

1 ROBERT B. HAWK (Bar No. 118054)  
2 RYAN D. MARSH (Bar No. 237259)  
3 HOGAN & HARTSON L.L.P.  
4 525 University Avenue, 4th Floor  
5 Palo Alto, California 94301  
6 Telephone: (650) 463-4000  
7 Facsimile: (650) 463-4199

8 Attorneys for Plaintiffs

**ENDORSED FILED**  
**SAN MATEO COUNTY**

AUG 07 2009

Clerk of the Superior Court  
By Zarina Arshad  
DEPUTY CLERK

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN MATEO

11  
12 Eric Oberle, Shery Scott, Matthew Fremont, and  
13 Natan BenYonatan on behalf of themselves and  
14 all others similarly situated,

15 Plaintiffs,

16 v.

17 Page Mill Properties, LLC, David A. Taran,  
18 Page Mill Management, LLC, Woodland Park  
19 Management, LLC, 1643 Woodland, LLC, 1703  
20 Woodland, LLC, 1807 Woodland Ave, LLC,  
21 1823 Woodland Ave, LLC, 1835 Woodland  
22 Ave, LLC, 1839 Woodland, LLC, 1851  
23 Woodland Ave, LLC, 1859 Woodland Ave,  
24 LLC, 2020 Dumbarton, LLC, 1848 Clarke, LLC,  
25 1986 Euclid, LLC, 2036 Euclid, LLC, 2040  
26 Euclid, LLC, 1995 Manhattan, LLC, 655  
27 Scofield, LLC, 1909 Cooley, LLC, 504  
28 O'Connor, LLC, DOES 1-250, inclusive,

Defendants.

Case No. CIV 478796

CLASS ACTION

**DECLARATION OF ROBERT B.  
HAWK IN OPPOSITION TO  
DEFENDANTS' SPECIAL MOTION  
TO STRIKE**

Hearing Date: September 1, 2009  
Time: 9:00 a.m.

Dept.: Dept. 7, courtroom H; 800 North  
Humboldt Street, San Mateo

Judge: Hon. Steven Dylina

**[CONDITIONALLY FILED UNDER  
SEAL]**

COPY

1 I, Robert B. Hawk, declare as follows:

2 1. I am a partner of Hogan & Hartson LLP, counsel for plaintiffs Eric Oberle, Shery  
3 Scott, Matthew Fremont, and Natan BenYonatan. I have personal knowledge of the following  
4 facts and could testify truthfully thereto, if called to do so.

5 **PRO BONO REPRESENTATION OF PLAINTIFFS**

6 2. Since the inception of this case, legal representation of plaintiffs and plaintiff class  
7 has been purely on a *pro bono* basis. That was true when the case was first filed, and Heller  
8 Ehrman LLP acted as counsel, and remains true now that Hogan & Hartson LLP is counsel for  
9 plaintiffs. To date, three out of four of our clients, Eric Oberle, Shery Scott, and Natan  
10 BenYonatan, have moved out of their apartments that were owned or managed by Page Mill  
11 affiliated entities. They have nonetheless remained plaintiffs in this case and continue to actively  
12 participate in the litigation.

13 3. On July 21 and 22, 2009, plaintiffs took the depositions of defendants Page Mill  
14 Properties, LLC and 1643 Woodland, LLC ("1643 Woodland"). A true and correct copy of  
15 excerpts of the deposition transcript for the depositions of Page Mill Properties, LLC and 1643  
16 Woodland are attached hereto as **Exhibits A** (for Page Mill Properties, LLC) and **Exhibit B** (for  
17 1643 Woodland, LLC).

18 **DEFENDANT 1643 WOODLAND'S LAWSUIT**

19 4. On July 16, 2008, the day after we filed the Complaint in this action, defendant  
20 1643 Woodland filed a lawsuit against the City of East Palo Alto and its Rent Stabilization Board  
21 (the "Declaratory Relief Action"). A true and correct copy of the complaint is attached hereto as  
22 **Exhibit C**. In its complaint, 1643 Woodland alleged that the rental units it owned "are not  
23 subject to registration and certification of rents pursuant to Section 5 of the [East Palo Alto Rent  
24 Stabilization Ordinance]" and that a controversy had "arisen over whether Plaintiff must file a  
25 registration statement for the residential rental units located at 1643 Woodland Avenue." Ex. C  
26 ¶¶ 7-8. 1643 Woodland sought "a judicial declaration and decree that the Property is exempt  
27 from registration and certification under § 5 [of the East Palo Alto Rent Stabilization Ordinance]"  
28 and "an order barring Defendants from requiring Plaintiff to register the Property, from seeking to

1 compel Plaintiff to register the Property, and from taking any action to retaliate against Plaintiff  
2 for refusing to register the Property.” Ex. C at 3.

3 **REDACTED**

4 Ex. B at 153:1-25. ;

5 *Id.* at 155:22-156:12.

6 5. In the Declaratory Relief Action, 1643 Woodland deposed a plaintiff in this  
7 lawsuit, Matthew Fremont, and other East Palo Alto tenants residing in apartments putatively  
8 owned by 1643 Woodland. In that action, 1643 Woodland filed a Motion for Summary  
9 Adjudication on January 8, 2009. A true and correct copy of the Memorandum of Points and  
10 Authorities in Support of this Motion, received from defendants’ counsel in the Declaratory  
11 Relief Action, is attached hereto as **Exhibit D**. In it, 1643 Woodland stated that it “is one of  
12 many landlords that own no more than four residential rental units in East Palo Alto and all of  
13 them will benefit from resolution of this case on the merits.” Ex. D at 2:13-15. Attached hereto as  
14 **Exhibit QQ** is a true and correct copy of Court Reporter Transcript pages referenced in plaintiffs’  
15 Memorandum served herewith.

16 **DEFENDANTS’ SUCCESSFUL MOTION TO CHANGE VENUE IN THIS CASE**

17 6. On August 21, 2008, all defendant LLCs in this action filed a Motion to Change  
18 Venue seeking to change the venue of this action from Santa Clara County to San Mateo County.  
19 A true and correct copy of this Motion and accompanying Memorandum of Points and  
20 Authorities in Support is attached hereto as **Exhibit E**. In their Motion, defendants characterized  
21 plaintiffs’ lawsuit as one “to compel Defendants to comply with the rent control ordinance and  
22 thereby transfer an interest in real property to them[.]” Ex. E at 2:8-10. The defendant LLCs  
23 argued for transfer of the case to San Mateo County on the ground that it constituted a local  
24 action because: “1) subjecting a property to rent control necessarily transfers a special possessory  
25 interest to tenants that does not exist in tenancies not subject to such control; and 2) Plaintiffs  
26 seek to determine the parties’ interests in real estate.” *Id.* at 5:11-15.

27 8. Plaintiffs filed an opposition brief opposing defendant LLCs Motion to Change  
28 Venue. Plaintiffs argued that the action was a transitory one because it seeks to enforce

1 defendants' obligation to comply with East Palo Alto's Rent Stabilization Ordinance, and not a  
2 local action subject to the venue provision found in California Code of Civil Procedure § 392. In  
3 their reply brief, a true and correct copy of which is attached hereto as **Exhibit F**, defendants  
4 stated that (i) "the critical issue in this case is whether Defendants' properties are subject to the  
5 rent control ordinance," Ex. F at 2:20-21, (ii) "[t]he main relief sought by plaintiffs is a  
6 determination that rent control applies to defendants' properties," *id.* at 3:2-3, (iii) "Plaintiffs'  
7 fundamental claim [is] that these properties are subject to rent control," *id.* at 4:17-18, and (iv)  
8 "[t]he determination of that claim will affect the rights in these properties of both current and  
9 future owners and current and future tenants. It is those rights that are the true subject of this  
10 action." *Id.* at 4:18-20. In arguing that plaintiffs' "complaint does not truly seek to impose a  
11 personal obligation on any Defendant," defendants argued that "*the only personal obligation*  
12 *Plaintiffs can identify is the act of registering the units with the East Palo Alto Rent Board,*" but  
13 *that "that obligation is illusory because the key relief Plaintiffs seek is an order prohibiting*  
14 *Defendants from collecting any rent or taking any other landlord-related acts because the*  
15 *buildings are subject to rent control."* *Id.* at 5:2-6 (emphasis added).

16 9. On October 10, 2008, Judge Kevin J. Murphy of the Santa Clara County Superior  
17 Court granted defendants' Motion to Change Venue. A true and correct copy of the Court's order  
18 is attached hereto as **Exhibit G**. In granting defendants' Motion, the Court ruled that "[t]he main  
19 thrust of this case is whether Defendants are subject to the rent control ordinance." *Id.* at 2:2-3.  
20 It held that "[r]ent control laws concern property rights" and accordingly that "this action must be  
21 transferred to San Mateo County where the properties at issue are located." *Id.* at 2:4-7.

22 **PAGE MILL PROPERTIES, LLC'S VERIFIED ALLEGATIONS THAT IT OWNS**  
23 **RENTAL PROPERTIES IN EAST PALO ALTO**

24 10. Page Mill Properties, LLC, through its CEO David Taran, testified at its deposition  
25 that **REDACTED** Ex. A at 46:9-14. Mr.  
26 Taran made a similar statement in his declaration opposing plaintiffs' Motion for Preliminary  
27 Injunction, previously filed in this case: "Page Mill Properties, LLC never held title to or  
28 managed any of the rental properties at issue in this litigation. Page Mill Properties, LLC has

1 never treated any of the properties at issue in this litigation as its own.” Declaration of David  
2 Taran in Opposition to Plaintiffs’ Motion for Preliminary Injunction, filed September 26, 2008 ¶  
3 24. However, court filings obtained from San Mateo Superior Court, show that on five separate  
4 occasions, over a period of almost a year, Page Mill Properties, LLC filed verified Complaints for  
5 Unlawful Detainer affirming to the Court either that Page Mill Properties was the owner of the  
6 rental property and/or was entitled to receive rent from the property. True and correct copies of  
7 these Complaints for Unlawful Detainer are attached hereto as **Exhibits H, I, J, K, and L**  
8 (Exhibits H and I were marked as Exhibits 3 and 4 respectively at the deposition of Page Mill  
9 Properties, LLC on July 21, 2009). Each alleges that real property situated at various apartment  
10 addresses in East Palo Alto was “owned by plaintiff” and/or that “defendant(s) were required to  
11 pay to plaintiff the sum of \$[] each month as and for the rental of said premises” and that  
12 “plaintiff is entitled to possession of said premises.” Each of these complaints was signed and  
13 verified by Page Mill Properties, LLC attorney Todd Rothbard. In testifying regarding Exhibit H,  
14 Mr. Taran stated

15 **REDACTED**

Ex. A at 55:6-23,

16 *Id.* at 55:3-5. Mr. Taran testified similarly as  
17 to another of the unlawful detainer complaints, Exhibit I. *Id.* at 62:9-21 and 63:5-8. Again, he  
18 *Id.* at 63:9-13. Each of the above  
19 complaints resulted in a judgment in favor of Page Mill Properties, LLC. True and correct copies  
20 of these judgments are collectively attached hereto as **Exhibit M**. I have reviewed the online  
21 Court dockets for the five Page Mill Properties unlawful detainer actions, and none of them  
22 indicate that Page Mill Properties, LLC or any other party has sought to make any amendments or  
23 corrections to the unlawful detainer complaints brought in Page Mill Properties, LLC’s name.

24 11. Attached hereto as **Exhibit N** is a true and correct copy of a verified Complaint for  
25 Unlawful Detainer filed on June 12, 2007 in San Mateo County Superior Court. The complaint  
26 identifies the plaintiff as Page Mill Property Services, LLC and alleges that real property situated  
27 at 1854 West Bayshore, Apartment #21, East Palo Alto California is “owned by plaintiff.” Ex. N  
28 at 1. The complaint alleges that “defendant was hired to perform certain tasks in and about the

1 property owned by plaintiff” and that “[i]ncident to said employment, defendant(s) was provided  
2 occupancy of said premises coterminous with the period of employment.” *Id.* at 2. The  
3 complaint further alleges that “defendant’s employment was terminated,” that “defendant failed  
4 to vacate the subject premises,” and that “plaintiff is entitled to possession of said premises.” *Id.*  
5 This complaint resulted in a judgment in favor of Page Mill Property Services, LLC. A true and  
6 correct copy of this judgment is attached hereto as **Exhibit O**.

7 **EVIDENCE REGARDING CONNECTIONS AMONG VARIOUS PAGE MILL**  
8 **ENTITIES**

9 12. Attached hereto as **Exhibit P** is a true and correct copy of the Declaration of James  
10 E. Thompson in Support of Page Mill Properties, LLC’s Reply Briefs filed in the case captioned  
11 *Page Mill Properties, LLC v. Ephraim Luzon, et al.*, San Mateo County Case No. CIV 457866.  
12 This Exhibit was marked as Exhibit 5 at the deposition of Page Mill Properties, LLC. The  
13 declaration indicates that Mr. Thompson was the “Director of Development of Page Mill  
14 Properties, LLC. (“Page Mill”).” Ex. P ¶ 1. It also states that Mr. Thompson served “on the  
15 Investment and Management Committees of Page Mill.” *Id.* Mr. Taran testified that this latter

16 **REDACTED**

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18 Ex. A at 66:25 to 68:14. The Thompson declaration also refers to “Page Mill’s  
19 plan to purchase certain properties in East Palo Alto[,]” which Mr. Taran said Ex. P ¶  
20 3; Ex. A at 68:25 to 69:10. Mr. Taran acknowledged in his deposition that

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22 **REDACTED**

23 Ex. A. at 69:11  
24 to 70:19 and 72:5 to 73:21. Mr. Thompson’s declaration refers to an “August 2006 list of  
25 properties that Page Mill wanted to acquire in East Palo Alto.” Ex. P ¶ 9. Mr. Taran testified that

26 Ex. A at 75:24 to 76:12. Mr. Taran  
27 testified that **REDACTED**

28 *Id.* at 75:2-6. Mr. Taran did not

1 know

**REDACTED**

2 *Id.* at 75:7-12.

3 13. Attached hereto as **Exhibit Q** is a true and correct copy of the Declaration of  
4 David A. Taran in Support of Application to File Records Under Seal filed in the case captioned  
5 *Page Mill Properties, LLC v. Ephraim Luzon, et al.*, San Mateo County Case No. CIV 457866.  
6 This exhibit was marked as Exhibit 7 during the deposition of Page Mill Properties, LLC. Mr.  
7 Taran testified at his deposition that

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9 Ex. Q ¶ 1; Ex. A at 80:14 to 81:21. He testified:

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11 *Id.* He also testified that

12 **REDACTED**

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14 Ex. Q ¶ 4; Ex. A at 86:7 to  
15 87:6. He stated he

16 Ex. A at 87:7-19.

17 14. Attached hereto as **Exhibit R** is a true and correct copy of Exhibit E to the  
18 Declaration of John Clow filed previously in this case on September 10, 2008. This exhibit was  
19 marked as Exhibit 8 during the deposition of Page Mill Properties, LLC. The letterhead on  
20 Exhibit R states "PageMill Properties" with an address at 5 Newell Court, East Palo Alto, CA  
21 94303. Ex. R. Mr. Taran testified that

22 **REDACTED**

Ex.

23 A at 88:25 to 89:4. Mr. Taran had :

*Id.*

24 at 89:18 to 90:2.

25 15. Attached hereto as **Exhibit S** is a true and correct copy of a "newsletter" my  
26 colleague Ryan Marsh printed off of the website www.pagemill.com, and which was Exhibit I to  
27 the Declaration of Ryan D. Marsh in Support of Plaintiffs' Motion for Preliminary Injunction  
28 filed previously in this case on September 10, 2008. This exhibit was marked as Exhibit 10

1 during the deposition of Page Mill Properties, LLC. Mr. Taran testified that

2 **REDACTED**

3 Ex. A at 93:24 to 94:1; and 104:18-

4 23. Regarding the headline of the newsletter—"Page Mill Properties Begins Property  
5 Improvement Program"—Mr. Taran testified that

6 **REDACTED**

7 Ex. S; Ex. A at 95:20 to 96:5. Regarding the first  
8 sentence below the headline, "Page Mill Properties recently purchased the property where you are  
9 living," Taran testified that

10 Ex. S; Ex. A at 96:14-22. He also testified that the statement in the newsletter, "Page Mill  
11 Property Services is the part of our firm that manages properties like yours" is

12  
13 Ex. S; Ex. A at 97:5-9. Speaking generally of the newsletter, Mr. Taran  
14 acknowledged that

15 Ex. A at 99:25 to 100:21.

16 16. Attached hereto as **Exhibit T** is a press release on Page Mill Properties letterhead  
17 which was marked as Exhibit 14 at the deposition of Page Mill Properties, LLC. Mr. Taran  
18 testified that

19 **REDACTED**

Ex. A at 151:5-7.

20 *Id.* at 152:20 to 153:2. The newsletter refers to "the Page Mill owners group," but Mr. Taran  
21 testified that

22 Ex. T; Ex. A at 153:19 to 154:18. He did testify that

23 **REDACTED**

24 Ex. A at

25 155:15 to 156:7. Mr. Taran testified that

26 Ex. A at 111:1-14. He also confirmed that

27 *Id.* at 111:24 to 112:2.

28 17. Attached hereto as **Exhibit U** is a true and correct copy of Exhibit 45 marked

1 during the deposition of 1643 Woodland. Mr. Taran testified that

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3 Ex. B at 169:19-25. Mr. Taran asserted that the reference to

4 Ex. U; Ex. B at

5 168:1-22. He stated that

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7 *Id.*

8 18. Attached hereto as **Exhibit V** is a true and correct copy of a document produced  
9 by defendants entitled

10 which was marked as Exhibit 27 at the deposition of Page Mill Properties, LLC. Mr.

11 Taran testified that

Ex. A at

12 280:19 to 281:2. He asserted that

13  
14 **REDACTED**

Ex. A at 283:18 to 284:1. Mr. Taran

15 acknowledged that

16 Ex. A at 281:13-21, and 285:12 to 286:2.

17 He indicated that

*Id.* at 281:10-12.

18 Although the document refers to

19 Mr. Taran testified that

20 Ex. V; Ex. A at 282:2 to 283:5. He asserted that

21 Ex. A at 283:9-13. Mr. Taran testified that

22 *Id.* at 283:14-17. He testified that

23 **REDACTED**

*Id.* at 281:22 to 282:1. When asked

24 **REDACTED**

25 Taran answered,

26 *Id.* at 284:14-20.

27 19. Attached hereto as **Exhibit W** is a true and correct copy of a rent increase notice  
28 marked as Exhibit 29 at the deposition of Page Mill Properties, LLC. Mr. Taran testified that

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Ex. A at 314:15 to 315:9. The

penultimate paragraph of the notice invites residents to make an appointment to discuss special consideration of their rental rate. Ex. W. It provides “[a]fter we meet with the resident, we will consider the application and the information provided on an individual, or case by case basis, in our sole and absolute discretion[.]” *Id.* Mr. Taran explained that

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*Id.* at 321:1-16.

20. Mr. Taran testified that

Ex. A at 105:23 to 106:15. He testified that

*Id.*

at 108:4-12. Mr. Taran testified that

*Id.* at 106:20-

24.

21. Mr. Taran testified during the deposition of Page Mill Properties, LLC that

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Ex. A at 174:6 to 176:11. Ms. Griffith also

represents all LLC defendants in this case. Mr. Zacks represents all LLC defendants in this case and has represented 1643 Woodland in the Declaratory Relief Action against the City of East Palo Alto filed in this Court. Mr. Zacks, Ms. Griffith and their law firms have also represented various Page Mill-related entities in other lawsuits, including the case captioned *City of East Palo Alto v. Woodland Park Management, LLC, et al.*, San Mateo Superior Case No. CIV 475139 and the case captioned *Page Mill Management, LLC v. City of East Palo Alto*, San Mateo Superior Case No. CIV 469315.

22. Attached hereto as **Exhibit X** is a true and correct copy of the Amended and Restated Loan Agreement dated as of December 28, 2006 between “Borrowers (as defined herein) and Greenwich Capital Financial Products, Inc., marked as Exhibit 16 at the deposition of Page Mill Properties, LLC. Mr. Taran testified that

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Ex. A at 178:3-24.

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Ex. X at

103526; Ex. A at 180:7-24. Mr. Taran testified that  
181:18-20. Mr. Taran confirmed that

Ex. A at

Ex. A at 182:3 to 183:2. The

loan agreement contains a provision entitled

**REDACTED**

23. Attached hereto as **Exhibit Y** is a true and correct copy of the Loan Agreement between Old York Financial Services LLC and Wachovia Bank, National Association produced by defendants and marked as Exhibit 19 at the deposition of Page Mill Properties, LLC. Mr. Taran testified that

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24. Attached hereto as **Exhibit Z** is a true and correct copy of a document entitled produced by defendants and marked as Exhibit 20 at the deposition of Page Mill Properties, LLC. Mr. Taran testified that

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Ex. A at 230:1-7.

25. Attached hereto as **Exhibit AA and Exhibit BB** respectively are true and correct copies of the Amended and Restated Limited Liability Company Agreement of 1848 Clarke, LLC and 1643 Woodland, LLC, produced by defendants and marked as Exhibit 17 and 18, respectively, at the deposition of Page Mill Properties, LLC. They specify that

**REDACTED**

Ex. AA at 100019; Ex. BB at 102276.

Defendants also produced Amended and Restated Limited Liability Company Agreements for the following additional defendant ownership LLCs: 1909 Cooley, LLC; 2020 Dumbarton, LLC; 2036 Euclid, LLC; 2040 Euclid, LLC; 1995 Manhattan, LLC; 504 OConnor, LLC; 1703 Woodland, LLC; 1823 Woodland, LLC; 1835 Woodland, LLC; 1839 Woodland, LLC; 1851 Woodland, LLC; and 1859 Woodland, LLC. Each of these Agreements specifies

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26. Attached hereto as **Exhibit CC** is a true and correct copy of a document obtained from one of our clients entitled Settlement Agreement in the case captioned *City of East Palo Alto, et al. v. Woodland Park Management, LLC, et al.*, San Mateo Superior Case No. CIV 475139. This exhibit was marked as Exhibit 37 at the deposition of 1643 Woodland, LLC. Mr. Taran testified that

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Ex. B at

28:15 to 29:17. Jim Shore signed this document as "General Counsel" as to each entity named in the signature block, and Mr. Taran confirmed that

Ex. CC; Ex. B at 29:19-25. Mr. Taran confirmed that

Ex. B at 30:10-12.

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**REDACTED**

28. Attached as **Exhibit DD** hereto is a true and correct copy of the Amended and Restated Apartment Property Management and Leasing Agreement for 1643 Woodland, LLC, produced by defendants and marked as Exhibit 30 at the deposition of Page Mill Properties, LLC.

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Ex. DD at 104303; Ex. A at 324:2-6. Mr. Taran testified that

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Ex. A at 324:10-22. Section 2.1(c) of the Page Mill Management, LLC Standard Apartment Property Management Terms and Conditions, incorporated into the Agreement, provides that

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29. Attached as **Exhibit EE** hereto is a true and correct copy of the Amended and Restated Property Services Agreement for 1643 Woodland, LLC, produced by defendants and marked as Exhibit 31 at the deposition of Page Mill Properties, LLC. Mr. Taran testified that

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30. In the declaration of David Taran In Opposition to Plaintiffs' Motion for Preliminary Injunction filed previously in this case on September 26, 2008, Mr. Taran states that he "participated actively" in the establishment of the defendant LLCs and that the "ownership structure called for every property to be purchased by a separate limited liability company[.]"

Taran Decl. ¶ 2. Mr. Taran testified that

**REDACTED**



1 properties.” The letter at Exhibit KK states that “[t]he purpose of this letter is to inform you of  
2 our concerns regarding the existing needs and deficiencies within the public rights-of-way  
3 surrounding properties owned or managed by Page Mill or affiliated entities in East Palo Alto.”

4 **AUTHORITY TO ACT FOR THE “PROPERTY OWNERS”**

5 32. In addition to the evidence summarized above, Mr. Taran’s testimony confirms  
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**OFFICER OVERLAP**

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**USE OF THE SAME OFFICES AND PERSONAL PROPERTY**

36.

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**MR. TARAN'S VIEWS RE THE RENT CONTROL ORDINANCE AND ON  
APPLICATION OF THE ORDINANCE**

37.

**REDACTED**

apparently referring to Section 3 of the

1 ordinance which reads: "The purpose of this Ordinance is to protect residential tenants in the  
2 City from unreasonable rent increased by discouraging speculation in rental property and  
3 stabilizing rent increases[.]" Ex. A at 337:5 to 338:12. When asked to explain his understanding  
4 of "speculation" Mr. Taran testified:

5 Ex. A at 340:1-8.  
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8 **REDACTED**  
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11 38. Attached hereto as **Exhibit LL** is a true and correct copy of a Resolution adopted  
12 by the East Palo Alto City Council, which states in part, the following:

13 WHEREAS, in recent years the practice of predatory real estate investments in rental  
14 housing has intensified in low income communities such as East Palo Alto, where Page  
15 Mill Properties LLC and its related entities have acquired over 1700 units since 2006 and  
16 have engaged in aggressive tactics of harassment against tenants, resulting in the  
displacement of hundreds of people, and...

17 \* \* \*

18 NOW THEREFORE BE IT RESOLVED that the City Council of East Palo Alto strongly  
19 protests the fact that CalPERS has invested in public employee pension dollars in Page  
20 Mill Properties who has engaged in predatory landlord practices that have resulted in the  
displacement of hundred of residents, have reduced the affordable rental housing stock in  
our community, and have negatively impacted the City's budget as a result of Page Mill's  
frontal attacks on tenants and city government, and be it

21 FURTHER RESOLVED that the City Council of East Palo Alto calls on CalPERS as well  
22 as County, State and Federal authorities to exercise their political, economic, and ethical  
23 influence to help us stop Page Mill Properties from displacing residents and inflicting pain  
and hardship to our community

24 **FINANCIAL INFORMATION**

25 39. Attached hereto as **Exhibit MM** is a true and correct copy of standard balance  
26 sheet summaries produced by defendants for defendant Page Mill Properties, LLC for the periods  
27 ending December 2007, December 2008, and June 2009. Each of the balance sheet summaries  
28 for these periods shows

**REDACTED**



1 exist, and plaintiffs intend to add those entities as defendants once discovery confirms their  
2 identity.

3 42. With respect to the operations of the so-called ownership LLCs, Mr. Taran  
4 testified:

5  
6 **REDACTED**

7  
8 \* \* \*

9  
10 **REDACTED**

11 Ex. B at 35:7-24

12 I declare under penalty of perjury under the laws of the State of California, that the  
13 foregoing is true and correct and that this declaration is executed on August 7, 2009 at Palo Alto,  
14 California.

15   
16 ROBERT B. HAWK

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