



AGENDA REPORT

Meeting Date: April 6, 2010
Item Number: E-1
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ISSUING SUBPOENAS IN CONNECTION WITH ITS HEARING
CONCERNING THE POTENTIAL REVOCATION OF A BUILDING
PERMIT FOR CONSTRUCTION AT 1201 LAUREL WAY

Attachments:

1. Resolution
2. Legislative Subpoenas

RECOMMENDATION

The City Attorney recommends that the City Council examine the attached subpoenas to determine whether they describe witnesses and information that the City Council wishes to examine at the continued public hearing concerning the revocation of the building permit for 1201 Laurel Way. If so, the City Council should adopt the attached resolution to issue the subpoenas.

INTRODUCTION

At its meeting on March 2, 2010, the City Council directed that the City Attorney prepare subpoenas for documents and witnesses relevant to the City Council's hearing concerning the potential revocation of the building permit issued for the property at 1201 Laurel Way. The attached resolution and subpoenas direct that certain documents be produced for the continued public hearing on April 20, 2010 and that certain witnesses appear to answer questions at the continued hearing on that date.

DISCUSSION

California Government Code Section 37104 provides that the City Council may "issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it."

The subpoenas are to be signed by the mayor and attested by the City Clerk. They may be served in the same manner as civil subpoenas. If any person refuses to comply with the subpoenas, then the Mayor shall report that fact to a judge of the superior court, who may order the person to appear before the City Council.

At its meeting of March 2, 2010, the City Council opened a public hearing concerning the potential revocation of a building permit issued for the remodel of, and addition to, a house at 1201 Laurel Way in Beverly Hills. During the hearing, the appellant presented and relied upon a declaration of Keith Bae concerning the contents of a March 12, 2008 conversation that he had with Steve Tabor, a City building inspector. Mr. Tabor disputed

Meeting Date: January 10, 2005
Item Number:

the declaration and testified that the conversation described in the declaration did not occur. Although Mr. Bae was present at the hearing, Mr. Bae refused to testify or answer questions of the City Council concerning the alleged conversation or any other matter. In response to that decision, the City Council directed that a subpoena be prepared to compel the testimony of Mr. Bae. In addition, at the request of staff, the City Council directed that an additional subpoena be prepared to compel the attendance of Mr. Cory Rodriguez, another possible witness to the same conversation or related events.

In addition, after some discussion, council members also identified the project's architect, Mauricio Duc, as a witness with potentially relevant information and identified certain documents that may contain information relevant to the Council's decision and requested that those documents be subpoenaed and produced for the continued hearing on April 20, 2010. The City Attorney's office has prepared subpoenas for the Council's consideration to compel the appearance of Mr. Duc and the production of the documents that were identified by the Council, to the extent that they might be relevant to the hearing before the City Council.

Finally, subsequent to the City Council meeting of March 2, 2010, the City Council received a letter from Jeff Neiderman, an attorney for Dr. Victor Gura and Ronit Gura, neighbors of the 1201 Laurel Property. That letter enclosed emails that Mr. Friedman asserts are relevant to the pending building permit revocation hearing. These emails appear to be authored by Marc Canadell and Zach Nemzer. These individuals appear to have investigated or advised the owner of the property regarding the demolition in question. Our office has also prepared subpoenas for these individuals in case the City Council wishes to subpoena them to appear at the continued hearing on April 20th.

Please note that the subpoenas require that documents be produced by Monday, April 19th at noon. While we recognize that this will provide little time for the City Council to review the documents before the currently scheduled resumption of the public hearing, we believe that the parties being subpoenaed must have a reasonable period of time to gather and produce the responsive documents. If the Council desires more time to review the documents, the Council may wish to continue the hearing until its first meeting in May and direct that the subpoenas be revised to command the appearance of witnesses on that date.

FISCAL IMPACT

Issuance of the subpoenas will have no material fiscal impact on the City. There will be some small cost associated with serving the subpoenas on the appropriate persons.



Laurence S. Wiener, City Attorney

RESOLUTION NO. 10-R-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BEVERLY HILLS ISSUING SUBPOENAS IN CONNECTION
WITH ITS HEARING CONCERNING THE POTENTIAL
REVOCATION OF A BUILDING PERMIT FOR
CONSTRUCTION AT 1201 LAUREL WAY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY RESOLVES
AS FOLLOWS

WHEREAS, on March 2, 2010, the City Council opened a duly noticed public hearing regarding the potential revocation of Building Permit No. BS0725308 which had been previously issued to allow the construction of a major addition and remodel of the existing single family residence located at 1201 Laurel Way, Beverly Hills, California (the "Appeal"), and

WHEREAS, the appellant in the Appeal has relied upon, among other things, declaration(s) signed by Keith Bae, the general contractor for the appellant in connection with that construction, and

WHEREAS, Mr. Bae was present at the Appeal hearing, but the City Council was informed by appellant's counsel that Mr. Bae refused to provide testimony or respond to questions that are relevant to the Appeal, and

WHEREAS, during the Appeal hearing, the City Council also became aware of potentially relevant testimony of certain other individuals, as well as documents not included in the then existing record that would be relevant to the City Council's decision on the Appeal, and

WHEREAS, the City Council desires to obtain the fullest possible examination of relevant documentation, and to seek testimony of witnesses with personal knowledge of relevant information prior to reaching its decision on the Appeal;

NOW THEREFORE, BE IT RESOLVED:

Section 1. Based upon the above, the City of Beverly Hills does hereby declare its desire to obtain more relevant facts, documents, and testimony prior to rendering its decision on the Appeal.

Section 2. In order to assist the City Council in the conduct of a hearing, the City Council, from time to time, may issue subpoenas requiring attendance of witnesses or production of documents and other writings as defined by Evidence Code §250 for evidence or testimony as provided in Government Code §37104.

Section 3. The City Council hereby issues the subpoenas in Attachment "A," and directs the Mayor to execute the same and the City Clerk to attest thereto.

Section 4. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted _____.

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager

ATTACHMENT A

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA

(PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Mauricio Duc

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY	ROOM NUMBER
	DATE AND TIME

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE City Hall - City Clerk's Office 455 N. Rexford Drive Beverly Hills, CA 90210	DATE AND TIME. April 19, 2010; 12 p.m., noon
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IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

EXHIBIT "A"

INSTRUCTIONS

1. YOU are required to produce all DOCUMENTS subpoenaed that are within your possession, custody or control, or in the possession, custody or control of your attorneys, investigators, accountants, agents and/or other persons acting, purporting to act, or who purported to act on your behalf, including any predecessors, successors and/or franchisees.

2. The DOCUMENTS shall be produced as they are or were kept in the usual course of business.

3. YOU shall produce not only the originals or exact copies of the originals of all documents requested below, but also copies of such documents which bear any notes or markings not found on the originals and all preliminary, intermediate, final or revised drafts of such documents.

4. If YOU are withholding any document responsive to any of the requests set forth below on the basis of a claimed privilege, YOU shall state the following information by way of written response:

- (1) a specific description of the document, including its type or nature and general subject matter;
- (2) the date the document was created, executed and received;
- (3) the author or authors of the document;
- (4) the addressee or addressees of the document;
- (5) the title of the document;
- (6) the location of the document and the identity of its custodian; and
- (7) the type of privilege claimed as grounds for withholding the document.

DEFINITIONS

1. The term “YOU” or “YOUR” shall mean the person, entity or company to whom this subpoena is directed, as well as each of his/her/its agents, employees, representatives, attorneys and anyone else acting or purporting to act on his/her/its behalf.

2. The term “PROPERTY” shall mean the real property and all structures located at 1201 Laurel Way, Beverly Hills, California, 90210.

3. The term “DEMOLITION” shall mean the destruction, razing, removal, or replacement by any means or in any manner of all or any portion of an existing structure, including, without limitation, the removal of a portion or portions of an existing structure and the replacement of those portions with new materials.

4. The term “DOCUMENTS” shall mean writings, recordings, computer files or photographs, and includes, without limitation, the original or copy of handwriting, typewriting, printing, photographing and every other means of recording upon any tangible thing or form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof and all drafts and file copies thereof. “DOCUMENTS” include, but are not limited to, papers, agreements, contracts, notes, applications, memoranda, e-mail or any other electronic correspondence, studies, letters, telegrams, invoices, personal diaries, reports, records, books, forms, logs, drawings, graphs, charts, photographs, sound or videotapes or recordings, computer printouts, any information stored on electronic media such as a computer hard drive, a computer disk or diskette, electronic mail software, word processing software, accounting software, algorithm software, spreadsheet software or any other media that allows the information to be transmitted electronically, investigation reports, appointment books, desk calendars, pocket calendars, “daytimers,” opinions or reports of consultants, brochures, pamphlet advertisements, circulars, press releases, minutes, telephone logs, telephone message slips, and all other tangible things which constitute or contain a writing.

5. "RELATING TO" shall mean mentioning, discussing, including, summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting or pertaining to, in whole or in part.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request For Production of Documents No. 1:

All DOCUMENTS RELATING TO any DEMOLITION undertaken or to be undertaken PROPERTY.

Request for Production of Documents No. 2:

All DOCUMENTS exchanged between YOU and the owner(s) of the PROPERTY RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

Request for Production of Documents No. 3:

All DOCUMENTS exchanged between YOU and any representative of the CITY RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

Request for Production of Documents No. 4:

All DOCUMENTS exchanged between YOU and any third party RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

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DECLARATION IN SUPPORT OF SUBPOENA FOR TESTIMONY AND
PRODUCTION OF DOCUMENTS AND THINGS

1. I am the City Attorney for the City of Beverly Hills, California (“City”). On April 6, 2010, the City adopted a resolution issuing subpoenas to procure additional testimony and documents relevant to the appeal of the Building Official’s decision to revoke Building Permit No. BS0725308, which had been previously issued to allow the construction of a major addition and remodel of the existing single family residence located at 1201 Laurel Way, Beverly Hills, California (the “Resolution”).

2. I was present at the appeal hearing which took place before the Beverly Hills City Council on March 2, 2010 where the City Council determined that the subpoenaed witness could provide relevant testimony, and may have possession or control of the documents or other things set forth in Exhibit “A” to the Subpoena.

3. Good cause exists for personal attendance and testimony, as well the production of the documents or other things because they are relevant to the purposes of the appeal hearing. In addition, the subpoenaed witness and documents requested to be produced are not otherwise available to the City. If the testimony and/or documents sought are not produced, the purpose of the appeal hearing will be frustrated.

4. The attached Subpoena is consistent with the provisions of the Resolution. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of April, 2010, at Beverly Hills, California.

LAURENCE S. WIENER

**DECLARATION OF
CUSTODIAN OF RECORDS**

This Declaration pertains to the production of DOCUMENTS responsive to a Subpoena (the "Subpoena") issued in connection with the following proceeding:

A HEARING BEFORE THE BEVERLY HILLS CITY COUNCIL CONCERNING THE
POTENTIAL REVOCATION OF A BUILDING PERMIT FOR CONSTRUCTION AT
1201 LAUREL WAY

- a. I am the person named in the Subpoena; or I am an authorized Custodian of Records, and I am qualified and authorized by the person named in the Subpoena to execute this declaration.
- b. To comply with the Subpoena, I made a diligent search of all DOCUMENTS identified in the Subpoena that were in the custody, possession or control of the person named in the Subpoena.
- c. The originals or true and correct copies of documents submitted with this declaration are all of the non-privileged DOCUMENTS responsive to the Subpoena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 2010, in _____, California.

Signature

Print Name: _____

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Mauricio Duc

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY
455 N. Rexford Drive
Beverly Hills, CA 90210

ROOM NUMBER
City Hall - Council Chambers

DATE AND TIME
April 20, 2010; 7:00 p.m.

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE

DATE AND TIME.

IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

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DECLARATION IN SUPPORT OF SUBPOENA FOR TESTIMONY AND
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2. I was present at the appeal hearing which took place before the Beverly Hills City Council on March 2, 2010 where the City Council determined that the subpoenaed witness could provide relevant testimony, and may have possession or control of the documents or other things set forth in Exhibit “A” to the Subpoena.

3. Good cause exists for personal attendance and testimony, as well the production of the documents or other things because they are relevant to the purposes of the appeal hearing. In addition, the subpoenaed witness and documents requested to be produced are not otherwise available to the City. If the testimony and/or documents sought are not produced, the purpose of the appeal hearing will be frustrated.

4. The attached Subpoena is consistent with the provisions of the Resolution.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of April, 2010, at Beverly Hills, California.

LAURENCE S. WIENER

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Cory Rodriguez

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY	ROOM NUMBER
	DATE AND TIME

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE City Hall - City Clerk's Office 455 N. Rexford Drive Beverly Hills, CA 90210	DATE AND TIME. April 19, 2010; 12 p.m., noon
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IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

EXHIBIT "A"

INSTRUCTIONS

1. YOU are required to produce all DOCUMENTS subpoenaed that are within your possession, custody or control, or in the possession, custody or control of your attorneys, investigators, accountants, agents and/or other persons acting, purporting to act, or who purported to act on your behalf, including any predecessors, successors and/or franchisees.

2. The DOCUMENTS shall be produced as they are or were kept in the usual course of business.

3. YOU shall produce not only the originals or exact copies of the originals of all documents requested below, but also copies of such documents which bear any notes or markings not found on the originals and all preliminary, intermediate, final or revised drafts of such documents.

4. If YOU are withholding any document responsive to any of the requests set forth below on the basis of a claimed privilege, YOU shall state the following information by way of written response:

- (1) a specific description of the document, including its type or nature and general subject matter;
- (2) the date the document was created, executed and received;
- (3) the author or authors of the document;
- (4) the addressee or addressees of the document;
- (5) the title of the document;
- (6) the location of the document and the identity of its custodian; and
- (7) the type of privilege claimed as grounds for withholding the document.

DEFINITIONS

1. The term “YOU” or “YOUR” shall mean the person, entity or company to whom this subpoena is directed, as well as each of his/her/its agents, employees, representatives, attorneys and anyone else acting or purporting to act on his/her/its behalf.

2. The term “PROPERTY” shall mean the real property and all structures located at 1201 Laurel Way, Beverly Hills, California, 90210.

3. The term “DEMOLITION” shall mean the destruction, razing, removal, or replacement by any means or in any manner of all or any portion of an existing structure, including, without limitation, the removal of a portion or portions of an existing structure and the replacement of those portions with new materials.

4. The term “DOCUMENTS” shall mean writings, recordings, computer files or photographs, and includes, without limitation, the original or copy of handwriting, typewriting, printing, photographing and every other means of recording upon any tangible thing or form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof and all drafts and file copies thereof. “DOCUMENTS” include, but are not limited to, papers, agreements, contracts, notes, applications, memoranda, e-mail or any other electronic correspondence, studies, letters, telegrams, invoices, personal diaries, reports, records, books, forms, logs, drawings, graphs, charts, photographs, sound or videotapes or recordings, computer printouts, any information stored on electronic media such as a computer hard drive, a computer disk or diskette, electronic mail software, word processing software, accounting software, algorithm software, spreadsheet software or any other media that allows the information to be transmitted electronically, investigation reports, appointment books, desk calendars, pocket calendars, “daytimers,” opinions or reports of consultants, brochures, pamphlet advertisements, circulars, press releases, minutes, telephone logs, telephone message slips, and all other tangible things which constitute or contain a writing.

5. “RELATING TO” shall mean mentioning, discussing, including, summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting or pertaining to, in whole or in part.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request For Production of Documents No. 1:

All DOCUMENTS RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

Request for Production of Documents No. 2:

All DOCUMENTS exchanged between YOU and any past or present owner(s) of the PROPERTY RELATING TO the PROPERTY.

Request for Production of Documents No. 3:

All DOCUMENTS evidencing any communications between YOU and any representative of the CITY RELATING TO the PROPERTY.

**DECLARATION OF
CUSTODIAN OF RECORDS**

This Declaration pertains to the production of DOCUMENTS responsive to a Subpoena (the "Subpoena") issued in connection with the following proceeding:

A HEARING BEFORE THE BEVERLY HILLS CITY COUNCIL CONCERNING THE
POTENTIAL REVOCATION OF A BUILDING PERMIT FOR CONSTRUCTION AT
1201 LAUREL WAY

- a. I am the person named in the Subpoena; or I am an authorized Custodian of Records, and I am qualified and authorized by the person named in the Subpoena to execute this declaration.
- b. To comply with the Subpoena, I made a diligent search of all DOCUMENTS identified in the Subpoena that were in the custody, possession or control of the person named in the Subpoena.
- c. The originals or true and correct copies of documents submitted with this declaration are all of the non-privileged DOCUMENTS responsive to the Subpoena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 2010, in _____, California.

Signature

Print Name: _____

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Cory Rodriguez

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY 455 N. Rexford Drive Beverly Hills, CA 90210	ROOM NUMBER City Hall - Council Chambers
	DATE AND TIME April 20, 2010; 7:00 p.m.

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE	DATE AND TIME.
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IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

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DECLARATION IN SUPPORT OF SUBPOENA FOR TESTIMONY AND
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2. I was present at the appeal hearing which took place before the Beverly Hills City Council on March 2, 2010 where the City Council determined that the subpoenaed witness could provide relevant testimony, and may have possession or control of the documents or other things set forth in Exhibit “A” to the Subpoena.

3. Good cause exists for personal attendance and testimony, as well the production of the documents or other things because they are relevant to the purposes of the appeal hearing. In addition, the subpoenaed witness and documents requested to be produced are not otherwise available to the City. If the testimony and/or documents sought are not produced, the purpose of the appeal hearing will be frustrated.

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Executed this 6th day of April, 2010, at Beverly Hills, California.

LAURENCE S. WIENER

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Keith Bae

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY	ROOM NUMBER
	DATE AND TIME

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

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PLACE City Hall - City Clerk's Office 455 N. Rexford Drive Beverly Hills, CA 90210	DATE AND TIME. April 19, 2010; 12 p.m., noon
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JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

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City Clerk
BYRON POPE

EXHIBIT "A"

INSTRUCTIONS

1. YOU are required to produce all DOCUMENTS subpoenaed that are within your possession, custody or control, or in the possession, custody or control of your attorneys, investigators, accountants, agents and/or other persons acting, purporting to act, or who purported to act on your behalf, including any predecessors, successors and/or franchisees.

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3. YOU shall produce not only the originals or exact copies of the originals of all documents requested below, but also copies of such documents which bear any notes or markings not found on the originals and all preliminary, intermediate, final or revised drafts of such documents.

4. If YOU are withholding any document responsive to any of the requests set forth below on the basis of a claimed privilege, YOU shall state the following information by way of written response:

- (1) a specific description of the document, including its type or nature and general subject matter;
- (2) the date the document was created, executed and received;
- (3) the author or authors of the document;
- (4) the addressee or addressees of the document;
- (5) the title of the document;
- (6) the location of the document and the identity of its custodian; and
- (7) the type of privilege claimed as grounds for withholding the document.

DEFINITIONS

1. The term "YOU" or "YOUR" shall mean the person, entity or company to whom this subpoena is directed, as well as each of his/her/its agents, employees, representatives, attorneys and anyone else acting or purporting to act on his/her/its behalf.

2. The term "PROPERTY" shall mean the real property and all structures located at 1201 Laurel Way, Beverly Hills, California, 90210.

3. The term "DEMOLITION" shall mean the destruction, razing, removal, or replacement by any means or in any manner of all or any portion of an existing structure, including, without limitation, the removal of a portion or portions of an existing structure and the replacement of those portions with new materials.

4. The term "DOCUMENTS" shall mean writings, recordings, computer files or photographs, and includes, without limitation, the original or copy of handwriting, typewriting, printing, photographing and every other means of recording upon any tangible thing or form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof and all drafts and file copies thereof. "DOCUMENTS" include, but are not limited to, papers, agreements, contracts, notes, applications, memoranda, e-mail or any other electronic correspondence, studies, letters, telegrams, invoices, personal diaries, reports, records, books, forms, logs, drawings, graphs, charts, photographs, sound or videotapes or recordings, computer printouts, any information stored on electronic media such as a computer hard drive, a computer disk or diskette, electronic mail software, word processing software, accounting software, algorithm software, spreadsheet software or any other media that allows the information to be transmitted electronically, investigation reports, appointment books, desk calendars, pocket calendars, "daytimers," opinions or reports of consultants, brochures, pamphlet advertisements, circulars, press releases, minutes, telephone logs, telephone message slips, and all other tangible things which constitute or contain a writing.

5. "RELATING TO" shall mean mentioning, discussing, including, summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting or pertaining to, in whole or in part.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request For Production of Documents No. 1:

All daily logs and/or reports, diaries, and the like RELATING TO the PROPERTY during the 2007 calendar year.

Request for Production of Documents No. 2:

All daily logs and/or reports, diaries, and the like RELATING TO the PROPERTY during the 2008 calendar year.

Request for Production of Documents No. 3:

All DOCUMENTS evidencing any communications between YOU and any representative of the CITY RELATING TO the PROPERTY.

Request for Production of Documents No. 4:

All DOCUMENTS evidencing any communications between YOU and past owner(s) RELATING TO the PROPERTY.

Request for Production of Documents No. 5:

All DOCUMENTS evidencing any communications between YOU and current owner(s) RELATING TO the PROPERTY.

Request for Production of Documents No. 6:

All DOCUMENTS evidencing any communications between YOU and any structural engineer(s) RELATING TO the PROPERTY.

Request for Production of Documents No. 7:

All DOCUMENTS RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

**DECLARATION OF
CUSTODIAN OF RECORDS**

This Declaration pertains to the production of DOCUMENTS responsive to a Subpoena (the "Subpoena") issued in connection with the following proceeding:

A HEARING BEFORE THE BEVERLY HILLS CITY COUNCIL CONCERNING THE
POTENTIAL REVOCATION OF A BUILDING PERMIT FOR CONSTRUCTION AT
1201 LAUREL WAY

- a. I am the person named in the Subpoena; or I am an authorized Custodian of Records, and I am qualified and authorized by the person named in the Subpoena to execute this declaration.
- b. To comply with the Subpoena, I made a diligent search of all DOCUMENTS identified in the Subpoena that were in the custody, possession or control of the person named in the Subpoena.
- c. The originals or true and correct copies of documents submitted with this declaration are all of the non-privileged DOCUMENTS responsive to the Subpoena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 2010, in _____, California.

Signature

Print Name: _____

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Keith Bae

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY 455 N. Rexford Drive Beverly Hills, CA 90210	ROOM NUMBER City Hall - Council Chambers
	DATE AND TIME April 20, 2010; 7:00 p.m.

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE	DATE AND TIME.

IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Marc Canadell

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY	ROOM NUMBER
	DATE AND TIME

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE City Hall - City Clerk's Office 455 N. Rexford Drive Beverly Hills, CA 90210	DATE AND TIME. April 19, 2010; 12 p.m., noon
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IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

EXHIBIT "A"

INSTRUCTIONS

1. YOU are required to produce all DOCUMENTS subpoenaed that are within your possession, custody or control, or in the possession, custody or control of your attorneys, investigators, accountants, agents and/or other persons acting, purporting to act, or who purported to act on your behalf, including any predecessors, successors and/or franchisees.

2. The DOCUMENTS shall be produced as they are or were kept in the usual course of business.

3. YOU shall produce not only the originals or exact copies of the originals of all documents requested below, but also copies of such documents which bear any notes or markings not found on the originals and all preliminary, intermediate, final or revised drafts of such documents.

4. If YOU are withholding any document responsive to any of the requests set forth below on the basis of a claimed privilege, YOU shall state the following information by way of written response:

- (1) a specific description of the document, including its type or nature and general subject matter;
- (2) the date the document was created, executed and received;
- (3) the author or authors of the document;
- (4) the addressee or addressees of the document;
- (5) the title of the document;
- (6) the location of the document and the identity of its custodian; and
- (7) the type of privilege claimed as grounds for withholding the document.

DEFINITIONS

1. The term “YOU” or “YOUR” shall mean the person, entity or company to whom this subpoena is directed, as well as each of his/her/its agents, employees, representatives, attorneys and anyone else acting or purporting to act on his/her/its behalf.

2. The term “PROPERTY” shall mean the real property and all structures located at 1201 Laurel Way, Beverly Hills, California, 90210.

3. The term “DEMOLITION” shall mean the destruction, razing, removal, or replacement by any means or in any manner of all or any portion of an existing structure, including, without limitation, the removal of a portion or portions of an existing structure and the replacement of those portions with new materials.

4. The term “DOCUMENTS” shall mean writings, recordings, computer files or photographs, and includes, without limitation, the original or copy of handwriting, typewriting, printing, photographing and every other means of recording upon any tangible thing or form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof and all drafts and file copies thereof. “DOCUMENTS” include, but are not limited to, papers, agreements, contracts, notes, applications, memoranda, e-mail or any other electronic correspondence, studies, letters, telegrams, invoices, personal diaries, reports, records, books, forms, logs, drawings, graphs, charts, photographs, sound or videotapes or recordings, computer printouts, any information stored on electronic media such as a computer hard drive, a computer disk or diskette, electronic mail software, word processing software, accounting software, algorithm software, spreadsheet software or any other media that allows the information to be transmitted electronically, investigation reports, appointment books, desk calendars, pocket calendars, “daytimers,” opinions or reports of consultants, brochures, pamphlet advertisements, circulars, press releases, minutes, telephone logs, telephone message slips, and all other tangible things which constitute or contain a writing.

5. "RELATING TO" shall mean mentioning, discussing, including, summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting or pertaining to, in whole or in part.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request For Production of Documents No. 1:

All DOCUMENTS RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

Request for Production of Documents No. 2:

All DOCUMENTS exchanged between YOU and Richard Papalian RELATING TO the PROPERTY.

Request for Production of Documents No. 3:

All DOCUMENTS exchanged between YOU and Papcap Laurel Way, LLC RELATING TO the PROPERTY.

Request for Production of Documents No. 4:

All DOCUMENTS exchanged between YOU and any past or present owner(s) of the PROPERTY RELATING TO the PROPERTY, including without limitation, describing any services you have been engaged to perform RELATING TO the PROPERTY.

**DECLARATION OF
CUSTODIAN OF RECORDS**

This Declaration pertains to the production of DOCUMENTS responsive to a Subpoena (the "Subpoena") issued in connection with the following proceeding:

A HEARING BEFORE THE BEVERLY HILLS CITY COUNCIL CONCERNING THE
POTENTIAL REVOCATION OF A BUILDING PERMIT FOR CONSTRUCTION AT
1201 LAUREL WAY

- a. I am the person named in the Subpoena; or I am an authorized Custodian of Records, and I am qualified and authorized by the person named in the Subpoena to execute this declaration.
- b. To comply with the Subpoena, I made a diligent search of all DOCUMENTS identified in the Subpoena that were in the custody, possession or control of the person named in the Subpoena.
- c. The originals or true and correct copies of documents submitted with this declaration are all of the non-privileged DOCUMENTS responsive to the Subpoena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 2010, in _____, California.

Signature

Print Name: _____

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA

(PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Marc Canadell

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY
455 N. Rexford Drive
Beverly Hills, CA 90210

ROOM NUMBER
City Hall - Council Chambers

DATE AND TIME
April 20, 2010; 7:00 p.m.

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE

DATE AND TIME.

IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Zach Nemzer

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY	ROOM NUMBER
	DATE AND TIME

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE City Hall - City Clerk's Office 455 N. Rexford Drive Beverly Hills, CA 90210	DATE AND TIME. April 19, 2010; 12 p.m., noon
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IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

EXHIBIT "A"

INSTRUCTIONS

1. YOU are required to produce all DOCUMENTS subpoenaed that are within your possession, custody or control, or in the possession, custody or control of your attorneys, investigators, accountants, agents and/or other persons acting, purporting to act, or who purported to act on your behalf, including any predecessors, successors and/or franchisees.

2. The DOCUMENTS shall be produced as they are or were kept in the usual course of business.

3. YOU shall produce not only the originals or exact copies of the originals of all documents requested below, but also copies of such documents which bear any notes or markings not found on the originals and all preliminary, intermediate, final or revised drafts of such documents.

4. If YOU are withholding any document responsive to any of the requests set forth below on the basis of a claimed privilege, YOU shall state the following information by way of written response:

- (1) a specific description of the document, including its type or nature and general subject matter;
- (2) the date the document was created, executed and received;
- (3) the author or authors of the document;
- (4) the addressee or addressees of the document;
- (5) the title of the document;
- (6) the location of the document and the identity of its custodian; and
- (7) the type of privilege claimed as grounds for withholding the document.

DEFINITIONS

1. The term "YOU" or "YOUR" shall mean the person, entity or company to whom this subpoena is directed, as well as each of his/her/its agents, employees, representatives, attorneys and anyone else acting or purporting to act on his/her/its behalf.

2. The term "PROPERTY" shall mean the real property and all structures located at 1201 Laurel Way, Beverly Hills, California, 90210.

3. The term "DEMOLITION" shall mean the destruction, razing, removal, or replacement by any means or in any manner of all or any portion of an existing structure, including, without limitation, the removal of a portion or portions of an existing structure and the replacement of those portions with new materials.

4. The term "DOCUMENTS" shall mean writings, recordings, computer files or photographs, and includes, without limitation, the original or copy of handwriting, typewriting, printing, photographing and every other means of recording upon any tangible thing or form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof and all drafts and file copies thereof. "DOCUMENTS" include, but are not limited to, papers, agreements, contracts, notes, applications, memoranda, e-mail or any other electronic correspondence, studies, letters, telegrams, invoices, personal diaries, reports, records, books, forms, logs, drawings, graphs, charts, photographs, sound or videotapes or recordings, computer printouts, any information stored on electronic media such as a computer hard drive, a computer disk or diskette, electronic mail software, word processing software, accounting software, algorithm software, spreadsheet software or any other media that allows the information to be transmitted electronically, investigation reports, appointment books, desk calendars, pocket calendars, "daytimers," opinions or reports of consultants, brochures, pamphlet advertisements, circulars, press releases, minutes, telephone logs, telephone message slips, and all other tangible things which constitute or contain a writing.

5. "RELATING TO" shall mean mentioning, discussing, including, summarizing, describing, reflecting, containing, referring to, relating to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting or pertaining to, in whole or in part.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request For Production of Documents No. 1:

All DOCUMENTS RELATING TO any DEMOLITION undertaken or to be undertaken at the PROPERTY.

Request for Production of Documents No. 2:

All DOCUMENTS exchanged between YOU and Richard Papalian RELATING TO the PROPERTY.

Request for Production of Documents No. 3:

All DOCUMENTS exchanged between YOU and Papcap Laurel Way, LLC RELATING TO the PROPERTY.

Request for Production of Documents No. 4:

All DOCUMENTS exchanged between YOU and any past or present owner(s) of the PROPERTY RELATING TO the PROPERTY, including without limitation, describing any services you have been engaged to perform RELATING TO the PROPERTY.

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DECLARATION IN SUPPORT OF SUBPOENA FOR TESTIMONY AND
PRODUCTION OF DOCUMENTS AND THINGS

1. I am the City Attorney for the City of Beverly Hills, California (“City”). On April 6, 2010, the City adopted a resolution issuing subpoenas to procure additional testimony and documents relevant to the appeal of the Building Official’s decision to revoke Building Permit No. BS0725308, which had been previously issued to allow the construction of a major addition and remodel of the existing single family residence located at 1201 Laurel Way, Beverly Hills, California (the “Resolution”).

2. I was present at the appeal hearing which took place before the Beverly Hills City Council on March 2, 2010 where the City Council determined that the subpoenaed witness could provide relevant testimony, and may have possession or control of the documents or other things set forth in Exhibit “A” to the Subpoena.

3. Good cause exists for personal attendance and testimony, as well the production of the documents or other things because they are relevant to the purposes of the appeal hearing. In addition, the subpoenaed witness and documents requested to be produced are not otherwise available to the City. If the testimony and/or documents sought are not produced, the purpose of the appeal hearing will be frustrated.

4. The attached Subpoena is consistent with the provisions of the Resolution. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of April, 2010, at Beverly Hills, California.

LAURENCE S. WIENER

**DECLARATION OF
CUSTODIAN OF RECORDS**

This Declaration pertains to the production of DOCUMENTS responsive to a Subpoena (the "Subpoena") issued in connection with the following proceeding:

A HEARING BEFORE THE BEVERLY HILLS CITY COUNCIL CONCERNING THE
POTENTIAL REVOCATION OF A BUILDING PERMIT FOR CONSTRUCTION AT
1201 LAUREL WAY

- a. I am the person named in the Subpoena; or I am an authorized Custodian of Records, and I am qualified and authorized by the person named in the Subpoena to execute this declaration.
- b. To comply with the Subpoena, I made a diligent search of all DOCUMENTS identified in the Subpoena that were in the custody, possession or control of the person named in the Subpoena.
- c. The originals or true and correct copies of documents submitted with this declaration are all of the non-privileged DOCUMENTS responsive to the Subpoena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 2010, in _____, California.

Signature

Print Name: _____

SUBPOENA

CITY COUNCIL

CITY OF BEVERLY HILLS, CALIFORNIA (PURSUANT TO CALIFORNIA GOVERNMENT CODE § 37104)

MATTER: City Council Proceedings
Pursuant to Resolution _____

SUBPOENA NO. _____

TO: Zach Nemzer

YOU ARE COMMANDED to appear in person at the place, date, and time specified below to testify in the above matter

PLACE OF TESTIMONY 455 N. Rexford Drive Beverly Hills, CA 90210	ROOM NUMBER City Hall - Council Chambers
	DATE AND TIME April 20, 2010; 7:00 p.m.

YOU ARE COMMANDED to appear in person and to produce and permit copying of the "DOCUMENTS" defined and identified in Exhibit A attached hereto at the place, date and time specified below. Alternatively, you are not required to appear in person if true and correct copies of the "DOCUMENTS" defined and identified in Exhibit A hereto are delivered to the place on or before the date and time specified below. In either situation, an executed declaration of custodian of records, attached hereto, must also be provided along with the DOCUMENTS.

The Documents Required to be Produced are Set Forth in Exhibit A to this Subpoena.

PLACE	DATE AND TIME.

IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, CONTACT LAURENCE S. WIENER, CITY ATTORNEY (213-253-0232 OR 310-285-1055), BEFORE THE DATE ON WHICH YOU ARE REQUIRED TO APPEAR OR PRODUCE DOCUMENTS.

JIMMY DELSHAD
MAYOR, CITY OF BEVELRY HILLS, CALIFORNIA

ATTESTATION BY CITY CLERK

I attest that the subpoena was approved by a majority vote of the City Council present at a duly noticed meeting a which a quorum was present and duly executed by the Mayor of the City of Beverly Hills on _____ day of _____, _____, in the City of Beverly Hills.

City Clerk
BYRON POPE

