and City of L.A. (2011-2012). Obtained Planning Commission decision for residents voiding city planning department's improper approval of digital billboards at key locations, then assisted in defending the decision in subsequent litigation filed by billboard companies, and then assisted in filing Amicus Curiae brief for Court of Appeal decision ultimately setting aside city's illegal agreement with billboard companies.

Ptashkin v. City of West Hollywood (2012) Case No. BS136314, L.A. Superior Court, obtained writ of mandate and judgment against the City of West Hollywood based on lack of compliance with CEQA and improper application of zoning code requirements for nuisance conditions to be exacerbated by proposed development with late-night noise and parking issues adjacent to homes in residential neighborhood.

Harris v. County of Riverside, 904 F. 2d 497 (9th Cir. 1990), successfully appealed a trial court's dismissal of my client's case and obtained a definitive ruling that the County of Riverside had violated Harris' constitutional rights to due process of law by failing to afford proper notification prior to amending the County General Plan in a way that rendered his property unfit for uses currently engaged in. The Court reversed and remanded the trial court's grant of summary judgment and further ruled that the County must pay attorneys fees. The county argued that the requirement of notice to an individual property owner during a General Plan amendment was unprecedented and not required under California statutory law.

Chalmers v. City of Los Angeles, U.S. District Court No. CV-79-124. Represented plaintiff street vendor in civil rights action against city and police. Jury verdict awarding damages for harassment and lost income, upheld on appeal 762 F. 2d 753 (9 Cir. 1985). attorneys fee award by District Court remanded 796 F. 2d 1205 (9th Cir. 1986), then reinstated 676 F. Supp. 1515 (1987), then upheld by Circuit Court. Plaintiff's action established fundamental constitutional right to earn a living as street vendor without being subjected to arbitrary police enforcement and vague ordinances in municipal code. Attorney fee opinions established that fees at prevailing rates of commercial litigants were proper for civil rights plaintiffs (796 F. 2d 1205), and set forth comprehensive guidelines for enhancing fee awards for delay in payment over nine-year period (676 F. Supp. 1515).

Clark v. City of Los Angeles 650 F.2d 987 (9th Cir.1986) Represented plaintiff street vendors against City, successfully enjoining police harassment and vague administrative enforcement procedures. Jury verdict for plaintiffs remanded on appeal for evidentiary reconsideration. Established the principle that prevailing party can recover attorneys fees notwithstanding plaintiffs' decision voluntarily to dismiss without retrial, and established appropriate enhancement of award to account for risk of loss, delay, inflation, etc.

Malibu Township Council, Inc. v. Los Angeles County Board of Supervisors C. 713322 (Superior Court, L.A.).

Represented Citizen groups as plaintiffs against County in asserting constitutional and environmental rights regarding proposed \$43 million sewer project. Successfully obtained stipulated judgment to require Coastal Commission review; represented plaintiffs before Coastal Commission and successfully caused Commission to modify the proposal consistent with client's objectives. Case settled on basis that County abandoned project, and transferred jurisdiction to newly-incorporated City of Malibu.

Malibu Committee For Incorporation and Malibu Township Council, Inc. v. Board of Supervisors (LASC No. C756980).

Obtained writ of mandate forcing Board of Supervisors to conduct election for newly incorporating City of Malibu; recovered attorneys' fees for plaintiffs.

No Oil, Inc. v. City of Los Angeles; Occidental Petroleum Corp. (Superior Court, L.A.). Representing plaintiffs obtained Superior Court injunction to prevent \$60 million oil drilling project on property adjacent to Will Rogers State Beach. Although injunction was reversed on appeal (*No Oil, Inc. v. City of L.A.*, 194 Cal. App. 3d 223 (1987)), a second Superior Court action *No Oil, Inc. et al. v. Coastal Commission; Occidental Petroleum et al.* ensued while my clients prepared and successfully completed an initiative measure to Defeat the oil-drilling proposal at the ballot.

Johnson v. Thomas; Environmental Protection Agency; County of San Diego; State Water Resources Board; Valley Center Municipal Water

District. et al. U.S. District Court (San Diego) No. CV-87-975. Represented citizens in the rural town of Valley Center, San Diego County, successfully sued to enjoin proposed \$12 million sewer project backed by state and federal grant funding obtained through phony health data. EPA eventually confirmed our allegations and withdrew grant funding from the project; simultaneously, my clients mounted a successful ballot measure opposing further sewer proceedings absent voter approval in the future.

Agua Dulce Township Council (1997) retained to analyze and give advice regarding alternatives to Regional Water Quality Control Board proposals to impose moratorium on

septic usage in Aqua Dulce in light of studies concerning alleged nitrate infiltration in groundwater levels.

Bhakta v. City of Inglewood (USDC No. 906296). Recovered settlement and attorneys fees for plaintiff in suit against City for violation of due process in re-zoning and enacting moratorium on plaintiff's property.

Boccatto v. City of Hermosa Beach (2d Dist. 199) 29 Cal.App.4th 1797 successfully prohibited city from imposing conditions on business which were invalid under, and preempted by, state laws controlling municipal authority.

Boccatto v. City of Hermosa Beach (Superior Court, Los Angeles). Successfully represented plaintiff in forcing city to submit preferential/restricted parking program for environmental review under California Coastal Act, causing Commission to condition the program on provisions of adequate coastal-access parking availability for the general public.

Boccatto v. City of Hermosa Beach (Superior Court, Los Angeles). Successfully represented plaintiff in causing city to restore two-way traffic to major thoroughfare adjacent to plaintiff's property; negotiated settlement award for plaintiff's damages for loss of access to property during period when one-way ordinance was in effect.

Pacific Palisades Residents Assn. v. City of Los Angeles, Land Resources, Inc., et al. (L.A. Superior Court). Represented plaintiff citizen organization in opposing the City of Los Angeles' approval of a developer's proposal for 1,700 home construction project in Santa Monica Mountains, alleging violations of environmental laws and subdivision requirements. Clients successfully negotiated settlement through a combination of litigation and administrative review before the California Coastal Commission, reducing ultimate development to 740 units, requiring dedication of open space, construction of affordable housing units, and reimbursing plaintiffs for costs and attorneys fees in litigation.

Pacific Coast Homeowners, et al v. City of Los Angeles, J. Paul Getty Trust. Obtained writ of mandate and declaratory judgment on behalf of six community groups setting aside City's approvals of conditional use permit, variance, EIR, and upholding homeowners' easement agreement restricting uses allowed by Getty Villa in residential canyon at Pacific Palisades. Judgment reversed in unpublished opinion by Second Appellate District.

Wang v. Hartunian (2003) 111 Cal. App. 4th 745, suit by homeowner against neighbor for false arrest and related torts, dismissal by trial court as SLAPP suit reversed by Court of Appeal, subsequently settled for damages and attorney fees to my client.

Mejia v. City of Los Angeles (2005) 130 Cal. App. 4th 332, assisted pro per litigant in preparing and briefing appeal of trial court's denial of writ of mandate, resulting in reversal by appellate court with instructions for CEQA compliance regarding use of city traffic thresholds, improperly deficient mitigated negative declarations, and preparation of administrative records.

Wang v. Ridgeview Country Estates, et al., superior court action against homeowners association to enforce CC&Rs being violated by neighbor resulting in affirmative injunctive relief to enforce conditions, and recovery attorneys' fees from association and neighbor.

Takamoto v. City of Los Angeles, et al., (2005) superior court action resulting in writ of mandate ordering city to comply with CEQA and set aside permits issued for commercial use in residential neighborhood. No appeal taken by city or developer.

Takeuchi v. New Paradise Church of God in Christ (2006), superior court trial to quiet title in Takeuchi's property resulted in elimination of recorded easement claimed by Church which court ruled had terminated as an easement of necessity where necessity no longer existed; affirmed on appeal in unpublished decision (2007).

Mandeville Canyon Association, in re: Eastridge Development Corp. Representing citizens organization in opposition to proposed grading and development in Mandeville Canyon area of Santa Monica Mountains, reducing the size of proposed project through environmental concerns raised at administrative hearings before City Planning Commission and Deputy Advisory Agency.

Concerned Citizens For Our Canyon, In re: Benchav Development Project. Represented citizens group in hearings before City of Los Angeles Zoning Administrator and Board of Zoning Appeals; based upon environmental concerns raised under CEQA and California Coastal Act, the Board of Zoning Appeals granted our appeal, denied project approval, and required preparation of an Environmental Impact Report.

Malibu Single Family Homeowners Assn., et al. v. City of Malibu (L.A. Superior Court BS 022860). Petition for Writ of Mandate on behalf of Malibu Single Family Homes Assn. and Malibu Architects Group against City of Malibu for failure to adequately comply with CEQA before adopting new zoning ordinance, failure to comply with Coastal Act, and violating homeowners' constitutional rights.

Kuwahara v. City of Los Angeles (L.A. Superior Court No. BC 062076). Litigation against City of Los Angeles by homeowner alleging violation of CEQA and State Vehicle Code for City's erection of street barricades in Windsor Park area. Motion for summary judgment granted to plaintiff, causing City to remove barricades and pay attorneys' fees.

Pacific Palisades Property Owners Assn. v. City of Los Angeles (LASC). Obtained writ of mandate and recovered attorneys' fees on behalf of Pacific Palisades Residents Assn. and others challenging City of Los Angeles' failure to prepare proper environmental review of Sunset Boulevard project to widen certain intersections.

Farmers Market Development Project (City of Los Angeles). Reviewed, analyzed, and provided written comments on Farmers Market Project in the Fairfax area, on behalf of Beverly-Wilshire Homes Association.

Park La Brea Development Project (City of Los Angeles).

Reviewed, analyzed and provided written comments on the Park La Brea project near County Museum, on behalf of Beverly-Wilshire Homes Assn.

Mednick v. City of Los Angeles (Superior Court, Los Angeles)

Presented evidence on CEQA issues at City Planning and Council hearings on "Wilshire Skyline" project on behalf of Beverly-Wilshire Homes Assn.; prepared and filed an Amicus Curiae brief on their behalf in a Superior Court action filed by other parties presenting CEQA issues in support of petition for mandamus.

Potrero Canyon Fill Project (Pacific Palisades).

Reviewed EIR and coastal data on current "fill" project undertaken by City of Los Angeles, underway at Potrero Canyon, enabling area residents and the Pacific Palisades Residents Assn. to obtain re-review of previously approved aspects, and re-open consideration of their environmental concerns.

Pacific View Estates v. Caltrans, County of Los Angeles, et al. (LASC No. BC 017031). Filed mandamus action and settled case against County of Los Angeles, Caltrans, and Sea View Restaurants for failure to prepare EIR on proposed reconstruction of Jetty Restaurant at PCH/Coastline Drive. Litigation resulted in Caltrans' refusal to grant access permit due to dangerous conditions as alleged by plaintiffs, and eventual abandonment of project.

Mastro v. City of La Verne (LASC). Obtained writ of mandate and attorneys' fees against City of La Verne for failure to prepare EIR in connection with proposed multi-screen theater project on Foothill Boulevard. Pursuant to mandate, city prepared EIR.

Cool v. Wilkes (Superior Court, L.A. County) Six-figure settlement including lifetime payments to employee injured in shooting incident relating to dispute with employer.

Giuliani v. Armijo, et al. (Superior Court, L.A. County) Seven-figure settlement for homeowner in action against insurance company, adjuster, and contractor for bad faith, fraudulent handling of the homeowner's claim for earthquake damages caused by the Northridge Earthquake.

Miramar Homeowners Assn. et al v. City of Los Angeles. Writ of mandate obtained ordering city and developer to set aside approved variance and comply with zoning restrictions.

Prime v. Smith, et al. Judgment obtained against hillside property owner for creating landslide, damaging adjacent property owner's land in Laurel Canyon.

Beverly Hills Gov't Ethics Committee v. City of Beverly Hills,

Action filed against the city resulting in halting proposed development of Post Office building until proper

procedural (notice) compliance with CEQA is demonstrated. Affirmed on appeal and cross-appeal denied (unpublished case No B148571).

Beverly Wilshire Homes Ass 'n v. City of Los Angeles, et al., (2007). Writ of mandate obtained for residents association in Superior Court action, ordering City of Los Angeles to prepare an EIR for redevelopment project including commercial center and residential towers at the Beverly Connection, an area of notorious traffic congestion on the West Side of Los Angeles. Court awarded attorneys fees as prevailing party, private attorney general enforcing public interests under CEQA.

AQMD Reclaim Program. Reviewed, analyzed, and provided legal memorandum and correspondence for Citizens For Better Environment (CBE) in their analysis of South Coast Air Quality District's decision to adopt system of air pollution trading credits; arranged meeting with District Director and obtained concessions for aspects of participation by CBE in ongoing review of evolving rule-making system in lieu of filing suit.

Santa Monica Beach Hotel Project. Analyzed, provided written comments on, and presented evidence at Planning Commission and City Council hearings on proposed luxury hotel to replace Sand & Sea Club on state-owned beach property in Santa Monica. Litigation rendered unnecessary due to voters' rejection of project at ballot.

ABC Entertainment Complex Project, consultant to attorney of record and assisted homeowner groups in negotiations to settle CEQA action and obtain conditions on new development in Century City complex.

Southern California Edison Nuclear Plant (SONGS) Represented Fund For the Environment and Executive Director Ellen Stem Harris at Coastal Commission hearings designed to implement and enforce conditions to mitigate environmental impacts of nuclear power station at San Onofre.

Miscellaneous

- Earlier EIR projects include No Oil's suit against Occidental; suit by concerned Citizens of Huntington Beach against Angus Oil Company; review of many projects that never reached the stage of litigation due to early challenge on environmental issues at administrative level (such as proposed restaurant at Potrero Canyon, proposed commercial complex at Santa Monica Canyon/Entrada Drive, proposed hotel at site of Sand & Sea Club); proposed housing development on mountainous land in Mandeville Canyon, etc.

FEE STRUCTURES FOR SERVICES RENDERED

Fees are generally set at the market rate for comparably experienced attorneys at the time of retention, and may be negotiated for contingent or paid services at that time

Judicial evaluation of my work product is contained in published opinions establishing the rate of attorneys fees in cases such as *Clark v. Los Angeles* 803 F. 2d 987 and *Chalmers v. Los Angeles*, 676 F. Supp. 1515.

Non-Profit Executive Activities

Served on the Board of Save Our Coast/Malibu Dolphin Watch Foundation and was elected CEO and President of the Board of Directors upon the passing of the Foundation's original founding member, Malibu coastal activist Mary Frampton, in 2006. Served as executor to probate Ms. Frampton's estate, almost all of which was bequeathed to the Save Our Coast/MDW Foundation to continue the work Ms. Frampton had long championed, particularly protection of the ocean, the coastline, and its marine inhabitants, as well as

the Chumash Native American tribe located in Malibu. Since 2007, the Board has approved grant proposals and made disbursements in excess of \$693,000 thus far to nonprofit groups furthering these objectives. The grantees receiving funds from Ms. Frampton's Foundation include the following:

1. 2008-2009. The first grant activity was a substantial grant to fund the continued build-out of the native American Chumash Village constructed by Wishtoyo Foundation on the bluffs above Nicholas Beach in western Malibu, to be used primarily for demonstration and educational activities for children. Grant funds were also directed to fund the hiring by Wishtoyo of an attorney to further the goals of protecting the marine and estuarial environments through litigation, thereby helping Wishtoyo become self-sustaining by recovering attorney's fees when winning environmental actions. Served on the Wishtoyo Board and its Litigation Subcommittee to help oversee the activities in furtherance of the goals consonant with Mary Frampton's ideals. Subsequently, Wishtoyo Foundation and its attorney Jason Weiner have achieved outstanding victories and a substantial court settlement that resulted in the preservation of lands for native American studies in Los Angeles county while at the same time curbing unwise massive development in the rural vicinity.
2. 2010-2011. Funds were granted to assist in the Malibu community's successful efforts to educate the public and require the State's Department of Fish & Game to establish a Marine Protection Area ("MPA") off the Malibu/Ventura coastline. The Board also gave Wishtoyo a grant to match the funds received by Wishtoyo from the National Fish & Wildlife Foundation for a stewardship educational (K-12 students) program of the Channel Islands MPA program.
3. 2011-2013. Substantial funds were donated in phases by grants to the Ocean Conservation Society ("OCS") based in Santa Monica Bay, whose focus and scientific studies are directed toward data collection, monitoring, and protecting the dolphin and whale populations that inhabit or otherwise pass through the Bay from Malibu to Marina Dell Rey. A portion of the funds were directed toward the acquisition of a larger sea-going vessel with equipment to conduct the monitoring and photographic tabulations of the marine populations and examine them for signs of illness or disease caused by inappropriate human discharge or activities in the bay. In honor of Mary Frampton, the vessel was named "Mary's Triumph."
4. 2014. Additional funds granted for the OCS "Be Whale Aware" program, involving preparation of educational materials to be distributed at all local boat shops throughout the bay area, to make recreational boaters and sport fishing interests aware of the laws and proper protectionist protocols when encountering marine life (whales, dolphins, sea lions, seals) at sea.
5. 2013. Matching grant given to Wishtoyo Foundation to match funds received by it from the Chumash Sant Ynez Foundation, in order to further the educational outreach for children to come to the Village and participate in the Chumash cultural experiences and activities.
6. 2013-2014. A two-phase grant was delivered to the Santa Barbara-based Environmental Defense Center ("EDC") to fund their program to reduce shipping strikes of whales in the heavily-trafficked commercial shipping lanes from Santa Barbara to Long Beach. The incidents of strikes and noise disturbance has long been troublesome for the migrating grey whales and the considerable Blue whale population that frequent the off-shore areas affected by tankers and other large vessels, particularly near the Channel Islands. EDC and its staff work with the National Marine Fisheries Service, the Coast Guard, and other agencies to pursue protective measures under the Endangered Species Act, to moving the shipping lanes, and to reduce the speeds in the lanes. As a result, shipping lanes have been moved for the protection of whales, narrowing the separation between existing shipping lanes by one nautical mile, moving the lanes further from the Channel Islands National Marine Sanctuary and the primary areas where whales feed. Further work is being done to coordinate Coast Guard and National Marine Fisheries Service efforts to develop appropriate regulations enforcing the protections.
7. 2014-2016. Funded a grant proposal by UC Regents faculty member and staff in collaboration with

California Fish & Wildlife and other academic institutions to conduct a genomic study of the squid population offshore in Northern and Southern California. The market squid population off the California coast has important implications as a food source for numerous wildlife predators and as a multi-million-dollar fisheries industry. The observed fluctuations in squid populations with two severe downturns raised questions about whether effective management and protection is necessary to sustain viable populations. New methods of genomic sequencing can lead researchers to detect both temporal and spatial movements of the populations to assess the trends and causes of decline/recruitment, making intelligent management planning possible.

8. 2015-2018. Funded the grant proposal made by Seattle-based Oceans Initiatives for their campaign to improve marine mammal conservation and management efforts by developing multipliers to account for low probability of detecting cryptic forms of human-caused mortality of marine mammals. The work involves compiling and collating carcass recovery (stranding) rate multipliers for cetaceans living in the California Current, using data collected from nonprofits, government agencies, and academics working from California to Washington. The second phase focuses on migratory species of mammals. Results will be used to scale up known and estimated human-caused mortalities to total mortality, to assess whether any of the species deserve consideration as Strategic Stocks under the MMPA.