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CITY
LAW SUIT

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18 Properties, LLC

19 UNITED STATES DISTRICT COURT

20 CENTRAL DISTRICT OF CALIFORNIA

21 COLONY COVE PROPERTIES, LLC,
22 a Delaware limited liability company,

23 Plaintiff,

24 v.

25 CITY OF CARSON, a municipal
26 corporation; CITY OF CARSON
27 MOBILEHOME PARK RENTAL
28 REVIEW BOARD, a public
administrative body; and DOES 1 to 10,
inclusive,

Defendants.

Case No. CV 14-03242 PSG (PJWx)

**[PROPOSED] AMENDED
JUDGMENT NUNC PRO TUNC**

Courtroom: 880
Judge: Hon. Philip S. Gutierrez

1 On April 28, 2014, Plaintiff Colony Cove Properties, LLC commenced this
2 action against Defendants City of Carson and City of Carson Mobilehome Park
3 Rental Review Board seeking damages and declaratory relief under 42 U.S.C. §
4 1983 for a regulatory taking without just compensation in violation of the Fifth
5 Amendment to the United States Constitution. Beginning on April 28, 2016,
6 Plaintiff's claim for relief was tried to a jury. On May 5, 2016, the jury duly
7 rendered a unanimous verdict in Plaintiff's favor. (Dkt. No. 194.)

8 On May 16, 2016, the Court entered judgment in Plaintiff's favor on the
9 jury's verdict. (Dkt. No. 200.) On June 10, 2016, Plaintiff filed a motion to alter or
10 amend the Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure
11 to increase the amount of damages awarded by the jury and award prejudgment
12 interest. (Dkt. No. 206.) The same day, Defendants filed a renewed motion for
13 judgment as a matter of law under Rule 50(b) and a motion for relief from the
14 Judgment under Rule 60(a). (Dkt. Nos. 203, 205.) On August 8, 2016, the Court
15 denied Defendants' renewed motion for judgment as a matter of law and amended
16 the Judgment to add the language set forth in paragraph 6, below. (Dkt. No. 221.)
17 On August 10, 2016, the Court granted Plaintiff's motion to alter or amend the
18 Judgment to include an award of prejudgment interest. (Dkt. No. 222.) It denied
19 Plaintiff's motion to the extent it sought an increase in the jury's damages award
20 and also denied Defendants' motion for relief from the Judgment. (*Id.*) On August
21 15, 2016, the Court granted in part and denied in part Plaintiff's motion seeking
22 attorneys' fees and costs incurred through the completion of trial. (Dkt. No. 225.)
23 Accordingly,

24
25 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

- 26 1. That Defendants City of Carson's and City of Carson Mobilehome Park
27 Rental Review Board's (collectively, "Defendants") decisions with
28 respect to Plaintiff Colony Cove Properties, LLC's ("Plaintiff") rent-

- 1 increase application submitted in September 2007 constituted a regulatory
2 taking without just compensation in violation of the Fifth Amendment to
3 the United States Constitution;
- 4 2. That Defendants' decisions with respect to Plaintiff's rent-increase
5 application submitted in September 2008 constituted a regulatory taking
6 without just compensation in violation of the Fifth Amendment to the
7 United States Constitution;
- 8 3. That Plaintiff recover \$3,336,056 in damages, jointly and severally, from
9 Defendants;
- 10 4. That Plaintiff recover prejudgment interest at a rate of 4.5% annually for
11 the delay in payment of just compensation between December 1, 2008,
12 and May 16, 2016—representing \$1,119,543.83 in prejudgment interest—
13 jointly and severally, from Defendants;
- 14 5. That Plaintiff recover \$2,910,299.62 in attorneys' fees and \$98,818.96 in
15 costs incurred through trial, jointly and severally, from Defendants; and
- 16 6. Having independently weighed and considered the evidence, the Court
17 agrees with the jury's finding that a taking occurred, as well as the amount
18 of damages that the jury awarded subject to the Court's post-trial motion
19 awarding prejudgment interest.

20 IT IS SO ADJUDGED.

21
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23 DATED this 25th day of August, 2016.

24
25 **PHILIP S. GUTIERREZ**

26 The Honorable Philip S. Gutierrez
27 United States District Judge