

STATE OF DELAWARE  
CERTIFICATE OF FORMATION  
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Blackbird Special Project, LLC

2. The Registered Office of the limited liability company in the State of Delaware is located at 850 New Burton Road, Suite 201 (street), in the City of Dover, Zip Code 19904. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Cogency Global Inc.

By: 

Authorized Person

Name: Steven L. Hwang

Print or Type

## Ankorn, Mark

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Monday, March 1, 2021 2:27 PM  
**To:** Ankorn, Mark  
**Cc:** 'Shaun Rosenthal';Vince McKnight  
**Subject:** [EXTERNAL] City of San Diego - permits case - Blackbird corporate docs  
**Attachments:** Blackbird Special Project, LLC\_Cert of Good Standing 12282020.pdf; Blackbird Special Project LLC - Form LLC-5 (signed).pdf; 3GK2175-CERTIFICATE OF FORMATION.PDF; Blackbird Special Project LLC - EIN Assignment 03 23 2020.pdf

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---

Mark:

Here are four documents regarding Blackbird Special Project, LLC's formal status.

Let me know if you need anything else of this nature.

Len Simon

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## Ankcorn, Mark

---

**From:** Ankcorn, Mark  
**Sent:** Monday, March 1, 2021 2:55 PM  
**To:** Len Simon  
**Cc:** 'Shaun Rosenthal';Vince McKnight  
**Subject:** RE: City of San Diego - permits case - Blackbird corporate docs

Received, thanks Len.

--

Mark Ankcorn  
Chief Deputy City Attorney

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Monday, March 1, 2021 2:27 PM  
**To:** Ankcorn, Mark <MAnkcorn@sandiego.gov>  
**Cc:** 'Shaun Rosenthal' <srosenthal@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>  
**Subject:** [EXTERNAL] City of San Diego - permits case - Blackbird corporate docs

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Mark:

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Len Simon

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## Ankcorn, Mark

---

**From:** Shaun Rosenthal <srosenthal@sanfordheisler.com>  
**Sent:** Friday, March 19, 2021 10:01 AM  
**Cc:** Ed Chapin;Vince McKnight;Austin Webbert;Jarrett Shapiro;Christina Ge;Len Simon  
**Subject:** City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.  
**Attachments:** 2021-03-18 - Certificate of Service.pdf; 2021-03-18 - Memorandum in Support of Relator's Notice of Potential Breach and Motion for Partial Lift of the Seal.pdf; 2021-03-18 - Proposed Order.pdf; 2021-03-18 - Relator's Notice of Potential Breach and Motion for Partial Lift of the Seal.pdf; 2021-03-18 - Senturia Declaration (executed).pdf

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Good morning,

Per the Stipulation for Electronic Service, we have filed the attached Notice of Potential Breach and Motion for Partial Lift of the Seal in the above captioned matter today. For the cities who have not stipulated to electronic notice (i.e., the cities with an asterisk below), can you please so stipulate and confirm receipt of the filing.

Thank you,  
Shaun

### Stipulation for Electronic Service

The California Department of Justice and Plaintiffs agree to accept e-service via email or One Legal. For the purposes of calculating the date of service, the service will be treated as if it were made by personal service under Code of Civil Procedure 1005. To be effective, service must be made on the following email addresses:

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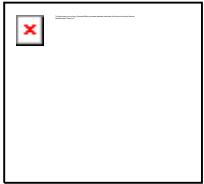
Leonard B. Simon  
Law Offices of Leonard B. Simon  
Attorney for Plaintiff-Relator  
[lens@rgrdlaw.com](mailto:lens@rgrdlaw.com)

## Shaun Rosenthal

**Associate, [bio](#)**

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## Ankcorn, Mark

---

**From:** Jarrett Shapiro <JShapiro@sanfordheisler.com>  
**Sent:** Monday, August 16, 2021 12:40 PM  
**To:** victor.elias@doj.ca.gov; Ankcorn, Mark; King, Kevin; Gutierrez, Marissa; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; maria.conzelman@coronaca.gov; evail@bwslaw.com; tburke@bwslaw.com; MGarrett@bwslaw.com; TGonzalez@bwslaw.com  
**Cc:** Ed Chapin; Vince McKnight; Shaun Rosenthal; Austin Webbert; Christina Ge; Len Simon  
**Subject:** [EXTERNAL] RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

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---

Counsel,

We reached out to the Judge Alksne's clerk to confirm the correct information for Thursday's hearing and wanted to forward it to you for your reference:

*City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.* (SDSC Case No. 37-2020-00030619-CU-MC-CTL) case will be at the link for Central Department 1002 Family Hearings at this website:

[http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,2059755&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,2059755&_dad=portal&_schema=PORTAL)

Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**From:** Jarrett Shapiro <JShapiro@sanfordheisler.com>

**Sent:** Thursday, August 12, 2021 5:29 PM

**To:** victor.elias@doj.ca.gov; mancorn@sandiego.gov; KBKing@sandiego.gov; MarissaG@sandiego.gov; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison <ABurns@stradlinglaw.com>; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; maria.conzelman@coronaca.gov; evail@bswlaw.com; tburke@bswlaw.com; MGarrett@bswlaw.com; TGonzalez@bswlaw.com

**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Austin Webbert <awebbert@sanfordheisler.com>; Christina Ge <CGe@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>

**Subject:** City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

Counsel,

Attached please find a copy of Relator's Counsel's Preliminary Response to the City of San Diego's Motion to Partially Unseal, along with an accompanying declaration from Len Simon and Certificate of Service in the above referenced matter, which were filed earlier today.

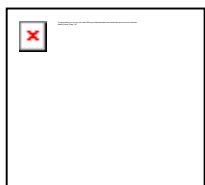
Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

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## Ankorn, Mark

---

**From:** King, Kevin  
**Sent:** Monday, August 16, 2021 3:41 PM  
**To:** Jarrett Shapiro; victor.elias@doj.ca.gov; Ankorn, Mark; Gutierrez, Marissa; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; maria.conzelman@coronaca.gov; evail@bwslaw.com; tburke@bwslaw.com; MGarrett@bwslaw.com; TGonzalez@bwslaw.com  
**Cc:** Ed Chapin; Vince McKnight; Shaun Rosenthal; Austin Webbert; Christina Ge; Len Simon  
**Subject:** Re: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

Thanks. And to clarify, the hearing is at 10:00am. We had a clerical error on the notice and application that said 10:30. The court clerk just confirmed she sent out a notice with the correct time of 10. Sorry for any confusion.

Best regards,

Kevin King  
Deputy City Attorney, Affirmative Civil Enforcement Unit  
San Diego City Attorney's Office  
1200 Third Avenue, Suite 1100  
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(619) 533-6103

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**From:** Jarrett Shapiro <JShapiro@sanfordheisler.com>  
**Sent:** Monday, August 16, 2021 12:40:16 PM  
**To:** victor.elias@doj.ca.gov <victor.elias@doj.ca.gov>; Ankorn, Mark <MAnkorn@sandiego.gov>; King, Kevin <KBKing@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; lwalker@cityofsacramento.org <lwalker@cityofsacramento.org>; cityattorney@moval.org <cityattorney@moval.org>; ksmith@riversideca.gov <ksmith@riversideca.gov>; swilson@riversideca.gov <swilson@riversideca.gov>; EMin@riversideca.gov

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**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Austin Webbert <awebbert@sanfordheisler.com>; Christina Ge <CGe@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>  
**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

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[http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,2059755&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,2059755&_dad=portal&_schema=PORTAL)

Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**From:** Jarrett Shapiro <JShapiro@sanfordheisler.com>

**Sent:** Thursday, August 12, 2021 5:29 PM

**To:** victor.elias@doj.ca.gov; mancorn@sandiego.gov; KBKing@sandiego.gov; MarissaG@sandiego.gov; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison <ABurns@stradlinglaw.com>; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; maria.conzelman@coronaca.gov; evail@bswlaw.com; tburke@bswlaw.com; MGarrett@bswlaw.com; TGonzalez@bswlaw.com

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**Subject:** City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

Counsel,

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Best,

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## Ankorn, Mark

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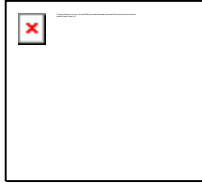
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## Ankorn, Mark

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**From:** King, Kevin  
**Sent:** Tuesday, August 17, 2021 10:12 AM  
**To:** Len Simon  
**Cc:** Jarrett Shapiro; victor.elias@doj.ca.gov; Ankorn, Mark; Gutierrez, Marissa; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@cityofpalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@coronaca.gov; maria.conzelman@coronaca.gov; evail@bwslaw.com; tburke@bwslaw.com; MGarrett@bwslaw.com; TGonzalez@bwslaw.com; Ed Chapin; Vince McKnight; Shaun Rosenthal; Austin Webbert; Christina Ge  
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I believe the court is allowing in-person appearances, but I'll be appearing remotely.

Best regards,

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San Diego City Attorney's Office  
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San Diego, CA 92101  
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Attached please find a copy of Relator's Counsel's Preliminary Response to the City of San Diego's Motion to Partially Unseal, along with an accompanying declaration from Len Simon and Certificate of Service in the above referenced matter, which were filed earlier today.

Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**To:** victor.elias@doj.ca.gov; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; sawood@cityofsacramento.org; mditzhazy@cityofpalmdale.org; cityattorney@moval.org; ksmith@riversideca.gov; EMin@riversideca.gov; aburns@stradlinglaw.com; RChase@comptoncity.org; dbrown@comptoncity.org; sonia.carvalho@bbkllaw.com; sasamura@rwglaw.com; alares@rwglaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbkllaw.com; dsnow@rwglaw.com; ldevaney@dpmclaw.com; dean.derleth@ci.corona.ca.us; gstepanicich@rwglaw.com; email@bswlaw.com; echapin@sanfordheisler.com; vmcknight@sanfordheisler.com; lens@rgrdlaw.com  
**Cc:** King, Kevin  
**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)-City of San Diego  
**Date:** Tuesday, August 17, 2021 11:17:34 AM  
**Attachments:** [image001.png](#)  
[City's Reply in Support of Application to Partially Unseal.pdf](#)  
[Proof of Service.pdf](#)

---

Good Morning All,

Attached please find the following documents:

City of San Diego's Reply in Support of Application to Partially Unseal – Filed Under Seal  
Proof of Service – Filed Under Seal

Kind Regards,  
Marissa Gutierrez  
Legal Secretary  
San Diego City Attorney  
1200 Third Avenue, 12<sup>th</sup> Floor  
San Diego, CA 92101  
Ph: (619) 533-5618



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## Ankorn, Mark

---

**From:** King, Kevin  
**Sent:** Wednesday, August 18, 2021 1:19 PM  
**To:** Michael Cobden  
**Subject:** Re: City of San Diego Ex Rel Blackbird Special Project LLC v. Invitation Homes (Case No. 37-2020-00030619-CU-MC-CTL)  
**Attachments:** Amended Complaint\_Invitation Homes.pdf; Application to Partially Unseal and MPAs\_Blackbird v Invitation Homes.pdf; Declaration of Marissa Gutierrez ISO of App.pdf; 2021-08-11 Blackbird Response to San Diego's Application to Partially Unseal.pdf; 2021-08-11 Len Simon Declaration.pdf; City's Reply in Support of Application to Partially Unseal.pdf

Hi Michael,

I attached the qui tam plaintiff's amended complaint. I also attached our application to partially unseal, the response, and our reply. Moreno Valley is involved because the qui tam plaintiff sued on its behalf and your office has the opportunity to intervene on behalf of Moreno Valley.

You can attend by Teams at the following link for Central Department 1002 Family Hearings:  
[http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,2059755&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,2059755&_dad=portal&_schema=PORTAL)

Best regards,

Kevin King  
Deputy City Attorney, Affirmative Civil Enforcement Unit  
San Diego City Attorney's Office  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101  
(619) 533-6103

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**Sent:** Wednesday, August 18, 2021 11:15 AM  
**To:** King, Kevin <KBKing@sandiego.gov>  
**Subject:** [EXTERNAL] City of San Diego Ex Rel Blackbird Special Project LLC v. Invitation Homes (Case No. 37-2020-00030619-CU-MC-CTL)

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Good morning Mr. King,

I am a deputy City Attorney at Moreno Valley, and I am trying to get up to speed on this case. Because of the seal, I apparently cannot lookup any documents, filings, or information of any kind on it online. Also, our firm took over from an in-house staff who did not keep much of a file on this matter. As a result, I am hoping you can provide me with a little synopsis of the case, and possibly explain why the City of Moreno Valley is even involved. If you are able to send me the operative pleadings that would be great as well.

I understand there is a hearing tomorrow, regarding a request to partially unseal. Do you know if the Court expects other parties to appear? If so, is there remote log in information you can share?

Thank you very much.

Michael R. Cobden  
Law Offices of Quintanilla & Associates  
[777 E Tahquitz Canyon Way, Suite 200-41](http://www.QALawyers.com)  
[Palm Springs, CA 92262](http://www.QALawyers.com)  
Tel. 760.993.3702  
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**Cc:** Ed Chapin;Vince McKnight;Shaun Rosenthal;Austin Webbert;Christina Ge;Len Simon  
**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)  
**Attachments:** 2021-08-17 Certificate of Service.pdf; 2021-08-17 Exhibit to L. Simon Supplemental Declaration.pdf; 2021-08-17 L. Simon Supplemental Declaration.pdf

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Counsel,

Attached please find a copy of Relator's Counsel's Supplemental Declaration from Len Simon to the City of San Diego's Motion to Partially Unseal, along with an accompanying exhibit and Certificate of Service in the above referenced matter, which were filed yesterday.

Best,

Jarrett Shapiro

*Senior Legal Assistant, [bio](#)*

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**To:** Len Simon <LenS@rgrdlaw.com>

**Cc:** Jarrett Shapiro <JShapiro@sanfordheisler.com>; victor.elias@doj.ca.gov; Ankcorn, Mark <MAnkcorn@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; lwalker@cityofsacramento.org; cityattorney@moval.org; ksmith@riversideca.gov; swilson@riversideca.gov; EMin@riversideca.gov; dbrown@comptoncity.org; sasamura@rwglaw.com; alares@rwglaw.com; Michael Bostrom <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; David.Torres@lacity.org; edunn@awattorneys.com; CBeck@cityofpalmdale.org; ndoran@cityofpalmdale.org; Burns, Allison <ABurns@stradlinglaw.com>; sinspektor@stradlinglaw.com; aelam@stradlinglaw.com; sonia.carvalho@bbklaw.com; veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; gstepanicich@rwglaw.com; dsnow@rwglaw.com; John.Higginbotham@coronaca.gov; maria.conzelman@coronaca.gov; evail@bwslaw.com; tburke@bwslaw.com; MGarrett@bwslaw.com; TGonzalez@bwslaw.com; Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Austin Webbert <awebbert@sanfordheisler.com>; Christina Ge <CGe@sanfordheisler.com>

**Subject:** Re: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

**-----EXTERNAL EMAIL-----**

I believe the court is allowing in-person appearances, but I'll be appearing remotely.

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

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**Cc:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov) <[victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov)>; Ankcorn, Mark <[MAncorn@sandiego.gov](mailto:MAncorn@sandiego.gov)>; Gutierrez, Marissa <[MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov)>; [lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org) <[lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org) <[cityattorney@moval.org](mailto:cityattorney@moval.org)>; [ksmith@riversideca.gov](mailto:ksmith@riversideca.gov) <[ksmith@riversideca.gov](mailto:ksmith@riversideca.gov)>; [swilson@riversideca.gov](mailto:swilson@riversideca.gov) <[swilson@riversideca.gov](mailto:swilson@riversideca.gov)>; [EMin@riversideca.gov](mailto:EMin@riversideca.gov) <[EMin@riversideca.gov](mailto:EMin@riversideca.gov)>; [dbrown@comptoncity.org](mailto:dbrown@comptoncity.org) <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com) <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [alares@rwglaw.com](mailto:alares@rwglaw.com) <[alares@rwglaw.com](mailto:alares@rwglaw.com)>; Michael Bostrom <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org) <[Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org)>; [David.Torres@lacity.org](mailto:David.Torres@lacity.org) <[David.Torres@lacity.org](mailto:David.Torres@lacity.org)>; [edunn@awattorneys.com](mailto:edunn@awattorneys.com) <[edunn@awattorneys.com](mailto:edunn@awattorneys.com)>; [CBeck@cityofpalmdale.org](mailto:CBeck@cityofpalmdale.org) <[CBeck@cityofpalmdale.org](mailto:CBeck@cityofpalmdale.org)>; [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org) <[ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org)>; Burns, Allison <[ABurns@stradlinglaw.com](mailto:ABurns@stradlinglaw.com)>; [sinspektor@stradlinglaw.com](mailto:sinspektor@stradlinglaw.com) <[sinspektor@stradlinglaw.com](mailto:sinspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com) <[aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com) <[sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com)>; [veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net) <[veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net)>; [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com) <[ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com)>; [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com) <[pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com)>; [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com) <[ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com)>; [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com) <[jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com)>; [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com) <[asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com)>; [gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com) <[gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com) <[dsnow@rwglaw.com](mailto:dsnow@rwglaw.com)>; [John.Higginbotham@coronaca.gov](mailto:John.Higginbotham@coronaca.gov) <[John.Higginbotham@coronaca.gov](mailto:John.Higginbotham@coronaca.gov)>; [maria.conzelman@coronaca.gov](mailto:maria.conzelman@coronaca.gov) <[maria.conzelman@coronaca.gov](mailto:maria.conzelman@coronaca.gov)>; [evail@bwslaw.com](mailto:evail@bwslaw.com) <[evail@bwslaw.com](mailto:evail@bwslaw.com)>; [tburke@bwslaw.com](mailto:tburke@bwslaw.com) <[tburke@bwslaw.com](mailto:tburke@bwslaw.com)>; [MGarrett@bwslaw.com](mailto:MGarrett@bwslaw.com) <[MGarrett@bwslaw.com](mailto:MGarrett@bwslaw.com)>; [TGonzalez@bwslaw.com](mailto:TGonzalez@bwslaw.com) <[TGonzalez@bwslaw.com](mailto:TGonzalez@bwslaw.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Christina Ge <[CGe@sanfordheisler.com](mailto:CGe@sanfordheisler.com)>

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Mr. King, 10 a m , remote only, no live appearances?

Len Simon

On Aug 16, 2021, at 5:16 PM, King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)> wrote:

Thanks. And to clarify, the hearing is at 10:00am. We had a clerical error on the notice and application that said 10:30. The court clerk just confirmed she sent out a notice with the correct time of 10. Sorry for any confusion.

Best regards,



Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

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**Sent:** Monday, August 16, 2021 12:40:16 PM

**To:** [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov) <[victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov)>; Ankcorn, Mark <[MANkcorn@sandiego.gov](mailto:MANkcorn@sandiego.gov)>; King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Gutierrez, Marissa <[MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov)>; [lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org) <[lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org) <[cityattorney@moval.org](mailto:cityattorney@moval.org)>; [ksmith@riversideca.gov](mailto:ksmith@riversideca.gov) <[ksmith@riversideca.gov](mailto:ksmith@riversideca.gov)>; [swilson@riversideca.gov](mailto:swilson@riversideca.gov) <[swilson@riversideca.gov](mailto:swilson@riversideca.gov)>; [EMin@riversideca.gov](mailto:EMin@riversideca.gov) <[EMin@riversideca.gov](mailto:EMin@riversideca.gov)>; [dbrown@comptoncity.org](mailto:dbrown@comptoncity.org) <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com) <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [alares@rwglaw.com](mailto:alares@rwglaw.com) <[alares@rwglaw.com](mailto:alares@rwglaw.com)>; Michael Bostrom <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org) <[Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org)>; [David.Torres@lacity.org](mailto:David.Torres@lacity.org) <[David.Torres@lacity.org](mailto:David.Torres@lacity.org)>; [edunn@awattorneys.com](mailto:edunn@awattorneys.com) <[edunn@awattorneys.com](mailto:edunn@awattorneys.com)>; [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org) <[CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org)>; [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org) <[ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org)>; Burns, Allison <[ABurns@stradlinglaw.com](mailto:ABurns@stradlinglaw.com)>; [sinspektor@stradlinglaw.com](mailto:sinspektor@stradlinglaw.com) <[sinspektor@stradlinglaw.com](mailto:sinspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com) <[aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com) <[sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com)>; [veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net) <[veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net)>; [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com) <[ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com)>; [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com) <[pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com)>; [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com) <[ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com)>; [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com) <[jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com)>; [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com) <[asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com)>; [gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com) <[gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com) <[dsnow@rwglaw.com](mailto:dsnow@rwglaw.com)>; [John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov) <[John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov)>;

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**Cc:** Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Christina Ge <[CGe@sanfordheisler.com](mailto:CGe@sanfordheisler.com)>; Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>

**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

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Counsel,

We reached out to the Judge Alksne's clerk to confirm the correct information for Thursday's hearing and wanted to forward it to you for your reference:

*City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.* (SDSC Case No. 37-2020-00030619-CU-MC-CTL) case will be at the link for Central Department 1002 Family Hearings at this website:

[http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,2059755&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,2059755&_dad=portal&_schema=PORTAL)

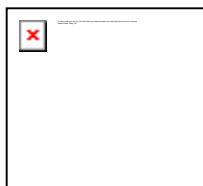
Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

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**From:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>

**Sent:** Thursday, August 12, 2021 5:29 PM

**To:** [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov); [mankcorn@sandiego.gov](mailto:mankcorn@sandiego.gov); [KBKing@sandiego.gov](mailto:KBKing@sandiego.gov); [MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov); [lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org); [cityattorney@moval.org](mailto:cityattorney@moval.org); [ksmith@riversideca.gov](mailto:ksmith@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov); [EMin@riversideca.gov](mailto:EMin@riversideca.gov); [dbrown@comptoncity.org](mailto:dbrown@comptoncity.org); [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com); [alares@rwglaw.com](mailto:alares@rwglaw.com); Michael Bostrom <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org); [David.Torres@lacity.org](mailto:David.Torres@lacity.org); [edunn@awattorneys.com](mailto:edunn@awattorneys.com); [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org); [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org); Burns, Allison <[ABurns@stradlinglaw.com](mailto:ABurns@stradlinglaw.com)>; [sinspektor@stradlinglaw.com](mailto:sinspektor@stradlinglaw.com); [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com); [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com); [veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net);

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[jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com); [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com); [gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com); [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com);  
[John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov); [maria.conzelman@coronaca.gov](mailto:maria.conzelman@coronaca.gov); [evail@bswlaw.com](mailto:evail@bswlaw.com);  
[tburke@bswlaw.com](mailto:tburke@bswlaw.com); [MGarrett@bswlaw.com](mailto:MGarrett@bswlaw.com); [TGonzalez@bswlaw.com](mailto:TGonzalez@bswlaw.com)

**Cc:** Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>;  
Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>;  
Christina Ge <[CGe@sanfordheisler.com](mailto:CGe@sanfordheisler.com)>; Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>

**Subject:** City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc. (SDSC Case No. 37-2020-00030619-CU-MC-CTL)

Counsel,

Attached please find a copy of Relator's Counsel's Preliminary Response to the City of San Diego's Motion to Partially Unseal, along with an accompanying declaration from Len Simon and Certificate of Service in the above referenced matter, which were filed earlier today.

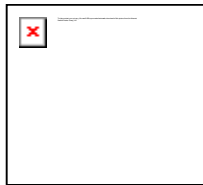
Best,

Jarrett Shapiro

*Senior Legal Assistant, [bio](#)*

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## Ankorn, Mark

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Thursday, October 28, 2021 6:28 PM  
**To:** Ankorn, Mark  
**Subject:** [EXTERNAL] San Diego et al. ex rel. Blackbird v. Invitation Homes

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Personal note to you.

I would like to sit down and talk to you and Mara about why the criminal referral is mistaken. Many of the "facts" you rely on are not facts, and if the matter becomes public, it will only embarrass your office, while unnecessarily disparaging a former City Council Person.

I know you are a good lawyer, and I have supported Mara over the years, and I would like to try to convince you that your take is wrong and is unfortunate for all concerned.

Len

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## Ankcorn, Mark

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Thursday, October 28, 2021 6:23 PM  
**To:** Ankcorn, Mark;King, Kevin;Ed Chapin;Vince McKnight;Shaun Rosenthal;Austin Webbert;Katie Swenson  
**Subject:** [EXTERNAL] RE: San Diego et al. ex rel. Blackbird v. Invitation Homes

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Mark, we are happy to try to work this out, or narrow the dispute, but note that we have provided authorities for the proposition that everything but the complaint should remain under seal. You have referred generally to the existence of contrary authority with citing it. If you provide us your cases, we can reconsider our position.

I will send a separate letter objecting to the ex parte, which does not give anyone time to brief or think about the issues, or to try to compromise them.

Len

---

**From:** Ankcorn, Mark <MAnkcorn@sandiego.gov>  
**Sent:** Wednesday, October 27, 2021 12:03 PM  
**To:** Len Simon <LenS@rgrdlaw.com>; King, Kevin <KBKing@sandiego.gov>; Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Austin Webbert <awebbert@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

### EXTERNAL SENDER

We appreciate the clarification, thank you. But we think that the agency or agencies to whom we're referring the matter should have access to the entire case file, not just the SAC. Further, court proceedings are public by their very nature and California courts have been consistent (and increasingly insistent) that filing under seal is rare. The burden is on Blackbird to show why it ought to be kept private and we haven't heard anything yet that fits the criteria outlined in the authorities. I don't recall anything of substance regarding the investigation by other cities, justifying an extension of the seal for those limited references, that should be kept confidential but please let us know if we missed anything.

Please do let me put one misconception to rest – we're not going to be holding a press conference or posting the referral letter to our website, or anything remotely like that. Does that allay any of your concerns? Similarly, we don't oppose an extension of the time to serve the defendant, nor would we oppose some type of temporary redaction of the names of other cities to give them additional time to complete whatever investigation or process may be underway, though we haven't heard of anything so far.

Let us know if that would work, thanks.

--  
Mark Ankcorn  
Chief Deputy City Attorney  
City of San Diego

---

**From:** Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>  
**Date:** Wednesday, October 27, 2021 at 6:23 AM  
**To:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>, Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>, Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>, Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>, Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>, Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>  
**Cc:** Ankcorn, Mark <[MAnkcorn@sandiego.gov](mailto:MAnkcorn@sandiego.gov)>  
**Subject:** [EXTERNAL] RE: San Diego et al. ex rel. Blackbird v. Invitation Homes

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Kevin: Although we can agree to disagree on some aspects of your letter, we seem to have had a misunderstanding on one point.

We are not trying to further delay your criminal referral. Our point is that the motion papers filed several weeks ago regarding that matter should not be part of the public record. Their publicizing serves no purpose, and will harm Ms. Bry's reputation.

Thus, we do not object to your forwarding the Amended Complaint to prosecutors if that is your intent. But we continue to believe that exposure of the rest of the file in this case serves no public purpose, and advantages no one but the defendant, which is not in any of our interests. That is why the documents are sealed, and should remain so.

We will amend our proposed order to make clear that you may forward the complaint to make the criminal referral, or you can propose amendments to the order if you like. When the court decides when the seal should come off the Amended Complaint, you can advise the prosecutors to maintain the confidentiality of the Complaint within their office until the time designated by the Court for unsealing.

Let us know if this satisfies your concerns, on this point at least.

Len

---

**From:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>  
**Sent:** Tuesday, October 26, 2021 4:05 PM  
**To:** Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>  
**Cc:** Ankcorn, Mark <[MAnkcorn@sandiego.gov](mailto:MAnkcorn@sandiego.gov)>  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

EXTERNAL SENDER

Counsel:

Following up on our Friday call, we plan to file an opposition to your motion to keep the entire case file sealed other than the amended complaint. On the call and in your motion, you did not identify any interests that outweigh the strong presumption of public access to court records. *Overstock.com, Inc. v. Goldman Sachs Grp., Inc.*, 231 Cal. App. 4th 471, 483-484 (2014). Your client's personal interests are insufficient. See *US ex rel. Grover v. Related Companies, LP*, 4 F. Supp. 3d 21 (D.D.C. 2013) and *U.S. ex rel. Durham v. Prospect Waterproofing, Inc.*, 818 F. Supp. 2d 64 (D.D.C. 2011).

Unsealing is also necessary for our office to make the criminal referral discussed in our prior motion to partially unseal the case. At the August 19, 2021 hearing, you stated that our office should merely wait until the seal expired on October 26th to make the referral. You have now reversed course with your most-recent motion and request for another 3-month seal. There is no basis to further delay an expeditious referral of the matter as previously requested.

Lastly, rather than keep the entire case for another 3 months while other cities decide whether to intervene, we will propose lifting the seal with exception to those undecided cities.

If you are agreeable to stipulating to unsealing the entire case file except for the identities of the undecided cities, then let us know. Otherwise, we will be filing an opposition.

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

(619) 533-6103

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**From:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>

**Sent:** Wednesday, October 20, 2021 1:20 PM

**To:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

Cc: Ankcorn, Mark <[MAncorn@sandiego.gov](mailto:MAncorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>

Subject: RE: San Diego et al. ex rel. Blackbird v. Invitation Homes

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---

Thank you. I have circulated a dial-in for that time. We look forward to speaking with you then.

Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

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**From:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>

**Sent:** Wednesday, October 20, 2021 4:17 PM

**To:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

**Cc:** Ankcorn, Mark <[MAncorn@sandiego.gov](mailto:MAncorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>

**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

**EXTERNAL EMAIL**

10:30 PST

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit



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Best regards,

Kevin King

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---

**From:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>  
**Sent:** Wednesday, October 20, 2021 1:04:34 PM  
**To:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>  
**Cc:** Ankorn, Mark <[MAnkorn@sandiego.gov](mailto:MAnkorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>  
**Subject:** RE: San Diego et al. ex rel. Blackbird v. Invitation Homes

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Counsel,

I apologize if my last email may not have come across clear. We are unavailable to speak starting at 2:00 p.m. EST/11:00 a.m. PST, as 2:00 p.m. EST is our cutoff (to end a meeting, not to begin). Please advise if there is any other time in the aforementioned window that works for you.

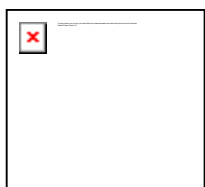
Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**From:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>  
**Sent:** Wednesday, October 20, 2021 3:49 PM  
**To:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>  
**Cc:** Ankorn, Mark <[MAnkorn@sandiego.gov](mailto:MAnkorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

—EXTERNAL EMAIL—

11am Pacific Time.

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

(619) 533-6103

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**From:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>

**Sent:** Wednesday, October 20, 2021 12:48:21 PM

**To:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Shaun Rosenthal <[rosenthal@sanfordheisler.com](mailto:rosenthal@sanfordheisler.com)>

**Cc:** Ankorn, Mark <[MAnkorn@sandiego.gov](mailto:MAnkorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>

**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

11am works, thanks.

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

(619) 533-6103

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Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

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San Diego, CA 92101

(619) 533-6103

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**From:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>  
**Sent:** Wednesday, October 20, 2021 11:07:56 AM  
**To:** King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>  
**Cc:** Ankorn, Mark <[MAankorn@sandiego.gov](mailto:MAankorn@sandiego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>  
**Subject:** RE: San Diego et al. ex rel. Blackbird v. Invitation Homes

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Counsel,

Would you be available to speak with us this Friday, October 22, sometime between 11:00 a.m. – 2:00 p.m. EST (8:00 a.m. – 11:00 a.m. PST), with 11:00 a.m./2:00 p.m. being a hard cutoff? If so, I'd be happy to circulate a dial-in.

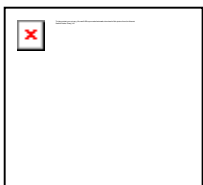
Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**From:** King, Kevin <[KBKing@san Diego.gov](mailto:KBKing@san Diego.gov)>  
**Sent:** Wednesday, October 20, 2021 1:39 PM  
**To:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>  
**Cc:** Ankorn, Mark <[MAankorn@san Diego.gov](mailto:MAankorn@san Diego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

—————**EXTERNAL EMAIL**—————

Counsel:

We're unavailable this afternoon. How's tomorrow or Friday?

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

(619) 533-6103

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**From:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>  
**Sent:** Tuesday, October 19, 2021 5:19 PM  
**To:** King, Kevin <[KBKing@san Diego.gov](mailto:KBKing@san Diego.gov)>  
**Cc:** Ankcorn, Mark <[MAncorn@san Diego.gov](mailto:MAncorn@san Diego.gov)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

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Counsel,

We are available tomorrow at 1 PM PT/4 PM ET. Please let us know if that works for you and we can send around an invite.

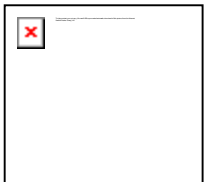
Kind regards,  
Shaun

Shaun Rosenthal

**Associate, *bio***

700 Pennsylvania Ave. SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5225](tel:202-499-5225) | **MAIN:** [202-499-5200](tel:202-499-5200)



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**From:** King, Kevin <[KBKing@san Diego.gov](mailto:KBKing@san Diego.gov)>  
**Sent:** Tuesday, October 19, 2021 6:15 PM  
**To:** Shaun Rosenthal  
**Cc:** Ankcorn, Mark  
**Subject:** Re: San Diego et al. ex rel. Blackbird v. Invitation Homes

**EXTERNAL EMAIL**

Counsel:

We have concerns about the timeliness of your request to keep most of the case file sealed but nonetheless would like to meet and confer about the basis of your request. When are you available to discuss?

Best regards,

Kevin King

Deputy City Attorney, Affirmative Civil Enforcement Unit

San Diego City Attorney's Office

1200 Third Avenue, Suite 1100

San Diego, CA 92101

(619) 533-6103

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---

**From:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

**Sent:** Tuesday, October 19, 2021 9:37:16 AM

**To:** Victor Elias <[Victor.Elias@doj.ca.gov](mailto:Victor.Elias@doj.ca.gov)>; Ankcorn, Mark <[MAncorn@sandiego.gov](mailto:MAncorn@sandiego.gov)>; King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Gutierrez, Marissa <[MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov)>; [sawood@cityofsacramento.org](mailto:sawood@cityofsacramento.org) <[sawood@cityofsacramento.org](mailto:sawood@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org) <[cityattorney@moval.org](mailto:cityattorney@moval.org)>; [swilson@riversideca.gov](mailto:swilson@riversideca.gov) <[swilson@riversideca.gov](mailto:swilson@riversideca.gov)>; Damon Brown <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; Robert Chase IV <[RChase@comptoncity.org](mailto:RChase@comptoncity.org)>; Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; Ana Lares <[ALares@rwglaw.com](mailto:ALares@rwglaw.com)>; Michael Bostrom <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org) <[Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org)>; [David.Torres@lacity.org](mailto:David.Torres@lacity.org) <[David.Torres@lacity.org](mailto:David.Torres@lacity.org)>; Eric Dunn <[edunn@awattorneys.com](mailto:edunn@awattorneys.com)>; [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org) <[CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org)>; Burns, Allison <[ABurns@stradlinglaw.com](mailto:ABurns@stradlinglaw.com)>; Inspektor, Shana <[Sinspektor@stradlinglaw.com](mailto:Sinspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com) <[aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com) <[sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com)>; [veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net) <[veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net)>; [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com) <[ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com)>; [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com)



<[pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com)>; Gregory W. Stepanicich <[GStepanicich@rwglaw.com](mailto:GStepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com)  
<[dsnow@rwglaw.com](mailto:dsnow@rwglaw.com)>; John Higginbotham <[John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov)>; Maria Conzelman  
<[Maria.Conzelman@CoronaCA.gov](mailto:Maria.Conzelman@CoronaCA.gov)>; [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com) <[ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com)>; Vail, Eric S.  
<[EVail@bwsllaw.com](mailto:EVail@bwsllaw.com)>; Burke, Tamar M. <[TBurke@bwsllaw.com](mailto:TBurke@bwsllaw.com)>; McEwen, Stephen A. <[SMcEwen@bwsllaw.com](mailto:SMcEwen@bwsllaw.com)>;  
[pnorton@riversideca.gov](mailto:pnorton@riversideca.gov) <[pnorton@riversideca.gov](mailto:pnorton@riversideca.gov)>  
**Cc:** Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Austin Webbert  
<[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>;  
Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>  
**Subject:** San Diego et al. ex rel. Blackbird v. Invitation Homes

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Dear City Attorneys:

As you know, the seal in this matter, *City of San Diego, et al., ex Rel. Blackbird Special Project, LLP v. Invitation Homes, Inc.*, is set to expire on October 26, 2021. Accordingly, the Relator will be filing, on or before October 26, a motion to lift the seal on the Amended Complaint, but to retain the seal on the remainder of the file in this case.

The Relator's motion will also ask the Court's guidance regarding the information that the City of San Diego is considering a criminal referral in this matter. Specifically, the Relator will seek approval of sharing said information with Barbara Bry, the wife of the principal in Relator Blackbird Special Project, LLC.

If you object to or have any concerns of questions regarding this planned motion, let us know. Possibly we can work out any issues and simplify the motion for the Court, or turn it into a stipulation.

Please also let us know if you are still actively investigating the matter, if you support our motion (or at least do not oppose it), and if you intend to file any papers regarding the seal on or before October 26, 2021.

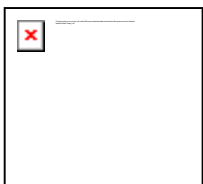
Kind regards,  
Shaun

Shaun Rosenthal

**Associate, [bio](#)**

700 Pennsylvania Ave. SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5225](tel:202-499-5225) | **MAIN:** [202-499-5200](tel:202-499-5200)



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## Ankorn, Mark

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Friday, October 29, 2021 10:58 AM  
**To:** Ankorn, Mark  
**Subject:** [EXTERNAL] Ex parte

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Have you succeeded in moving it to Tuesday?

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**From:** [Gutierrez, Marissa](#)  
**To:** [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov); [michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org); [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org); [edunn@awattorneys.com](mailto:edunn@awattorneys.com); [lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org); [cbeck@cityofpalmdale.org](mailto:cbeck@cityofpalmdale.org); [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org); [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com); [cityattorney@moval.org](mailto:cityattorney@moval.org); [steveq@qalawyers.com](mailto:steveq@qalawyers.com); [karynk@moval.org](mailto:karynk@moval.org); [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov); [EMin@riversideca.gov](mailto:EMin@riversideca.gov); [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com); [RChase@comptoncity.org](mailto:RChase@comptoncity.org); [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com); [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com); [alares@rwglaw.com](mailto:alares@rwglaw.com); [veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net); [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com); [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com); [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com); [ldvanev@dpmclaw.com](mailto:ldvanev@dpmclaw.com); [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com); [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com); [john.higginbotham@coronaca.gov](mailto:john.higginbotham@coronaca.gov); [maria.conzelman@coronaca.gov](mailto:maria.conzelman@coronaca.gov); [gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com); [evail@bwslaw.com](mailto:evail@bwslaw.com); [tburke@bwslaw.com](mailto:tburke@bwslaw.com); [mgarrett@bwslaw.com](mailto:mgarrett@bwslaw.com); [tgonzalez@bwslaw.com](mailto:tgonzalez@bwslaw.com); [echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com); [vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com); [srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com); [awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com); [jshapiro@sanfordheisler.com](mailto:jshapiro@sanfordheisler.com); [cge@sanfordheisler.com](mailto:cge@sanfordheisler.com); [lens@rgrdlaw.com](mailto:lens@rgrdlaw.com)  
**Cc:** [Ankcorn, Mark](#); [King, Kevin](#)  
**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.  
**Date:** Monday, November 1, 2021 2:42:07 PM  
**Attachments:** [image001.png](#)

---

Good Afternoon,

Please note that Mr. Simon Lens rescheduled the hearing for 2:00 p.m. It is still tomorrow, November 2<sup>nd</sup> but now at 2:00 p.m.

Best,

Marissa Gutierrez  
Legal Secretary  
San Diego City Attorney  
1200 Third Avenue, 12<sup>th</sup> Floor  
San Diego, CA 92101  
Ph: (619) 533-5618



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**From:** Gutierrez, Marissa  
**Sent:** Friday, October 29, 2021 5:13 PM  
**To:** [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov); [michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org); [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org);

edunn@awattorneys.com; lwalker@cityofsacramento.org; cbeck@cityofpalmdale.org;  
ndoran@cityofpalmdale.org; sasamura@rwglaw.com; cityattorney@moval.org;  
steveq@qalawyers.com; karynk@moval.org; pnorton@riversideca.gov; swilson@riversideca.gov;  
EMin@riversideca.gov; aburns@stradlinglaw.com; RChase@comptoncity.org;  
sonia.carvalho@bbklaw.com; sasamura@rwglaw.com; alares@rwglaw.com;  
veronica.nebb@cityofvallejo.net; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com;  
dsnow@rwglaw.com; ldvaney@dpmclaw.com; jmorris@dmpclaw.com; asullivan@dpmclaw.com;  
john.higginbotham@coronaca.gov; maria.conzelman@coronaca.gov; gstepanicich@rwglaw.com;  
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echapin@sanfordheisler.com; vmcknight@sanfordheisler.com; srosenthal@sanfordheisler.com;  
awebbert@sanfordheisler.com; jshapiro@sanfordheisler.com; cge@sanfordheisler.com;  
lens@rgrdlaw.com

**Cc:** Ankcorn, Mark <MAnkcorn@sandiego.gov>; King, Kevin <KBKing@sandiego.gov>

**Subject:** RE: City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.

Dear Counsel,

Please note the new date and time for the Ex Parte Hearing is Tuesday, November 2, 2021 at 1:30 p.m. The hearing will be held in Dept. 1001. If you wish to join via Teams, may find the link here:

<https://www.sdcourt.ca.gov/sdcourt/criminal2/criminaloutofcustodyhearings#virtualhearinglinktable>

Best,  
Marissa Gutierrez  
Legal Secretary

---

**From:** Gutierrez, Marissa

**Sent:** Friday, October 29, 2021 5:00 PM

**To:** [victor.elias@doj.ca.gov](mailto:victor.elias@doj.ca.gov); [michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org); [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org);  
[edunn@awattorneys.com](mailto:edunn@awattorneys.com); [lwalker@cityofsacramento.org](mailto:lwalker@cityofsacramento.org); [cbeck@cityofpalmdale.org](mailto:cbeck@cityofpalmdale.org);  
[ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org); [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com); [cityattorney@moval.org](mailto:cityattorney@moval.org);  
[steveq@qalawyers.com](mailto:steveq@qalawyers.com); [karynk@moval.org](mailto:karynk@moval.org); [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov);  
[EMin@riversideca.gov](mailto:EMin@riversideca.gov); [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com); [RChase@comptoncity.org](mailto:RChase@comptoncity.org);  
[sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com); [sasamura@rwglaw.com](mailto:sasamura@rwglaw.com); [alares@rwglaw.com](mailto:alares@rwglaw.com);  
[veronica.nebb@cityofvallejo.net](mailto:veronica.nebb@cityofvallejo.net); [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com); [pamelacrawford@bbklaw.com](mailto:pamelacrawford@bbklaw.com);  
[dsnow@rwglaw.com](mailto:dsnow@rwglaw.com); [ldvaney@dpmclaw.com](mailto:ldvaney@dpmclaw.com); [jmorris@dmpclaw.com](mailto:jmorris@dmpclaw.com); [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com);  
[john.higginbotham@coronaca.gov](mailto:john.higginbotham@coronaca.gov); [maria.conzelman@coronaca.gov](mailto:maria.conzelman@coronaca.gov); [gstepanicich@rwglaw.com](mailto:gstepanicich@rwglaw.com);  
[eail@bwslaw.com](mailto:eail@bwslaw.com); [tburke@bwslaw.com](mailto:tburke@bwslaw.com); [mgarrett@bwslaw.com](mailto:mgarrett@bwslaw.com); [tgonzalez@bwslaw.com](mailto:tgonzalez@bwslaw.com);  
[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com); [vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com); [srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com);  
[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com); [jshapiro@sanfordheisler.com](mailto:jshapiro@sanfordheisler.com); [cge@sanfordheisler.com](mailto:cge@sanfordheisler.com);  
[lens@rgrdlaw.com](mailto:lens@rgrdlaw.com)

**Cc:** Ankcorn, Mark <MAnkcorn@sandiego.gov>; King, Kevin <KBKing@sandiego.gov>

**Subject:** City of San Diego, et al., ex. Rel Blackbird Special Project, LLP v. Invitation Homes, Inc.

Good Afternoon All,

Please see the attached documents filed under seal today.

Marissa Gutierrez  
Legal Secretary  
San Diego City Attorney  
1200 Third Avenue, 12<sup>th</sup> Floor  
San Diego, CA 92101  
Ph: (619) 533-5618



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**From:** [Len Simon](#)  
**To:** [Ankorn, Mark](#); [King, Kevin](#)  
**Cc:** ["Shaun Rosenthal"](#)  
**Subject:** [EXTERNAL] City of San Diego/Invitation Homes/Ex Parte/Immediate Attention  
**Date:** Monday, November 1, 2021 1:06:24 PM  
**Attachments:** [Amendment to 2018\\_178051631.pdf](#)  
[Amendment to leaving office\\_195248438.pdf](#)  
[Amendment\\_2019\\_188741140.pdf](#)  
[Amendment\\_leaving\\_office\\_200422590.pdf](#)  
[Amendment\\_mayoral\\_election\\_183999709.pdf](#)

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Mark and Kevin:

We have now advised Mr. Senturia and Ms. Bry of the status of this matter, and they have advised us of two serious errors in your prior submissions to Judge Alksne. We would like you to correct them before tomorrow's hearing, or make Ms. Gutierrez available for testimony at the hearing if you stand on these assertions.

First, you asserted, based on materials attached to Ms. Gutierrez's Declaration, that Ms. Bry was involved with Blackbird Ventures while on the City Council. You relied upon a document called "Blackbird Ventures – About Us" which was posted in 2021, when Ms. Bry was already out of office. But the very same webpage from 2018, when Ms. Bry was in office, does not include her, because she was not involved with Blackbird Ventures while in office.  
<https://web.archive.org/web/20180330020535/http://blackbirdv.com/>. It is our understanding that she was not listed on this webpage during her entire term on the City Council, and was not involved in the company during that period. Your presentation to the Court was misleading in this regard.

Second, your office submitted several Form 700 Economic Disclosure documents for Ms. Bry purporting to show consulting income for Ms. Bry from Deckard Technology while in office, but there are amended forms (filed before this controversy began) which clarify that this income is "spousal income" actually earned by Mr. Senturia. See five attached amendments. The reference to consulting work is also to her husband. Ms. Bry in fact received no income from Deckard at any time, and was never a consultant to Deckard. You can confirm that with Deckard. This too presented a misleading set of facts to the Court, although it is perhaps more understandable to miss an amendment than to miss the whole point of the connection with Blackbird Ventures in terms of timing.

I am also informed that Mr. Senturia and Ms. Bry have a pre-nuptial agreement such that none of Deckard income belongs to Ms. Bry.

We would ask that your office withdraw Ms. Gutierrez's declaration before the hearing on Tuesday, and the briefs relying thereon, or submit corrected versions, and advise Judge Alksne of these corrections of the record.

Needless to say, this pokes a very large hole in your theory of criminal liability to the point where

there seems to be no theory left. We believe that you have no choice but to withdraw your threatened criminal referral, and we hope to hear from you on that before the hearing.

If you think we have misstated anything here, please let us know promptly. We are working quickly because of the timing of your ex parte, but we believe our facts are rock solid.

Len Simon

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**From:** [Len Simon](#)  
**To:** [Ankcorn, Mark](#)  
**Cc:** [Shaun Rosenthal](#)  
**Subject:** [EXTERNAL] Re: Invitation Homes  
**Date:** Wednesday, November 3, 2021 5:20:35 PM

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The act of referral itself is a decision, and we think you are making a bad one. Some of the agencies you are talking about referring it to operate in the public, so it may have an immediate reputational impact. As to the others, there is always the possibility of leaks. Is reckless to make a referral without thinking it through fully.

As to the proposed order, I think the guys in DC are finaling it out as I send this, or have gone home by now and will send it out in the morning. Let us know if you propose any changes, maybe we can work them out, but we will send it to the clerk at the same time as we send it to you.

On Nov 3, 2021, at 3:42 PM, Ankcorn, Mark <MAnkcorn@sandiego.gov> wrote:

**EXTERNAL SENDER**

We continue to believe that our Office should not make any decision on this matter because to either act or decline to act would create the appearance of a conflict, even though none exists in fact.

Please forward me a copy of the revised order as soon as possible, following the direction of Judge Alksne at yesterday's hearing.

--

Mark Ankcorn  
Chief Deputy City Attorney  
Affirmative Civil Enforcement Unit

Office of the City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, California 92101  
(619) 533-5800



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**From:** Len Simon <LenS@rgrdlaw.com>

**Date:** Wednesday, November 3, 2021 at 2:37 PM

**To:** Ankcorn, Mark <MAnkcorn@sandiego.gov>

**Cc:** Ed Chapin <echapin@sanfordheisler.com>, Vince McKnight <vmcknight@sanfordheisler.com>, 'Shaun Rosenthal' <srosenthal@sanfordheisler.com>, 'Neil Senturia' <neil@blackbirdv.com>, Barbara Bry (bbry@blackbirdv.com) <bbry@blackbirdv.com>

**Subject:** [EXTERNAL] Invitation Homes

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Mark:

We continue to think that your desire to make a criminal referral is off base. Several of your underlying facts have been disproved, we have advised you that there is a pre-nup, and your theories are crumbling.

We would like to sit down and talk with you and/or Mara, and explain to you why any referral here would be a mistake, and an abuse of your office. We can walk you through the chronology of events, and I think any fair person would walk away at that point. If you listen and disagree, so be it. But not listening seems inappropriate in the circumstances, and will suggest to any fair person reviewing the case that you are acting out of personal feelings, rather than legal theories.

Len

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**From:** [Akerson, Sarah](#)  
**To:** [Elliott, Mara](#)  
**Cc:** [La Bella, Chuck](#); [Ankorn, Mark](#)  
**Subject:** [EXTERNAL] Letter Re: Barbara Bry  
**Date:** Wednesday, November 17, 2021 6:07:24 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[Barbara Bry Letter to City Atty \(11.17.2021\).pdf](#)

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Dear Ms. Elliott,

Attached please find a letter from Mr. Chuck La Bella regarding Ms. Barbara Bry, a former member of the San Diego City Council. The purpose of this letter is to insure that you are aware of the accurate, material facts in connection with a potential, investigative referral of Ms. Bry.

Please reach out should you have any questions or wish to discuss.

Thank you,

**Sarah Akerson** | Legal Administrative Assistant

Barnes & Thornburg LLP

655 West Broadway, Suite 1300, San Diego, CA 92101

Direct: (619) 321-5017 | Mobile: (619) 866-5202



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## Ankorn, Mark

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**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Monday, January 10, 2022 4:04 PM  
**To:** Ankorn, Mark; Shaun Rosenthal; Victor Elias; King, Kevin; Gutierrez, Marissa; Leslie Walker; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown; RChase@comptoncity.org; Saskia T. Asamura; aburns@stradlinglaw.com; Inspektor, Shana; aelam@stradlinglaw.com; Ana Lares; 'michael.bostrom@lacity.org'; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; sonia.carvalho@bbklaw.com; Randy.risner@cityofvallejo.net; Katelyn.knight@cityofvallejo.net; Deena.york@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman; Vail, Eric S.; Burke, Tamar M.; Garrett, Monet; Gonzalez, Teresa  
**Cc:** Ed Chapin; Vince McKnight; Austin Webbert; Jarrett Shapiro; Katie Swenson  
**Subject:** [EXTERNAL] RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

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Thank you Mark. I believe we checked the file and didn't find anything to be available to the public, but I will defer to my East Coast colleagues.

I agree that what we're asking for is a ministerial act, but unless it has taken place, we thought an ex parte the best way to assure that Judge Maas instructs the Clerk to unseal the Amended Complaint.

If you have evidence that the Complaint is publicly available, let us know.

Len

---

**From:** Ankorn, Mark <MAnkorn@sandiego.gov>  
**Sent:** Monday, January 10, 2022 3:20 PM  
**To:** Shaun Rosenthal <rosenthal@sanfordheisler.com>; Victor Elias <Victor.Elias@doj.ca.gov>; King, Kevin <KBKing@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; Leslie Walker <LWalker@cityofsacramento.org>; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown <dbrown@comptoncity.org>; RChase@comptoncity.org; Saskia T. Asamura <sasamura@rwglaw.com>; aburns@stradlinglaw.com; Inspektor, Shana <Sinspektor@stradlinglaw.com>; aelam@stradlinglaw.com; Ana Lares <ALares@rwglaw.com>; 'michael.bostrom@lacity.org' <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; sonia.carvalho@bbklaw.com; Randy.risner@cityofvallejo.net; Katelyn.knight@cityofvallejo.net; Deena.york@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich <GStepanicich@rwglaw.com>; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman <Maria.Conzelman@CoronaCA.gov>; Vail, Eric S. <E\_Vail@bwsllaw.com>; Burke, Tamar M. <TBurke@bwsllaw.com>; Garrett, Monet <MGarrett@bwsllaw.com>; Gonzalez, Teresa <TGonzalez@bwsllaw.com>  
**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>; Austin Webbert <awebbert@sanfordheisler.com>; Jarrett Shapiro

<JShapiro@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>

**Subject:** Re: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

EXTERNAL SENDER

Shaun,

The City of San Diego doesn't oppose the relief requested, but our reading of Judge Alksne's order from November 16, 2021 and Judge Maas' December 27, 2021 order indicates that the case has already been unsealed on the terms you're requesting. Specifically, nothing in Maas' order indicates that the case is still under seal, and lists a full caption of the parties with the defendant's name. Also the fact that it was assigned out to an independent calendar judge would similarly indicate that the matter is no longer under seal.

I'm attaching the 12.27 order. In there, Judge Maas references an order by Judge Smyth dated Dec 16, which I don't believe made its way to our office (or at least it didn't get to me; I suspect it didn't get to you either, hence our mutual non-appearance).

Just by way of housekeeping, Judge Maas has his chambers in the North County Courthouse, located at 325 S. Melrose, Vista, CA 92081. The convention is to put "NC" after the case name and not "CTL" to indicate the different venue, but since this is all electronic I doubt it matters much. Hopefully no one will drive to the wrong courthouse if they intend to appear in person.

--

Mark Ankcorn  
Senior Chief Deputy City Attorney  
City of San Diego

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**From:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

**Date:** Monday, January 10, 2022 at 12:38 PM

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**Subject:** [EXTERNAL] CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

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Counsel,

I write to let you know that we scheduled an *ex parte* hearing for January 19, 2022 at 8:30 AM PT in front of Judge Maas to effectuate Judge Alksne's order of unsealing the amended complaint and keeping the remainder of the file sealed. We plan on filing the attached application and notice for a virtual hearing in the coming days. Please let us know if you plan on attending/opposing the application.

Kind regards,  
Shaun

Shaun Rosenthal

**Associate, *bio***

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**SUPERIOR COURT OF CALIFORNIA  
SAN DIEGO COUNTY**

**[UNDER SEAL],**  
  
**PLAINTIFF,**  
  
**v.**  
  
**[UNDER SEAL],**  
  
**DEFENDANT.**

**CIVIL ACTION NO.**

**FILED UNDER SEAL  
PURSUANT TO  
CAL. GOV'T CODE § 12652(c)(2)**

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13 **SUPERIOR COURT OF CALIFORNIA**  
14 **SAN DIEGO COUNTY**

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17 **SACRAMENTO, CITY OF MORENO**  
18 **VALLEY, CITY OF RIVERSIDE,**  
19 **CITY OF LOS ANGELES, CITY OF**  
20 **COMPTON, CITY OF TEMECULA,**  
21 **CITY OF PALMDALE, CITY OF**  
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25 **MURRIETA, CITY OF FAIRFIELD,**  
26 **CITY OF PERRIS, CITY OF**  
27 **YUCAIPA, CITY OF CORONA, CITY**  
28 **OF RIALTO, AND ROES 1-250, EX.**  
**REL BLACKBIRD SPECIAL**  
**PROJECT, LLC**

**PLAINTIFF-RELATORS,**

**v.**

**INVITATION HOMES, INC.**

**DEFENDANT**

**CIVIL ACTION NO.**

**37-2020-00030619-CU-MC-CTL**

**FILED UNDER SEAL**

**PLAINTIFF-RELATOR'S EX-**  
**PARTE APPLICATION AND**  
**MEMORANDUM IN SUPPORT**  
**OF APPLICATION TO**  
**EFFECTUATE JUDGE ALKSNE'S**  
**ORDER OF NOVEMBER 16, 2021,**  
**UNSEAL THE AMENDED**  
**COMPLAINT, AND LEAVE THE**  
**REMAINDER OF THIS FILE**  
**UNDER SEAL**



1 Comes now the plaintiff Blackbird Special Project, LLC, by and through the undersigned  
2 counsel, and moves this Honorable Court to unseal only the Amended Complaint in accordance  
3 with Presiding Judge Lorna Alksne's November 16, 2021 Order. The remainder of the file should  
4 remain under seal permanently.

5 The parties who chose to participate and Judge Alksne spent substantial time on this issue  
6 in late 2021. Judge Alksne's last act was her Order of November 16, 2021, which unsealed the  
7 Amended Complaint but left the remainder of the file sealed. Those ministerial steps have not yet  
8 been taken, so the Amended Complaint remains under seal, and Plaintiffs cannot serve it. We ask  
9 this Court to unseal it.

10 Due to some sensitive issues, Judge Alksne also ordered that nothing else in the file should  
11 be unsealed, including her orders on the subject. That logic would also include the instant motion,  
12 any responses, and this Court's order effectuating Judge Alksne's determinations. That is, even the  
13 pleadings arguing for and against more unsealing, the instant motion, and Judge Alksne's Order of  
14 November 16, 2021 could reveal certain matters that Judge Alksne ordered to remain under seal.  
15 A proposed Order directing the Clerk to take certain actions is attached.

16 In accordance with California Rule of Court Rule 3.1204(a), Relator has provided notice to  
17 the State of California and the Plaintiff-Cities, and none have expressed opposition. As this sealed  
18 action was filed under the California False Claims Act, Cal. Gov't Code § 12650 *et seq.*  
19 (hereinafter the "CFCA"), counsel for Defendants have not appeared and were not notified.  
20 Counsel for the California Department of Justice and Plaintiff-Parties are as follows:

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10 In accordance with Order No. 010122-44 of the Presiding Department of the Superior Court  
11 of the State of California, County of San Diego, the Relator wishes to appear remotely and has  
12 provided notice to the Court and the parties by filing the attached RA-010.  
13

14 Dated: January 11, 2022

Respectfully submitted:

15  
16 /s/ Ed Chapin

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28 *Project, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Application, Filed Under Seal, was sent by  
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**OF RIALTO, AND ROES 1-250, EX.**  
**REL BLACKBIRD SPECIAL**  
**PROJECT, LLC**

**PLAINTIFF-RELATORS,**

**v.**

**INVITATION HOMES, INC.**

**DEFENDANT**

**Case No.**

**37-2020-00030619-CU-MC-CTL**

**DECLARATION OF SHAUN**  
**ROSENTHAL**

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I, SHAUN ROSENTHAL, hereby declare as follows:

1. I submit this declaration in furtherance of Plaintiff-Relator’s *Ex-Parte* Application and Memorandum In Support Of Application to Effectuate Judge Alksne’s Order of November 16, 2021, Unseal the Amended Complaint, and Leave the Remainder of this File Under Seal.

2. I am an Associate at Sanford Heisler Sharp, LLP, one of the counsel for Plaintiff-Relator Blackbird Special Project, LLC (“Relator” or “Blackbird”), and work out of the firm's Washington, D.C. office at 700 Pennsylvania Ave SE, Suite 300 Washington, D.C. 20003.

3. On January 10, 2022, I emailed counsel for California and the cities of San Diego, Sacramento, Moreno Valley, Riverside, Los Angeles, Compton, Temecula, Palmdale, Lancaster, San Bernardino, Vallejo, Fontana, Murrieta, Fairfield, Perris, Yucaipa, Corona, and Rialto (“Plaintiff-Cities”) to inform them of the hearing, the relief requested, and to learn whether they would appear to oppose the application. *See* Exhibit A.

4. Also, in accordance with Order No. 010122-44 of the Presiding Department of the Superior Court of the State of California, County of San Diego, the Relator provided notice to the parties that Relator’s counsel wishes to appear remotely at the *ex parte* hearing. The Relator also hereby informs the Court of Relator’s counsel’s intention to appear remotely by attaching as Exhibit B to this Declaration form RA-010.

5. Because this case arises under the False Claims Act, Defendant has not yet been served, has not appeared, and thus has not been consulted. The Plaintiff-Cities have not been active in the case except in the rarest circumstances. Thus, although Relator has given notice of this *ex parte* motion to the Plaintiff-Cities and to the Attorney General, there is no opportunity for a more traditional meet and confer process with an adverse party.

6. No cities responded to state that they opposed the filing or that they intended to attend the hearing.

7. On November 16, 2021, then-Presiding Judge Lorna Alksne ordered to unseal the Amended Complaint on December 27, 2021 but keep the remainder of the file sealed. The unsealing

1 of only the Amended Complaint has not yet been completed, so Plaintiffs cannot serve it.  
2 Accordingly, we respectfully request this Court to unseal only the Amended Complaint.

3  
4 I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true  
5 and correct. Executed on this 11<sup>th</sup> day of January 2022, in Washington, D.C.

6  
7  
8 By:

9 /s/ Shaun Rosenthal  
10 Shaun Rosenthal  
11 SANFORD HEISLER SHARP, LLP  
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# **EXHIBITS**

# **EXHIBIT A**

**From:** [Shaun Rosenthal](#)  
**To:** [Victor Elias](#); ["Ankorn, Mark"](#); [KBKing@sandiego.gov](#); [MarissaG@sandiego.gov](#); [Leslie Walker](#); [cityattorney@moval.org](#); [rchester@riversideca.gov](#); [pnorton@riversideca.gov](#); [swilson@riversideca.gov](#); [Damon Brown](#); [RChase@comptoncity.org](#); [Saskia T. Asamura](#); [aburns@stradlinglaw.com](#); [Inspektor, Shana](#); [aelam@stradlinglaw.com](#); [Saskia T. Asamura](#); [Ana Lares](#); ["michael.bostrom@lacity.org"](#); [Danitza.Munoz@lacity.org](#); [edunn@awattorneys.com](#); [CBeck@CityofPalmdale.org](#); [ndoran@cityofpalmdale.org](#); [Saskia T. Asamura](#); [sonia.carvalho@bbkllaw.com](#); [Randy.risner@cityofvallejo.net](#); [Katelyn.knight@cityofvallejo.net](#); [Deena.york@cityofvallejo.net](#); [ruben.duran@bbkllaw.com](#); [pamela.crawford@bbkllaw.com](#); [ldevaney@dpmclaw.com](#); [jmorris@dpmclaw.com](#); [asullivan@dpmclaw.com](#); [Gregory W. Stepanicich](#); [dsnow@rwqlaw.com](#); [John.Higginbotham@CoronaCA.gov](#); [Maria Conzelman](#); [Vail, Eric S.](#); [Burke, Tamar M.](#); [Garrett, Monet](#); [Gonzalez, Teresa](#)  
**Cc:** [Ed Chapin](#); [Vince McKnight](#); [Len Simon](#); [Austin Webbert](#); [Jarrett Shapiro](#); [Katie Swenson](#)  
**Subject:** CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.  
**Date:** Monday, January 10, 2022 3:34:53 PM  
**Attachments:** [Notice.zip](#)  
[Application.zip](#)

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Counsel,

I write to let you know that we scheduled an *ex parte* hearing for January 19, 2022 at 8:30 AM PT in front of Judge Maas to effectuate Judge Alksne's order of unsealing the amended complaint and keeping the remainder of the file sealed. We plan on filing the attached application and notice for a virtual hearing in the coming days. Please let us know if you plan on attending/opposing the application.

Kind regards,  
Shaun

**Shaun Rosenthal**

**Associate, *bio***

700 Pennsylvania Ave. SE, Suite 300, Washington, DC 20003

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**Baltimore**

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**SUPERIOR COURT OF CALIFORNIA  
SAN DIEGO COUNTY**

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**[UNDER SEAL],**  
  
**PLAINTIFF,**  
  
**v.**  
  
**[UNDER SEAL],**  
  
**DEFENDANT.**

**CIVIL ACTION NO.**

**FILED UNDER SEAL  
PURSUANT TO  
CAL. GOV'T CODE § 12652(c)(2)**

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12 *Attorneys for the Plaintiff-Relator Blackbird Special Project, LLC*

13 **SUPERIOR COURT OF CALIFORNIA**  
14 **SAN DIEGO COUNTY**

15  
16 **CITY OF SAN DIEGO, CITY OF**  
17 **SACRAMENTO, CITY OF MORENO**  
18 **VALLEY, CITY OF RIVERSIDE,**  
19 **CITY OF LOS ANGELES, CITY OF**  
20 **COMPTON, CITY OF TEMECULA,**  
21 **CITY OF PALMDALE, CITY OF**  
22 **LANCASTER, CITY OF SAN**  
23 **BERNARDINO, CITY OF VALLEJO,**  
24 **CITY OF FONTANA, CITY OF**  
25 **MURRIETA, CITY OF FAIRFIELD,**  
26 **CITY OF PERRIS, CITY OF**  
27 **YUCAIPA, CITY OF CORONA, CITY**  
28 **OF RIALTO, AND ROES 1-250, EX.**  
**REL BLACKBIRD SPECIAL**  
**PROJECT, LLC**

**PLAINTIFF-RELATORS,**

**v.**

**INVITATION HOMES, INC.**

**DEFENDANT**

**CIVIL ACTION NO.**

**37-2020-00030619-CU-MC-CTL**

**FILED UNDER SEAL**

**PLAINTIFF-RELATOR'S EX-**  
**PARTE APPLICATION AND**  
**MEMORANDUM IN SUPPORT**  
**OF APPLICATION TO**  
**EFFECTUATE JUDGE ALKSNE'S**  
**ORDER OF NOVEMBER 16, 2021,**  
**UNSEAL THE AMENDED**  
**COMPLAINT, AND LEAVE THE**  
**REMAINDER OF THIS FILE**  
**UNDER SEAL**

1 Comes now the plaintiff Blackbird Special Project, LLC, by and through the undersigned  
2 counsel, and moves this Honorable Court to unseal only the Amended Complaint in accordance  
3 with Presiding Judge Lorna Alksne's November 16, 2021 Order. The remainder of the file should  
4 remain under seal permanently.

5 The parties who chose to participate and Judge Alksne spent substantial time on this issue  
6 in late 2021. Judge Alksne's last act was her Order of November 16, 2021, which unsealed the  
7 Amended Complaint but left the remainder of the file sealed. Those ministerial steps have not yet  
8 been taken, so the Amended Complaint remains under seal, and Plaintiffs cannot serve it. We ask  
9 this Court to unseal it.

10 Due to some sensitive issues, Judge Alksne also ordered that nothing else in the file should  
11 be unsealed, including her orders on the subject. That logic would also include the instant motion,  
12 any responses, and this Court's order effectuating Judge Alksne's determinations. That is, even the  
13 pleadings arguing for and against more unsealing, the instant motion, and Judge Alksne's Order of  
14 November 16, 2021 could reveal certain matters that Judge Alksne ordered to remain under seal.  
15 A proposed Order directing the Clerk to take certain actions is attached.

16 In accordance with California Rule of Court Rule 3.1204(a), Relator has provided notice to  
17 the State of California and the Plaintiff-Cities, and **none** have expressed opposition. As this sealed  
18 action was filed under the California False Claims Act, Cal. Gov't Code § 12650 *et seq.*  
19 (hereinafter the "CFCA"), counsel for Defendants have not appeared and were not notified.  
20 Counsel for the California Department of Justice and Plaintiff-Parties are as follows:

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11 Dated: January X, 2022

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12 Respectfully submitted:

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25 *Attorneys for the Plaintiff-Relator Blackbird Special  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Application, Filed Under Seal, was sent by  
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/s/ Jarrett Shapiro  
Jarrett Shapiro

SUPERIOR COURT OF CALIFORNIA  
SAN DIEGO COUNTY

CITY OF SAN DIEGO, CITY OF  
SACRAMENTO, CITY OF MORENO  
VALLEY, CITY OF RIVERSIDE,  
CITY OF LOS ANGELES, CITY OF  
COMPTON, CITY OF TEMECULA,  
CITY OF PALMDALE, CITY OF  
LANCASTER, CITY OF SAN  
BERNARDINO, CITY OF VALLEJO,  
CITY OF FONTANA, CITY OF  
MURRIETA, CITY OF FAIRFIELD,  
CITY OF PERRIS, CITY OF  
YUCAIPA, CITY OF CORONA, CITY  
OF RIALTO, AND ROES 1-250, EX.  
REL BLACKBIRD SPECIAL  
PROJECT, LLC

PLAINTIFF-RELATORS,

v.

INVITATION HOMES, INC.

DEFENDANT

CIVIL ACTION NO.

37-2020-00030619-CU-MC-CTL

FILED UNDER SEAL

**[PROPOSED] ORDER GRANTING PLAINTIFF-RELATOR'S *EX-PARTE*  
APPLICATION AND MEMORANDUM IN SUPPORT OF APPLICATION TO  
EFFECTUATE JUDGE ALKSNE'S ORDER OF NOVEMBER 16, 2021, UNSEAL THE  
AMENDED COMPLAINT, AND LEAVE THE REMAINDER OF THIS FILE UNDER SEAL**

Having read and considered the *Ex Parte* Application of Plaintiff-Relator to unseal only the Amended Complaint, and the good cause reflected therein, it is this \_\_\_\_ day of \_\_\_\_\_, 2022, hereby

**ORDERED**, that said Application is Granted; and it is further

**ORDERED**, that the Clerk of the Court shall unseal the Amended Complaint; and it is further

**ORDERED**, that all other matters filed with this Court prior to and including this Order shall remain **UNDER SEAL** unless the Court subsequently orders otherwise; and it is further

**ORDERED**, that pleadings, Orders, and other papers filed on or after the date of this Order shall be open to the public unless the Court orders otherwise; and it is further

1           **ORDERED**, that Relator shall serve his Amended Complaint upon Defendant by sixty days  
2 after the date of this Order; and it is further

3           **ORDERED**, that as no Plaintiff-City filed a Complaint-in-Intervention by December 27,  
4 2021, each Plaintiff-City has elected to decline to intervene in this case; and it is further

5           **ORDERED**, that the Clerk of the Court shall provide an executed copy of this Order to  
6 **counsel for California and the cities of San Diego, Sacramento, Moreno Valley, Riverside,**  
7 **Los Angeles, Compton, Temecula, Palmdale, Lancaster, San Bernardino, Vallejo, Fontana,**  
8 **Murrieta, Fairfield, Perris, Yucaipa, Corona, Rialto, and counsel for the Relator only.**

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Honorable EARL H. MAAS, III  
Superior Court of San Diego County

**Clerk, Copies of Executed Order to:**

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California Department of Justice  
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Leonard B. Simon

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6 Facsimile: (619) 577-4250  
7 Email: echapin@sanfordheisler.com

8 H. Vincent McKnight, admitted *Pro Hac Vice*  
9 **SANFORD HEISLER SHARP, LLP**  
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11 Washington, D.C. 20003  
12 Telephone: (202) 499-5201  
13 Email: vmcknight@sanfordheisler.com

14 Leonard B. Simon (California Bar No. 58310)  
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18 Telephone: (619) 818-0644  
19 Email: lens@rgrdlaw.com

20 *Attorneys for the Plaintiff-Relator Blackbird Special Project, LLC*

21 **SUPERIOR COURT OF CALIFORNIA**  
22 **SAN DIEGO COUNTY**

23 **CITY OF SAN DIEGO, CITY OF**  
24 **SACRAMENTO, CITY OF MORENO**  
25 **VALLEY, CITY OF RIVERSIDE,**  
26 **CITY OF LOS ANGELES, CITY OF**  
27 **COMPTON, CITY OF TEMECULA,**  
28 **CITY OF PALMDALE, CITY OF**  
**LANCASTER, CITY OF SAN**  
**BERNARDINO, CITY OF VALLEJO,**  
**CITY OF FONTANA, CITY OF**  
**MURRIETA, CITY OF FAIRFIELD,**  
**CITY OF PERRIS, CITY OF**  
**YUCAIPA, CITY OF CORONA, CITY**  
**OF RIALTO, AND ROES 1-250, EX.**  
**REL BLACKBIRD SPECIAL**  
**PROJECT, LLC**

**PLAINTIFF-RELATORS,**

**v.**

**INVITATION HOMES, INC.**

**DEFENDANT**

**Case No.**

**37-2020-00030619-CU-MC-CTL**

**DECLARATION OF SHAUN**  
**ROSENTHAL**

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I, SHAUN ROSENTHAL, hereby declare as follows:

1. I submit this declaration in furtherance of Plaintiff-Relator’s *Ex-Parte* Application and Memorandum In Support Of Application to Effectuate Judge Alksne’s Order of November 16, 2021, Unseal the Amended Complaint, and Leave the Remainder of this File Under Seal.

2. I am an Associate at Sanford Heisler Sharp, LLP, one of the counsel for Plaintiff-Relator Blackbird Special Project, LLC (“Relator” or “Blackbird”), and work out of the firm's Washington, D.C. office at 700 Pennsylvania Ave SE, Suite 300 Washington, D.C. 20003.

3. On January 10, 2022, I emailed counsel for California and the cities of San Diego, Sacramento, Moreno Valley, Riverside, Los Angeles, Compton, Temecula, Palmdale, Lancaster, San Bernardino, Vallejo, Fontana, Murrieta, Fairfield, Perris, Yucaipa, Corona, and Rialto (“Plaintiff-Cities”) to inform them of the hearing, the relief requested, and to learn whether they would appear to oppose the application. *See* Exhibit A.

4. Because this case arises under the False Claims Act, Defendant has not yet been served, has not appeared, and thus has not been consulted. The Plaintiff-Cities have not been active in the case except in the rarest circumstances. Thus, although Relator has given notice of this *ex parte* motion to the Plaintiff-Cities and to the Attorney General, there is no opportunity for a more traditional meet and confer process with an adverse party.

5. No cities responded to state that they opposed the filing or that they intended to attend the hearing.

6. On November 16, 2021, then-Presiding Judge Lorna Alksne ordered to unseal the Amended Complaint on December 27, 2021 but keep the remainder of the file sealed. The unsealing of only the Amended Complaint has not yet been completed, so Plaintiffs cannot serve it. Accordingly, we respectfully request this Court to unseal only the Amended Complaint.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct. Executed on this 10<sup>th</sup> day of January 2022, in Washington, D.C.



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By:

/s/ Shaun Rosenthal  
Shaun Rosenthal  
SANFORD HEISLER SHARP, LLP

# **EXHIBIT B**

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 05328 NAME: Edward D. Chapin FIRM NAME: Sanford Heisler Sharp, LLP STREET ADDRESS: 2550 Fifth Avenue, 11th Floor CITY: San Diego STATE: CA ZIP CODE: 92103 TELEPHONE NO.: 619-577-4251 FAX NO.: 619-577-4250 EMAIL ADDRESS: echapin@sanfordheisler.com ATTORNEY FOR (name): Blackbird Special Project, LLC	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 325 South Melrose Drive, Vista, CA 92081 MAILING ADDRESS: 325 South Melrose Drive CITY AND ZIP CODE: Vista 92081 BRANCH NAME: North County	
PLAINTIFF/PETITIONER: Blackbird Special Project, LLC DEFENDANT/RESPONDENT: Invitation Homes, Inc. OTHER CASE NAME:	
<b>NOTICE OF REMOTE APPEARANCE</b>	CASE NUMBER: 37-2020-00030619-CU-MC-CTL

You must use this form to tell the court you intend to appear remotely in a civil case, unless the court's website describes an online process for giving notice. You may also use it to give the required notice to all other parties in the case. (Do not use this form in a juvenile dependency proceeding.)

Check the court's website for information about how to appear remotely, including the departments and types of cases or proceedings that allow remote appearances and ways to appear remotely in their departments for such appearances.

See page 3 of this form for more information, including deadlines for giving notice and for opposing a remote appearance if this notice is for an evidentiary hearing or trial.

**A person appearing remotely should conduct themselves as though appearing in court in person.**

1. The person who intends to appear remotely is *(check and complete all that apply)*:
  - Plaintiff/Petitioner *(name)*:
  - Attorney for Plaintiff/Petitioner *(name)*: Edward D. Chapin
  - Defendant/Respondent *(name)*:
  - Attorney for Defendant/Respondent *(name)*:
  - Other *(name and role in case)*:
  
2. The person or persons in 1 intends to appear remotely *(check one)*:
  - a.  Throughout the case.
  - b.  At the proceeding described below, including on any later dates if the proceeding is continued *(describe)*:  
 Type of proceeding: Ex Parte Hearing  
 Set on *(date)*: 1/19/22 at *(time)*: 8:30 am in *(department)*: N-28  
 Before *(name of judicial officer, if known)*: Honorable Earl H. Maas, III
  
3. The person intends to appear by *(check court's website for method that may be used)*:
  - Videoconference  Audio only (including telephone)
  
4.  For evidentiary hearing or trial only (where testimony may be given); the party requests the following additional aspects of the proceeding be conducted remotely *(describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed)*:

PLAINTIFF: Blackbird Special Project, LLC DEFENDANT: Invitation Homes, Inc.	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
--	--

5.  I agree to keep the proceeding confidential to the same extent as would be required if I were appearing in person.

Date: 1/10/22

Edward D. Chapin  
(TYPE OR PRINT NAME)

 /s/ Edward D. Chapin  
(SIGNATURE)

**Notice to Other Parties**

Anyone intending to appear remotely must provide notice to all other parties by the deadlines stated in Cal. Rules of Court, rule 3.672, and described on the next page. Notice may be provided orally, electronically, or by giving the other parties this form in a way to ensure it is received by the applicable deadline. The party must tell the court this was done either by filing a proof of service (this may be done on forms POS-040 or POS-050 for electronic service) or by completing and signing the declaration below.

**Declaration of Notice**

I gave notice that I intend to appear remotely to the other parties or persons entitled to receive notice in this case as stated below. Complete one item below for each person notice was given to, and enter one of the following options for "Method of notice" in c.

- **Mail:** By mailing them a copy of this form (write the mailing address in d.)
- **Overnight delivery:** By having a copy of this form delivered overnight (write the delivery address in d.)
- **Electronic notice:** By e-mail or text message (write the e-mail or phone number in d.)
- **Phone:** By telling them over the telephone or leaving them voice mail (write the phone number in d.), or
- **In person:** By giving them a copy of this form in person, or by telling them orally in person (write the address in d.)

1.  Plaintiff/Petitioner

a. Name: City of San Diego

b. Date of notice: 1/10/22

c. Method of notice: email

d. Address (mailing, in-person, or email) or phone number: mankcorn@sandiego.gov; KBKing@sandiego.gov

2.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

3.  Defendant/Respondent

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

4.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) phone number:

5.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

6.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) phone number:

7.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

7.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

If more people were given notice, check here, attach form MC-025, titled as Attachment Notice, and add the information about how and when notice was given to each person.

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

Date: 1/10/22

Jarrett Shapiro  
(TYPE OR PRINT NAME)

 /s/ Jarrett Shapiro  
(SIGNATURE)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
---------------------------------------	--

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

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(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 4  
(Add pages as required)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
---------------------------------------	--

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

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(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 4  
(Add pages as required)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
---------------------------------------	--

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

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City Attorney  
Pamela Crawford  
City of Fontana  
Best Best & Krieger LLP  
2855 E. Guasti Road, Suite 400  
Ontario, CA 91761  
ruben.duran@bbklaw.com  
pamela.crawford@bbklaw.com  
213-787-2569

Leslie Devaney  
City Attorney  
Jeff Morris  
Assistant City Attorney  
City of Murrieta  
Devaney, Pate, Morris & Cameron LLP  
402 West Broadway, Suite 1300  
San Diego CA, 92101  
ldevaney@dpmclaw.com  
jmorris@dpmclaw.com  
asullivan@dpmclaw.com

Greg Stepanicich  
City Attorney  
City of Fairfield  
gstepanicich@rwglaw.com

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 3 of 4  
(Add pages as required)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
---------------------------------------	--

**ATTACHMENT** (Number): 1

*(This Attachment may be used with any Judicial Council form.)*

Plaintiffs/petitioners notified via email 1/10/22:

David Snow  
City Attorney  
City of Yucaipa  
dsnow@rwglaw.com

John Higginbotham  
Assistant City Attorney  
Maria Conzelman  
City of Corona  
John.Higginbotham@CoronaCA.gov  
maria.conzelman@coronaca.gov

Eric Vail  
Interim City Attorney  
City of Rialto  
evail@bwslaw.com  
tburke@bwslaw.com  
MGarrett@bwslaw.com  
TGonzalez@bwslaw.com

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page 4 of 4  
*(Add pages as required)*



ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: Admitted Pro Hac Vice NAME: H. Vincent McKnight FIRM NAME: Sanford Heisler Sharp, LLP STREET ADDRESS: 700 Pennsylvania Avenue SE, Suite 300 CITY: Washington STATE: DC ZIP CODE: 20003 TELEPHONE NO.: 202-499-5201 FAX NO.: 202-499-5199 EMAIL ADDRESS: vmcknight@sanfordheisler.com ATTORNEY FOR (name): Blackbird Special Project, LLC	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 325 South Melrose Drive, Vista, CA 92081 MAILING ADDRESS: 325 South Melrose Drive CITY AND ZIP CODE: Vista 92081 BRANCH NAME: North County	
PLAINTIFF/PETITIONER: Blackbird Special Project, LLC DEFENDANT/RESPONDENT: Invitation Homes, Inc. OTHER CASE NAME:	
<b>NOTICE OF REMOTE APPEARANCE</b>	CASE NUMBER: 37-2020-00030619-CU-MC-CTL

You must use this form to tell the court you intend to appear remotely in a civil case, unless the court's website describes an online process for giving notice. You may also use it to give the required notice to all other parties in the case. (Do not use this form in a juvenile dependency proceeding.)

Check the court's website for information about how to appear remotely, including the departments and types of cases or proceedings that allow remote appearances and ways to appear remotely in their departments for such appearances.

See page 3 of this form for more information, including deadlines for giving notice and for opposing a remote appearance if this notice is for an evidentiary hearing or trial.

**A person appearing remotely should conduct themselves as though appearing in court in person.**

1. The person who intends to appear remotely is *(check and complete all that apply)*:
  - Plaintiff/Petitioner *(name)*:
  - Attorney for Plaintiff/Petitioner *(name)*: H. Vincent McKnight
  - Defendant/Respondent *(name)*:
  - Attorney for Defendant/Respondent *(name)*:
  - Other *(name and role in case)*:
  
2. The person or persons in 1 intends to appear remotely *(check one)*:
  - a.  Throughout the case.
  - b.  At the proceeding described below, including on any later dates if the proceeding is continued *(describe)*:  
 Type of proceeding: Ex Parte Hearing  
 Set on *(date)*: 1/19/22 at *(time)*: 8:30 am in *(department)*: N-28  
 Before *(name of judicial officer, if known)*: Honorable Earl H. Maas, III
  
3. The person intends to appear by *(check court's website for method that may be used)*:
  - Videoconference  Audio only (including telephone)
  
4.  For evidentiary hearing or trial only (where testimony may be given); the party requests the following additional aspects of the proceeding be conducted remotely *(describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed)*:

PLAINTIFF: Blackbird Special Project, LLC DEFENDANT: Invitation Homes, Inc.	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
--	--

5.  I agree to keep the proceeding confidential to the same extent as would be required if I were appearing in person.

Date: 1/10/22

H. Vincent McKnight  
(TYPE OR PRINT NAME)

 /s/ H. Vincent McKnight  
(SIGNATURE)

**Notice to Other Parties**

Anyone intending to appear remotely must provide notice to all other parties by the deadlines stated in Cal. Rules of Court, rule 3.672, and described on the next page. Notice may be provided orally, electronically, or by giving the other parties this form in a way to ensure it is received by the applicable deadline. The party must tell the court this was done either by filing a proof of service (this may be done on forms POS-040 or POS-050 for electronic service) or by completing and signing the declaration below.

**Declaration of Notice**

I gave notice that I intend to appear remotely to the other parties or persons entitled to receive notice in this case as stated below. Complete one item below for each person notice was given to, and enter one of the following options for "Method of notice" in c.

- **Mail:** By mailing them a copy of this form (write the mailing address in d.)
- **Overnight delivery:** By having a copy of this form delivered overnight (write the delivery address in d.)
- **Electronic notice:** By e-mail or text message (write the e-mail or phone number in d.)
- **Phone:** By telling them over the telephone or leaving them voice mail (write the phone number in d.), or
- **In person:** By giving them a copy of this form in person, or by telling them orally in person (write the address in d.)

1.  Plaintiff/Petitioner

a. Name: City of San Diego

b. Date of notice: 1/10/22

c. Method of notice: email

d. Address (mailing, in-person, or email) or phone number: mankcorn@sandiego.gov; KBKing@sandiego.gov

2.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

3.  Defendant/Respondent

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

4.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) phone number:

5.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

6.  Attorney for:

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) phone number:

7.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

7.  Other (specify):

a. Name:

b. Date of notice:

c. Method of notice:

d. Address (mailing, in-person, or email) or phone number:

If more people were given notice, check here, attach form MC-025, titled as Attachment Notice, and add the information about how and when notice was given to each person.

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

Date: 1/10/22

Jarrett Shapiro  
(TYPE OR PRINT NAME)

 /s/ Jarrett Shapiro  
(SIGNATURE)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
---------------------------------------	--

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

Plaintiffs/petitioners notified via email 1/10/22:

Victor Elias  
Deputy Attorney General  
California Department of Justice  
victor.elias@doj.ca.gov

Mark Ankcorn  
Deputy City Attorney  
Kevin King  
City of San Diego  
mankcorn@sandiego.gov  
KBKing@sandiego.gov  
MarissaG@sandiego.gov

Leslie Z. Walker  
Senior Deputy City Attorney  
City of Sacramento  
lwalker@cityofsacramento.org

Steve Quintanilla (notified via email and mail)  
Interim City Attorney  
City of Moreno Valley  
City Clerk ' s Office  
14177 Frederick Street  
Moreno Valley, CA 92552  
cityattorney@moval.org

Robert Chichester  
Phaedra Norton  
City Attorney  
Susan Wilson  
Assistant City Attorney  
rchichester@riversideca.gov  
pnorton@riversideca.gov  
swilson@riversideca.gov

Damon Brown  
City Attorney  
City of Compton  
dbrown@comptoncity.org  
RChase@comptoncity.org  
sasamura@rwglaw.com

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Page 1 of 4  
(Add pages as required)

SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
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ATTACHMENT (Number): 1*(This Attachment may be used with any Judicial Council form.)*

Plaintiffs/petitioners notified via email 1/10/22:

Saskia T. Asamura  
Richards Watson & Gershon APC  
Attorneys for City of Temecula  
sasamura@rwglaw.com  
alares@rwglaw.com

Michael Bostrom  
Danitza Munoz  
City of Los Angeles  
michael.bostrom@lacity.org  
Danitza.Munoz@lacity.org

Eric Dunn  
City Attorney  
City of Perris  
edunn@awattorneys.com

Christopher Beck  
City Attorney  
City of Palmdale  
CBeck@CityofPalmdale.org  
ndoran@cityofpalmdale.org  
sasamura@rwglaw.com

Allison Burns  
City Attorney  
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sinspektor@stradlinglaw.com  
aelam@stradlinglaw.com

Sonia Rubio Carvalho (notified via email and mail)  
City Attorney  
City of San Bernardino  
Best Best & Krieger LLP  
18101 Von Karman Avenue, Suite 1000  
Irvine, CA 92612  
sonia.carvalho@bbklaw.com  
949-263-2603

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Page 2 of 4  
*(Add pages as required)*

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Plaintiffs/petitioners notified via email 1/10/22:

Randy J. Risner  
Chief Assistant City Attorney  
Katelyn M. Knight  
Assistant City Attorney  
City of Vallejo  
555 Santa Clara Street, Third Floor  
Vallejo, CA 94590  
Randy.risner@cityofvallejo.net  
Katelyn.knight@cityofvallejo.net  
Deena.york@cityofvallejo.net  
707-648-4545

Ruben Duran (notified via email and mail)  
City Attorney  
Pamela Crawford  
City of Fontana  
Best Best & Krieger LLP  
2855 E. Guasti Road, Suite 400  
Ontario, CA 91761  
ruben.duran@bbklaw.com  
pamela.crawford@bbklaw.com  
213-787-2569

Leslie Devaney  
City Attorney  
Jeff Morris  
Assistant City Attorney  
City of Murrieta  
Devaney, Pate, Morris & Cameron LLP  
402 West Broadway, Suite 1300  
San Diego CA, 92101  
ldevaney@dpmclaw.com  
jmorris@dpmclaw.com  
asullivan@dpmclaw.com

Greg Stepanicich  
City Attorney  
City of Fairfield  
gstepanicich@rwglaw.com

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Page 3 of 4  
(Add pages as required)

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Plaintiffs/petitioners notified via email 1/10/22:

David Snow  
City Attorney  
City of Yucaipa  
dsnow@rwglaw.com

John Higginbotham  
Assistant City Attorney  
Maria Conzelman  
City of Corona  
John.Higginbotham@CoronaCA.gov  
maria.conzelman@coronaca.gov

Eric Vail  
Interim City Attorney  
City of Rialto  
evail@bwslaw.com  
tburke@bwslaw.com  
MGarrett@bwslaw.com  
TGonzalez@bwslaw.com

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Page 4 of 4  
*(Add pages as required)*

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 58310 NAME: Leonard B. Simon FIRM NAME: Law Offices of Leonard B. Simon STREET ADDRESS: 655 West Broadway, Suite 1900 CITY: San Diego STATE: CA ZIP CODE: 92101 TELEPHONE NO.: (619) 818-0644 FAX NO.: EMAIL ADDRESS: lens@rardlaw.com ATTORNEY FOR (name): Blackbird Special Project, LLC	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 325 South Melrose Drive, Vista, CA 92081 MAILING ADDRESS: 325 South Melrose Drive CITY AND ZIP CODE: Vista 92081 BRANCH NAME: North County	
PLAINTIFF/PETITIONER: Blackbird Special Project, LLC DEFENDANT/RESPONDENT: Invitation Homes, Inc. OTHER CASE NAME:	
<b>NOTICE OF REMOTE APPEARANCE</b>	CASE NUMBER: 37-2020-00030619-CU-MC-CTL

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**A person appearing remotely should conduct themselves as though appearing in court in person.**

1. The person who intends to appear remotely is *(check and complete all that apply)*:
  - Plaintiff/Petitioner *(name)*:
  - Attorney for Plaintiff/Petitioner *(name)*: Leonard B. Simon
  - Defendant/Respondent *(name)*:
  - Attorney for Defendant/Respondent *(name)*:
  - Other *(name and role in case)*:
  
2. The person or persons in 1 intends to appear remotely *(check one)*:
  - a.  Throughout the case.
  - b.  At the proceeding described below, including on any later dates if the proceeding is continued *(describe)*:  
 Type of proceeding: Ex Parte Hearing  
 Set on *(date)*: 1/19/22 at *(time)*: 8:30 am in *(department)*: N-28  
 Before *(name of judicial officer, if known)*: Honorable Earl H. Maas, III
  
3. The person intends to appear by *(check court's website for method that may be used)*:
  - Videoconference  Audio only (including telephone)
  
4.  For evidentiary hearing or trial only (where testimony may be given); the party requests the following additional aspects of the proceeding be conducted remotely *(describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed)*:

PLAINTIFF: Blackbird Special Project, LLC DEFENDANT: Invitation Homes, Inc.	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
--	--

5.  I agree to keep the proceeding confidential to the same extent as would be required if I were appearing in person.

Date: 1/10/22

Leonard B. Simon  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 /s/ Leonard B. Simon  
 \_\_\_\_\_  
 (SIGNATURE)

**Notice to Other Parties**

Anyone intending to appear remotely must provide notice to all other parties by the deadlines stated in Cal. Rules of Court, rule 3.672, and described on the next page. Notice may be provided orally, electronically, or by giving the other parties this form in a way to ensure it is received by the applicable deadline. The party must tell the court this was done either by filing a proof of service (this may be done on forms POS-040 or POS-050 for electronic service) or by completing and signing the declaration below.

**Declaration of Notice**

I gave notice that I intend to appear remotely to the other parties or persons entitled to receive notice in this case as stated below. Complete one item below for each person notice was given to, and enter one of the following options for "Method of notice" in c.

- **Mail:** By mailing them a copy of this form (write the mailing address in d.)
- **Overnight delivery:** By having a copy of this form delivered overnight (write the delivery address in d.)
- **Electronic notice:** By e-mail or text message (write the e-mail or phone number in d.)
- **Phone:** By telling them over the telephone or leaving them voice mail (write the phone number in d.), or
- **In person:** By giving them a copy of this form in person, or by telling them orally in person (write the address in d.)

1.  Plaintiff/Petitioner  
 a. Name: City of San Diego  
 b. Date of notice: 1/10/22  
 c. Method of notice: email  
 d. Address (mailing, in-person, or email) or phone number: mankcorn@sandiego.gov; KBKing@sandiego.gov

2.  Attorney for:  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) or phone number:

3.  Defendant/Respondent  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) or phone number:

4.  Attorney for:  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) phone number:

5.  Other (specify):  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) or phone number:

6.  Attorney for:  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) phone number:

7.  Other (specify):  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) or phone number:

7.  Other (specify):  
 a. Name:  
 b. Date of notice:  
 c. Method of notice:  
 d. Address (mailing, in-person, or email) or phone number:

If more people were given notice, check here, attach form MC-025, titled as Attachment Notice, and add the information about how and when notice was given to each person.

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

Date: 1/10/22

Jarrett Shapiro  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 /s/ Jarrett Shapiro  
 \_\_\_\_\_  
 (SIGNATURE)



SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
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ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

Plaintiffs/petitioners notified via email 1/10/22:

Victor Elias  
Deputy Attorney General  
California Department of Justice  
victor.elias@doj.ca.gov

Mark Ankcorn  
Deputy City Attorney  
Kevin King  
City of San Diego  
mankcorn@sandiego.gov  
KBKing@sandiego.gov  
MarissaG@sandiego.gov

Leslie Z. Walker  
Senior Deputy City Attorney  
City of Sacramento  
lwalker@cityofsacramento.org

Steve Quintanilla (notified via email and mail)  
Interim City Attorney  
City of Moreno Valley  
City Clerk ' s Office  
14177 Frederick Street  
Moreno Valley, CA 92552  
cityattorney@moval.org

Robert Chichester  
Phaedra Norton  
City Attorney  
Susan Wilson  
Assistant City Attorney  
rchichester@riversideca.gov  
pnorton@riversideca.gov  
swilson@riversideca.gov

Damon Brown  
City Attorney  
City of Compton  
dbrown@comptoncity.org  
RChase@comptoncity.org  
sasamura@rwglaw.com

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Page 1 of 4  
(Add pages as required)

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ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

Plaintiffs/petitioners notified via email 1/10/22:

Saskia T. Asamura  
Richards Watson & Gershon APC  
Attorneys for City of Temecula  
sasamura@rwglaw.com  
alares@rwglaw.com

Michael Bostrom  
Danitza Munoz  
City of Los Angeles  
michael.bostrom@lacity.org  
Danitza.Munoz@lacity.org

Eric Dunn  
City Attorney  
City of Perris  
edunn@awattorneys.com

Christopher Beck  
City Attorney  
City of Palmdale  
CBeck@CityofPalmdale.org  
ndoran@cityofpalmdale.org  
sasamura@rwglaw.com

Allison Burns  
City Attorney  
City of Lancaster  
aburns@stradlinglaw.com  
sinspektor@stradlinglaw.com  
aelam@stradlinglaw.com

Sonia Rubio Carvalho (notified via email and mail)  
City Attorney  
City of San Bernardino  
Best Best & Krieger LLP  
18101 Von Karman Avenue, Suite 1000  
Irvine, CA 92612  
sonia.carvalho@bbklaw.com  
949-263-2603

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ATTACHMENT (Number): 1

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Plaintiffs/petitioners notified via email 1/10/22:

Randy J. Risner  
Chief Assistant City Attorney  
Katelyn M. Knight  
Assistant City Attorney  
City of Vallejo  
555 Santa Clara Street, Third Floor  
Vallejo, CA 94590  
Randy.risner@cityofvallejo.net  
Katelyn.knight@cityofvallejo.net  
Deena.york@cityofvallejo.net  
707-648-4545

Ruben Duran (notified via email and mail)  
City Attorney  
Pamela Crawford  
City of Fontana  
Best Best & Krieger LLP  
2855 E. Guasti Road, Suite 400  
Ontario, CA 91761  
ruben.duran@bbklaw.com  
pamela.crawford@bbklaw.com  
213-787-2569

Leslie Devaney  
City Attorney  
Jeff Morris  
Assistant City Attorney  
City of Murrieta  
Devaney, Pate, Morris & Cameron LLP  
402 West Broadway, Suite 1300  
San Diego CA, 92101  
ldevaney@dpmclaw.com  
jmorris@dpmclaw.com  
asullivan@dpmclaw.com

Greg Stepanicich  
City Attorney  
City of Fairfield  
gstepanicich@rwglaw.com

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Page 3 of 4  
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SHORT TITLE: Declaration of Notice	CASE NUMBER: 37-2020-00030619-CU-MC-CTL
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**ATTACHMENT** (Number): 1

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Plaintiffs/petitioners notified via email 1/10/22:

David Snow  
City Attorney  
City of Yucaipa  
dsnow@rwglaw.com

John Higginbotham  
Assistant City Attorney  
Maria Conzelman  
City of Corona  
John.Higginbotham@CoronaCA.gov  
maria.conzelman@coronaca.gov

Eric Vail  
Interim City Attorney  
City of Rialto  
evail@bwslaw.com  
tburke@bwslaw.com  
MGarrett@bwslaw.com  
TGonzalez@bwslaw.com

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Page 4 of 4  
*(Add pages as required)*

SUPERIOR COURT OF CALIFORNIA  
SAN DIEGO COUNTY

CITY OF SAN DIEGO, CITY OF  
SACRAMENTO, CITY OF MORENO  
VALLEY, CITY OF RIVERSIDE,  
CITY OF LOS ANGELES, CITY OF  
COMPTON, CITY OF TEMECULA,  
CITY OF PALMDALE, CITY OF  
LANCASTER, CITY OF SAN  
BERNARDINO, CITY OF VALLEJO,  
CITY OF FONTANA, CITY OF  
MURRIETA, CITY OF FAIRFIELD,  
CITY OF PERRIS, CITY OF  
YUCAIPA, CITY OF CORONA, CITY  
OF RIALTO, AND ROES 1-250, EX.  
REL BLACKBIRD SPECIAL  
PROJECT, LLC

PLAINTIFF-RELATORS,

v.

INVITATION HOMES, INC.

DEFENDANT

CIVIL ACTION NO.

37-2020-00030619-CU-MC-CTL

FILED UNDER SEAL

**[PROPOSED] ORDER GRANTING PLAINTIFF-RELATOR'S *EX-PARTE*  
APPLICATION AND MEMORANDUM IN SUPPORT OF APPLICATION TO  
EFFECTUATE JUDGE ALKSNE'S ORDER OF NOVEMBER 16, 2021, UNSEAL THE  
AMENDED COMPLAINT, AND LEAVE THE REMAINDER OF THIS FILE UNDER SEAL**

Having read and considered the *Ex Parte* Application of Plaintiff-Relator to unseal only the Amended Complaint, and the good cause reflected therein, it is this \_\_\_\_ day of \_\_\_\_\_, 2022, hereby

**ORDERED**, that said Application is Granted; and it is further

**ORDERED**, that the Clerk of the Court shall unseal the Amended Complaint; and it is further

**ORDERED**, that all other matters filed with this Court prior to and including this Order shall remain **UNDER SEAL** unless the Court subsequently orders otherwise; and it is further

**ORDERED**, that pleadings, Orders, and other papers filed on or after the date of this Order shall be open to the public unless the Court orders otherwise; and it is further

1           **ORDERED**, that Relator shall serve his Amended Complaint upon Defendant by sixty days  
2 after the date of this Order; and it is further

3           **ORDERED**, that as no Plaintiff-City filed a Complaint-in-Intervention by December 27,  
4 2021, each Plaintiff-City has elected to decline to intervene in this case; and it is further

5           **ORDERED**, that the Clerk of the Court shall provide an executed copy of this Order to  
6 **counsel for California and the cities of San Diego, Sacramento, Moreno Valley, Riverside,**  
7 **Los Angeles, Compton, Temecula, Palmdale, Lancaster, San Bernardino, Vallejo, Fontana,**  
8 **Murrieta, Fairfield, Perris, Yucaipa, Corona, Rialto, and counsel for the Relator only.**

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---

Honorable EARL H. MAAS, III  
Superior Court of San Diego County

**Clerk, Copies of Executed Order to:**

Victor Elias  
Deputy Attorney General  
California Department of Justice  
victor.elias@doj.ca.gov

City Attorney  
Susan Wilson  
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Danitza.Munoz@lacity.org

Robert Chichester  
Phaedra Norton

Eric Dunn  
City Attorney

<p>1 City of Perris edunn@awattorneys.com</p> <p>2 Christopher Beck City Attorney City of Palmdale 4 CBeck@CityofPalmdale.org ndoran@cityofpalmdale.org 5 sasamura@rwglaw.com</p> <p>6 Allison Burns City Attorney City of Lancaster 7 aburns@stradlinglaw.com 8 sinspektor@stradlinglaw.com 9 aelam@stradlinglaw.com</p> <p>10 Sonia Rubio Carvalho City Attorney City of San Bernardino 12 Best Best &amp; Krieger LLP 13 18101 Von Karman Avenue, Suite 1000 Irvine, CA 92612 14 sonia.carvalho@bbklaw.com 949-263-2603</p> <p>15 Randy J. Risner Chief Assistant City Attorney 16 Katelyn M. Knight Assistant City Attorney 17 City of Vallejo 555 Santa Clara Street, Third Floor 18 Vallejo, CA 94590 Randy.risner@cityofvallejo.net 20 Katelyn.knight@cityofvallejo.net Deena.york@cityofvallejo.net 21 707-648-4545</p> <p>22 Ruben Duran City Attorney 23 Pamela Crawford City of Fontana 24 Best Best &amp; Krieger LLP 25 2855 E. Guasti Road, Suite 400 Ontario, CA 91761 26 ruben.duran@bbklaw.com pamela.crawford@bbklaw.com 27 213-787-2569</p> <p>28 Leslie Devaney</p>	<p>City Attorney Jeff Morris Assistant City Attorney City of Murrieta Devaney, Pate, Morris &amp; Cameron LLP 402 West Broadway, Suite 1300 San Diego CA, 92101 ldevaney@dpmclaw.com jmorris@dpmclaw.com asullivan@dpmclaw.com</p> <p>Greg Stepanicich City Attorney City of Fairfield gstepanicich@rwglaw.com</p> <p>David Snow City Attorney City of Yucaipa dsnow@rwglaw.com</p> <p>John Higginbotham Assistant City Attorney Maria Conzelman City of Corona John.Higginbotham@CoronaCA.gov maria.conzelman@coronaca.gov</p> <p>Eric Vail Interim City Attorney City of Rialto evail@bwslaw.com tburke@bwslaw.com MGarrett@bwslaw.com TGonzalez@bwslaw.com</p> <p>Edward D. Chapin Vince McKnight Sanford Heisler Sharp, LLP Attorneys for Plaintiff-Relator echapin@sanfordheisler.com vmcknight@sanfordheisler.com srosenthal@sanfordheisler.com awebbert@sanfordheisler.com jshapiro@sanfordheisler.com</p> <p>Leonard B. Simon Law Offices of Leonard B. Simon Attorney for Plaintiff-Relator lens@rgrdlaw.com</p>
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## Ankorn, Mark

---

**From:** Jarrett Shapiro <JShapiro@sanfordheisler.com>  
**Sent:** Thursday, January 13, 2022 7:08 AM  
**To:** Victor Elias; Ankorn, Mark; King, Kevin; Gutierrez, Marissa; Leslie Walker; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown; RChase@comptoncity.org; Saskia T. Asamura; aburns@stradlinglaw.com; Inspektor, Shana; aelam@stradlinglaw.com; Saskia T. Asamura; Ana Lares; 'michael.bostrom@lacity.org'; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Saskia T. Asamura; sonia.carvalho@bbklaw.com; Randy.risner@cityofvallejo.net; Katelyn.knight@cityofvallejo.net; Deena.york@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman; Vail, Eric S.; Burke, Tamar M.; Garrett, Monet; Gonzalez, Teresa  
**Cc:** Ed Chapin; Vince McKnight; Len Simon; Austin Webbert; Katie Swenson; Shaun Rosenthal  
**Subject:** [EXTERNAL] RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.  
**Attachments:** 2022-01-11 Application and Memorandum in Support of Application to Unseal Amended Complaint.pdf; 2022-01-11 Declaration of Shaun Rosenthal.pdf; 2022-01-11 Proposed Order.pdf; 2022-01-11 Certificate of Service.pdf

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---

Counsel,

Attached please find a copy of Relator's Counsel's Application and Memorandum in Support of the Application to Unseal the Amended Complaint, and accompanying Certificate of Service, Proposed Order, and Declaration from Shaun Rosenthal, which arrived at the court yesterday evening.

Best,

Jarrett Shapiro

*Senior Legal Assistant, [bio](#)*

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** 202-499-5200



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**From:** Shaun Rosenthal <srosenthal@sanfordheisler.com>

**Sent:** Monday, January 10, 2022 3:35 PM

**To:** Victor Elias <Victor.Elias@doj.ca.gov>; 'Ankcorn, Mark' <MAnkcorn@sandiego.gov>; KBKing@sandiego.gov; MarissaG@sandiego.gov; Leslie Walker <LWalker@cityofsacramento.org>; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown <dbrown@comptoncity.org>; RChase@comptoncity.org; Saskia T. Asamura <sasamura@rwglaw.com>; aburns@stradlinglaw.com; Inspektor, Shana <SInspektor@stradlinglaw.com>; aelam@stradlinglaw.com; Saskia T. Asamura <sasamura@rwglaw.com>; Ana Lares <ALares@rwglaw.com>; 'michael.bostrom@lacity.org' <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; Saskia T. Asamura <sasamura@rwglaw.com>; sonia.carvalho@bbklaw.com; Randy.risner@cityofvallejo.net; Katelyn.knight@cityofvallejo.net; Deena.york@cityofvallejo.net; ruben.duran@bbklaw.com; pamela.crawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich <GStepanicich@rwglaw.com>; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman <Maria.Conzelman@CoronaCA.gov>; Vail, Eric S. <EVail@bwslaw.com>; Burke, Tamar M. <TBurke@bwslaw.com>; Garrett, Monet <MGarrett@bwslaw.com>; Gonzalez, Teresa <TGonzalez@bwslaw.com>

**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>; Austin Webbert <awebbert@sanfordheisler.com>; Jarrett Shapiro <JShapiro@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>

**Subject:** CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

Counsel,

I write to let you know that we scheduled an *ex parte* hearing for January 19, 2022 at 8:30 AM PT in front of Judge Maas to effectuate Judge Alksne's order of unsealing the amended complaint and keeping the remainder of the file sealed. We plan on filing the attached application and notice for a virtual hearing in the coming days. Please let us know if you plan on attending/opposing the application.

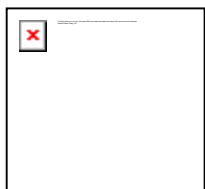
Kind regards,  
Shaun

Shaun Rosenthal

**Associate, [bio](#)**

700 Pennsylvania Ave. SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5225](tel:202-499-5225) | **MAIN:** [202-499-5200](tel:202-499-5200)



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## Ankcorn, Mark

---

**From:** Ed Chapin <echapin@sanfordheisler.com>  
**Sent:** Thursday, January 20, 2022 10:55 AM  
**To:** Ankcorn, Mark; Deena York; Jarrett Shapiro; Victor Elias; King, Kevin; Gutierrez, Marissa; Leslie Walker; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown; RChase@comptoncity.org; Saskia T. Asamura; aburns@stradlinglaw.com; Inspektor, Shana; aelam@stradlinglaw.com; Ana Lares; 'michael.bostrom@lacity.org'; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; sonia.carvalho@bbklaw.com; Randy J. Risner; Katelyn Knight; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman; Vail, Eric S.; Burke, Tamar M.; Garrett, Monet; Gonzalez, Teresa  
**Cc:** Vince McKnight; lens; Austin Webbert; Katie Swenson; Shaun Rosenthal; Kathleen McCrite  
**Subject:** [EXTERNAL] Re: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

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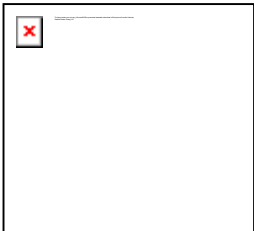
The court unsealed the First Amended Complaint only.

### Ed Chapin

*Partner and Trial Practice Group Chair, [bio](#)*

2550 Fifth Avenue, 11th Floor, San Diego, CA 92103

**DIRECT:** [\(619\) 577-4251](tel:6195774251) | **MAIN:** [619-577-4253](tel:6195774253) | **FAX:** [619-577-4250](tel:6195774250)



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**From:** Ankcorn, Mark <MAnkcorn@sandiego.gov>  
**Sent:** Thursday, January 20, 2022 10:07:54 AM  
**To:** Deena York <Deena.York@cityofvallejo.net>; Jarrett Shapiro <JShapiro@sanfordheisler.com>; Victor Elias <Victor.Elias@doj.ca.gov>; King, Kevin <KBKing@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; Leslie Walker <LWalker@cityofsacramento.org>; cityattorney@moval.org <cityattorney@moval.org>; rchichester@riversideca.gov <rchichester@riversideca.gov>; pnorton@riversideca.gov <pnorton@riversideca.gov>; swilson@riversideca.gov <swilson@riversideca.gov>; Damon Brown <dbrown@comptoncity.org>; RChase@comptoncity.org <RChase@comptoncity.org>; Saskia T. Asamura <sasamura@rwglaw.com>; aburns@stradlinglaw.com <aburns@stradlinglaw.com>; Inspektor, Shana <SInspektor@stradlinglaw.com>; aelam@stradlinglaw.com <aelam@stradlinglaw.com>; Ana Lares <ALares@rwglaw.com>; 'michael.bostrom@lacity.org' <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org <Danitza.Munoz@lacity.org>; edunn@awattorneys.com <edunn@awattorneys.com>; CBeck@CityofPalmdale.org <CBeck@CityofPalmdale.org>; ndoran@cityofpalmdale.org

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**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; lens <lens@rgrdlaw.com>; Austin Webbert <awebbert@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Kathleen McCrite <Kathleen.McCrite@cityofvallejo.net>  
**Subject:** Re: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

—**EXTERNAL EMAIL**—

How did the hearing go? Did the Court grant the ex parte motion?

—  
Mark Ankcorn  
Senior Chief Deputy City Attorney  
City of San Diego

---

**From:** Deena York <Deena.York@cityofvallejo.net>  
**Sent:** Thursday, January 13, 2022 8:57:22 AM  
**To:** Jarrett Shapiro <JShapiro@sanfordheisler.com>; Victor Elias <Victor.Elias@doj.ca.gov>; Ankcorn, Mark <MAnkcorn@sandiego.gov>; King, Kevin <KBKing@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; Leslie Walker <LWalker@cityofsacramento.org>; cityattorney@moval.org <cityattorney@moval.org>; rchichester@riversideca.gov <rchichester@riversideca.gov>; pnorton@riversideca.gov <pnorton@riversideca.gov>; swilson@riversideca.gov <swilson@riversideca.gov>; Damon Brown <dbrown@comptoncity.org>; RChase@comptoncity.org <RChase@comptoncity.org>; Saskia T. Asamura <sasamura@rwglaw.com>; aburns@stradlinglaw.com <aburns@stradlinglaw.com>; Inspektor, Shana <SInspektor@stradlinglaw.com>; aelam@stradlinglaw.com <aelam@stradlinglaw.com>; Saskia T. Asamura <sasamura@rwglaw.com>; Ana Lares <ALares@rwglaw.com>; 'michael.bostrom@lacity.org' <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org <Danitza.Munoz@lacity.org>; edunn@awattorneys.com <edunn@awattorneys.com>; CBeck@CityofPalmdale.org <CBeck@CityofPalmdale.org>; ndoran@cityofpalmdale.org <ndoran@cityofpalmdale.org>; Saskia T. Asamura <sasamura@rwglaw.com>; sonia.carvalho@bbklaw.com <sonia.carvalho@bbklaw.com>; Randy J. Risner <Randy.Risner@cityofvallejo.net>; Katelyn Knight <Katelyn.Knight@cityofvallejo.net>; ruben.duran@bbklaw.com <ruben.duran@bbklaw.com>; pamela.crawford@bbklaw.com <pamela.crawford@bbklaw.com>; ldevaney@dpmclaw.com <ldevaney@dpmclaw.com>; jmorris@dpmclaw.com <jmorris@dpmclaw.com>; asullivan@dpmclaw.com <asullivan@dpmclaw.com>; Gregory W. Stepanicich <GStepanicich@rwglaw.com>; dsnow@rwglaw.com <dsnow@rwglaw.com>; John.Higginbotham@CoronaCA.gov <John.Higginbotham@CoronaCA.gov>; Maria Conzelman <Maria.Conzelman@CoronaCA.gov>; Vail, Eric S. <EVail@bwsllaw.com>; Burke, Tamar M. <TBurke@bwsllaw.com>; Garrett, Monet <MGarrett@bwsllaw.com>; Gonzalez, Teresa <TGonzalez@bwsllaw.com>  
**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>; Austin Webbert <awebbert@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Kathleen McCrite <Kathleen.McCrite@cityofvallejo.net>  
**Subject:** [EXTERNAL] RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

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All – please include Kathleen McCrite, copied here, on all emails.

Thank you.

---

Deena York | Law Office Supervisor

City of Vallejo | City Attorney's Office

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**From:** Jarrett Shapiro [mailto:JShapiro@sanfordheisler.com]

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**Subject:** RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

Counsel,

Attached please find a copy of Relator's Counsel's Application and Memorandum in Support of the Application to Unseal the Amended Complaint, and accompanying Certificate of Service, Proposed Order, and Declaration from Shaun Rosenthal, which arrived at the court yesterday evening.

Best,

Jarrett Shapiro

*Senior Legal Assistant, [bio](#)*

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

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**From:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

**Sent:** Monday, January 10, 2022 3:35 PM

**To:** Victor Elias <[Victor.Elias@doj.ca.gov](mailto:Victor.Elias@doj.ca.gov)>; 'Ankcorn, Mark' <[MAnkcorn@san-diego.gov](mailto:MAnkcorn@san-diego.gov)>; [KBKing@san-diego.gov](mailto:KBKing@san-diego.gov); [MarissaG@san-diego.gov](mailto:MarissaG@san-diego.gov); Leslie Walker <[LWalker@cityofsacramento.org](mailto:LWalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org); [rchichester@riversideca.gov](mailto:rchichester@riversideca.gov); [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov); Damon Brown <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [RChase@comptoncity.org](mailto:RChase@comptoncity.org); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com); Inspektor, Shana <[SInspektor@stradlinglaw.com](mailto:SInspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; Ana Lares <[ALares@rwglaw.com](mailto:ALares@rwglaw.com)>; 'michael.bostrom@lacity.org' <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org); [edunn@awattorneys.com](mailto:edunn@awattorneys.com); [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org); [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com); [Randy.risner@cityofvallejo.net](mailto:Randy.risner@cityofvallejo.net); [Katelyn.knight@cityofvallejo.net](mailto:Katelyn.knight@cityofvallejo.net); [Deena.york@cityofvallejo.net](mailto:Deena.york@cityofvallejo.net); [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com); [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com); [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com); [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com); [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com); Gregory W. Stepanicich <[GStepanicich@rwglaw.com](mailto:GStepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com); [John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov); Maria Conzelman <[Maria.Conzelman@CoronaCA.gov](mailto:Maria.Conzelman@CoronaCA.gov)>; Vail, Eric S. <[EVail@bwslaw.com](mailto:EVail@bwslaw.com)>; Burke, Tamar M. <[TBurke@bwslaw.com](mailto:TBurke@bwslaw.com)>; Garrett, Monet <[MGarrett@bwslaw.com](mailto:MGarrett@bwslaw.com)>; Gonzalez, Teresa <[TGonzalez@bwslaw.com](mailto:TGonzalez@bwslaw.com)>

**Cc:** Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>

**Subject:** CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

Counsel,

I write to let you know that we scheduled an *ex parte* hearing for January 19, 2022 at 8:30 AM PT in front of Judge Maas to effectuate Judge Alksne's order of unsealing the amended complaint and keeping the remainder of the file sealed. We plan on filing the attached application and notice for a virtual hearing in the coming days. Please let us know if you plan on attending/opposing the application.

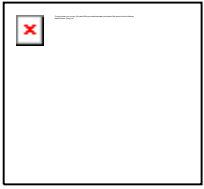
Kind regards,  
Shaun

Shaun Rosenthal

**Associate, *bio***

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**DIRECT:** [202-499-5225](tel:202-499-5225) | **MAIN:** [202-499-5200](tel:202-499-5200)



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## Ankcorn, Mark

---

**From:** Len Simon <LenS@rgrdlaw.com>  
**Sent:** Thursday, January 20, 2022 1:16 PM  
**To:** Ankcorn, Mark; Deena York; Jarrett Shapiro; Victor Elias; King, Kevin; Gutierrez, Marissa; Leslie Walker; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown; RChase@comptoncity.org; Saskia T. Asamura; aburns@stradlinglaw.com; Inspektor, Shana; aelam@stradlinglaw.com; Ana Lares; 'michael.bostrom@lacity.org'; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; sonia.carvalho@bbklaw.com; Randy J. Risner; Katelyn Knight; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman; Vail, Eric S.; Burke, Tamar M.; Garrett, Monet; Gonzalez, Teresa  
**Cc:** Ed Chapin; Vince McKnight; Austin Webbert; Katie Swenson; Shaun Rosenthal; Kathleen McCrite  
**Subject:** [EXTERNAL] RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

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The Judge also thought, like you, they were already public. But they were not accessible by computer for some reason.

---

**From:** Ankcorn, Mark <MAnkcorn@sandiego.gov>  
**Sent:** Thursday, January 20, 2022 10:08 AM  
**To:** Deena York <Deena.York@cityofvallejo.net>; Jarrett Shapiro <JShapiro@sanfordheisler.com>; Victor Elias <Victor.Elias@doj.ca.gov>; King, Kevin <KBKing@sandiego.gov>; Gutierrez, Marissa <MarissaG@sandiego.gov>; Leslie Walker <LWalker@cityofsacramento.org>; cityattorney@moval.org; rchichester@riversideca.gov; pnorton@riversideca.gov; swilson@riversideca.gov; Damon Brown <dbrown@comptoncity.org>; RChase@comptoncity.org; Saskia T. Asamura <sasamura@rwglaw.com>; aburns@stradlinglaw.com; Inspektor, Shana <SInspektor@stradlinglaw.com>; aelam@stradlinglaw.com; Ana Lares <ALares@rwglaw.com>; 'michael.bostrom@lacity.org' <michael.bostrom@lacity.org>; Danitza.Munoz@lacity.org; edunn@awattorneys.com; CBeck@CityofPalmdale.org; ndoran@cityofpalmdale.org; sonia.carvalho@bbklaw.com; Randy J. Risner <Randy.Risner@cityofvallejo.net>; Katelyn Knight <Katelyn.Knight@cityofvallejo.net>; ruben.duran@bbklaw.com; pamelacrawford@bbklaw.com; ldevaney@dpmclaw.com; jmorris@dpmclaw.com; asullivan@dpmclaw.com; Gregory W. Stepanicich <GStepanicich@rwglaw.com>; dsnow@rwglaw.com; John.Higginbotham@CoronaCA.gov; Maria Conzelman <Maria.Conzelman@CoronaCA.gov>; Vail, Eric S. <EVail@bwslaw.com>; Burke, Tamar M. <TBurke@bwslaw.com>; Garrett, Monet <MGarrett@bwslaw.com>; Gonzalez, Teresa <TGonzalez@bwslaw.com>  
**Cc:** Ed Chapin <echapin@sanfordheisler.com>; Vince McKnight <vmcknight@sanfordheisler.com>; Len Simon <LenS@rgrdlaw.com>; Austin Webbert <awebbert@sanfordheisler.com>; Katie Swenson <KSwenson@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Kathleen McCrite <Kathleen.McCrite@cityofvallejo.net>  
**Subject:** Re: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

EXTERNAL SENDER

How did the hearing go? Did the Court grant the ex parte motion?

—  
Mark Ankcorn  
Senior Chief Deputy City Attorney



City of San Diego

---

**From:** Deena York <[Deena.York@cityofvallejo.net](mailto:Deena.York@cityofvallejo.net)>

**Sent:** Thursday, January 13, 2022 8:57:22 AM

**To:** Jarrett Shapiro <[JShapiro@sanfordheisler.com](mailto:JShapiro@sanfordheisler.com)>; Victor Elias <[Victor.Elias@doj.ca.gov](mailto:Victor.Elias@doj.ca.gov)>; Ankcorn, Mark <[MANkcorn@sandiego.gov](mailto:MANkcorn@sandiego.gov)>; King, Kevin <[KBKing@sandiego.gov](mailto:KBKing@sandiego.gov)>; Gutierrez, Marissa <[MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov)>; Leslie Walker <[LWalker@cityofsacramento.org](mailto:LWalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org) <[cityattorney@moval.org](mailto:cityattorney@moval.org)>; [rchester@riversideca.gov](mailto:rchester@riversideca.gov) <[rchester@riversideca.gov](mailto:rchester@riversideca.gov)>; [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov) <[pnorton@riversideca.gov](mailto:pnorton@riversideca.gov)>; [swilson@riversideca.gov](mailto:swilson@riversideca.gov) <[swilson@riversideca.gov](mailto:swilson@riversideca.gov)>; Damon Brown <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [RChase@comptoncity.org](mailto:RChase@comptoncity.org) <[RChase@comptoncity.org](mailto:RChase@comptoncity.org)>; Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com) <[aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com)>; Inspektor, Shana <[Sinspektor@stradlinglaw.com](mailto:Sinspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com) <[aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com)>; Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; Ana Lares <[ALares@rwglaw.com](mailto:ALares@rwglaw.com)>; 'michael.bostrom@lacity.org' <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org) <[Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org)>; [edunn@awattorneys.com](mailto:edunn@awattorneys.com) <[edunn@awattorneys.com](mailto:edunn@awattorneys.com)>; [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org) <[CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org)>; [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org) <[ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org)>; Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com) <[sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com)>; Randy J. Risner <[Randy.Risner@cityofvallejo.net](mailto:Randy.Risner@cityofvallejo.net)>; Katelyn Knight <[Katelyn.Knight@cityofvallejo.net](mailto:Katelyn.Knight@cityofvallejo.net)>; [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com) <[ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com)>; [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com) <[pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com)>; [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com) <[ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com)>; [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com) <[jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com)>; [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com) <[asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com)>; Gregory W. Stepanicich <[GStepanicich@rwglaw.com](mailto:GStepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com) <[dsnow@rwglaw.com](mailto:dsnow@rwglaw.com)>; [John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov) <[John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov)>; Maria Conzelman <[Maria.Conzelman@CoronaCA.gov](mailto:Maria.Conzelman@CoronaCA.gov)>; Vail, Eric S. <[EVail@bwsllaw.com](mailto:EVail@bwsllaw.com)>; Burke, Tamar M. <[TBurke@bwsllaw.com](mailto:TBurke@bwsllaw.com)>; Garrett, Monet <[MGarrett@bwsllaw.com](mailto:MGarrett@bwsllaw.com)>; Gonzalez, Teresa <[TGonzalez@bwsllaw.com](mailto:TGonzalez@bwsllaw.com)>

**Cc:** Ed Chapin <[echapin@sanfordheisler.com](mailto:echapin@sanfordheisler.com)>; Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>; Len Simon <[LenS@rgrdlaw.com](mailto:LenS@rgrdlaw.com)>; Austin Webbert <[awebbert@sanfordheisler.com](mailto:awebbert@sanfordheisler.com)>; Katie Swenson <[KSwenson@sanfordheisler.com](mailto:KSwenson@sanfordheisler.com)>; Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>; Kathleen McCrite <[Kathleen.McCrite@cityofvallejo.net](mailto:Kathleen.McCrite@cityofvallejo.net)>

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All – please include Kathleen McCrite, copied here, on all emails.

Thank you.

---

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**From:** Jarrett Shapiro [<mailto:JShapiro@sanfordheisler.com>]

**Sent:** Thursday, January 13, 2022 7:08 AM



**To:** Victor Elias <[Victor.Elias@doj.ca.gov](mailto:Victor.Elias@doj.ca.gov)>; 'Ankcorn, Mark' <[MAnkcorn@sandiego.gov](mailto:MAnkcorn@sandiego.gov)>; [KBKing@sandiego.gov](mailto:KBKing@sandiego.gov); [MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov); Leslie Walker <[LWalker@cityofsacramento.org](mailto:LWalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org); [rchichester@riversideca.gov](mailto:rchichester@riversideca.gov); [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov); Damon Brown <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [RChase@comptoncity.org](mailto:RChase@comptoncity.org); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com); Inspektor, Shana <[SInspektor@stradlinglaw.com](mailto:SInspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; Ana Lares <[ALares@rwglaw.com](mailto:ALares@rwglaw.com)>; 'michael.bostrom@lacity.org' <[michael.bostrom@lacity.org](mailto:michael.bostrom@lacity.org)>; [Danitza.Munoz@lacity.org](mailto:Danitza.Munoz@lacity.org); [edunn@awattorneys.com](mailto:edunn@awattorneys.com); [CBeck@CityofPalmdale.org](mailto:CBeck@CityofPalmdale.org); [ndoran@cityofpalmdale.org](mailto:ndoran@cityofpalmdale.org); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [sonia.carvalho@bbklaw.com](mailto:sonia.carvalho@bbklaw.com); Randy J. Risner <[Randy.Risner@cityofvallejo.net](mailto:Randy.Risner@cityofvallejo.net)>; Katelyn Knight <[Katelyn.Knight@cityofvallejo.net](mailto:Katelyn.Knight@cityofvallejo.net)>; Deena York <[Deena.York@cityofvallejo.net](mailto:Deena.York@cityofvallejo.net)>; [ruben.duran@bbklaw.com](mailto:ruben.duran@bbklaw.com); [pamela.crawford@bbklaw.com](mailto:pamela.crawford@bbklaw.com); [ldevaney@dpmclaw.com](mailto:ldevaney@dpmclaw.com); [jmorris@dpmclaw.com](mailto:jmorris@dpmclaw.com); [asullivan@dpmclaw.com](mailto:asullivan@dpmclaw.com); Gregory W. Stepanicich <[GStepanicich@rwglaw.com](mailto:GStepanicich@rwglaw.com)>; [dsnow@rwglaw.com](mailto:dsnow@rwglaw.com); [John.Higginbotham@CoronaCA.gov](mailto:John.Higginbotham@CoronaCA.gov); Maria Conzelman <[Maria.Conzelman@CoronaCA.gov](mailto:Maria.Conzelman@CoronaCA.gov)>; Vail, Eric S. <[EVail@bwslaw.com](mailto:EVail@bwslaw.com)>; Burke, Tamar M. <[TBurke@bwslaw.com](mailto:TBurke@bwslaw.com)>; Garrett, Monet <[MGarrett@bwslaw.com](mailto:MGarrett@bwslaw.com)>; Gonzalez, Teresa <[TGonzalez@bwslaw.com](mailto:TGonzalez@bwslaw.com)>

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**Subject:** RE: CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

Counsel,

Attached please find a copy of Relator's Counsel's Application and Memorandum in Support of the Application to Unseal the Amended Complaint, and accompanying Certificate of Service, Proposed Order, and Declaration from Shaun Rosenthal, which arrived at the court yesterday evening.

Best,

Jarrett Shapiro

**Senior Legal Assistant, [bio](#)**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** [202-499-5219](tel:202-499-5219) | **MAIN:** [202-499-5200](tel:202-499-5200)



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**From:** Shaun Rosenthal <[srosenthal@sanfordheisler.com](mailto:srosenthal@sanfordheisler.com)>

**Sent:** Monday, January 10, 2022 3:35 PM

**To:** Victor Elias <[Victor.Elias@doj.ca.gov](mailto:Victor.Elias@doj.ca.gov)>; 'Ankcorn, Mark' <[MAnkcorn@sandiego.gov](mailto:MAnkcorn@sandiego.gov)>; [KBKing@sandiego.gov](mailto:KBKing@sandiego.gov); [MarissaG@sandiego.gov](mailto:MarissaG@sandiego.gov); Leslie Walker <[LWalker@cityofsacramento.org](mailto:LWalker@cityofsacramento.org)>; [cityattorney@moval.org](mailto:cityattorney@moval.org); [rchichester@riversideca.gov](mailto:rchichester@riversideca.gov); [pnorton@riversideca.gov](mailto:pnorton@riversideca.gov); [swilson@riversideca.gov](mailto:swilson@riversideca.gov); Damon Brown <[dbrown@comptoncity.org](mailto:dbrown@comptoncity.org)>; [RChase@comptoncity.org](mailto:RChase@comptoncity.org); Saskia T. Asamura <[sasamura@rwglaw.com](mailto:sasamura@rwglaw.com)>; [aburns@stradlinglaw.com](mailto:aburns@stradlinglaw.com); Inspektor, Shana <[SInspektor@stradlinglaw.com](mailto:SInspektor@stradlinglaw.com)>; [aelam@stradlinglaw.com](mailto:aelam@stradlinglaw.com); Saskia T.

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**Subject:** CITY OF SAN DIEGO, et al. V. INVITATION HOMES, INC.

Counsel,

I write to let you know that we scheduled an *ex parte* hearing for January 19, 2022 at 8:30 AM PT in front of Judge Maas to effectuate Judge Alksne's order of unsealing the amended complaint and keeping the remainder of the file sealed. We plan on filing the attached application and notice for a virtual hearing in the coming days. Please let us know if you plan on attending/opposing the application.

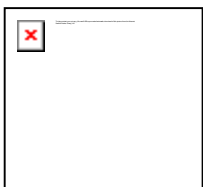
Kind regards,  
Shaun

Shaun Rosenthal

**Associate, [bio](#)**

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11  
12 *Attorneys for the Plaintiff-Relator Blackbird Special Project, LLC*

13  
14  
15 **SUPERIOR COURT OF CALIFORNIA**  
16 **SAN DIEGO COUNTY**

17  
18 **CITY OF SAN DIEGO, CITY OF**  
19 **SACRAMENTO, CITY OF MORENO**  
20 **VALLEY, CITY OF RIVERSIDE,**  
21 **CITY OF LOS ANGELES CITY OF**  
22 **COMPTON, CITY OF TEMECULA,**  
23 **CITY OF PALMDALE, CITY OF**  
24 **LANCASTER, CITY OF SAN**  
25 **BERNARDINO, CITY OF VALLEJO,**  
26 **CITY OF FONTANA, CITY OF**  
27 **MURRIETA, CITY OF FAIRFIELD,**  
28 **CITY OF PERRIS, CITY OF**  
**YUCAIPA, CITY OF CORONA, CITY**  
**OF RIALTO AND ROES 1-250, EX.**  
**REL BLACKBIRD SPECIAL**  
**PROJECT, LLC**

**PLAINTIFF-RELATORS,**

**v.**

**Case No.**

**37-2020-00030619-CU-MC-CTL**  
**AMENDED COMPLAINT**

**FILED UNDER SEAL**  
**PURSUANT TO**  
**CAL. GOV'T CODE § 12652(c)(2)**

**ACTION DEMANDED**  
**EXCEEDS \$10,000**

**JURY TRIAL DEMANDED**

1 **AMENDED COMPLAINT**

2 On behalf of the Cities of San Diego, Sacramento, Moreno Valley, Riverside, Los Angeles,  
3 Compton, Temecula, Palmdale, Lancaster, San Bernardino, Vallejo, Fontana, Murrieta, Fairfield,  
4 Perris, Yucaipa, Corona, Rialto and Roes 1–250, Relator Blackbird Special Project, LLC files this  
5 *qui tam* Complaint against Defendant Invitation Homes, Inc. (“IH”), a publicly traded corporation.  
6 In support thereof, Relator alleges as follows:

7 **INTRODUCTION**

8 1. This is an action to recover damages and civil penalties on behalf of the Cities  
9 of San Diego, Sacramento, Moreno Valley, Riverside, Los Angeles, Compton, Temecula,  
10 Palmdale, Lancaster, San Bernardino, Vallejo, Fontana, Murrieta, Fairfield, Perris, Yucaipa,  
11 Corona, Rialto and Roes 1–250 arising from Defendant IH’s concealment or avoidance of  
12 obligations to remit money to local municipalities and counties of the State of California in  
13 violation of the California False Claims Act, Cal. Gov’t Code § 12650 *et seq.* (hereinafter the  
14 “CFCA”).

15 2. In California, building permits are required for substantial renovations,  
16 including the erection, construction, reconstruction, installation, moving, or alteration of any  
17 building or structure. Cal. Code Regs. tit. 24, § 1.8.4.1. Local agencies must adopt regulations  
18 that at least meet the State’s minimum building regulations and standards, *see* Cal. Health &  
19 Safety Code § 17958 *et seq.*, and some, like Los Angeles, have adopted more specific  
20 standards. *See, e.g.*, Los Angeles Municipal Code (“LAMC”) § 91.106.2(1) (generally  
21 requiring permits for repairs valued at over \$500).

22 3. Building permits ensure that the renovation is conducted safely and in  
23 compliance with building, construction, and zoning codes. Prior to beginning most  
24 construction or renovations, companies must evaluate whether a permit is required. Permit and  
25 inspection fees are paid to the local cities and counties. *See* Cal. Health & Safety Code § 17951.

26 4. Invitation Homes, a single-family home rental company, began buying homes  
27 in many states, prominently including California, after the financial crisis of 2007-08, and has  
28 purchased over 12,000 such homes in the State. It has spent thousands of dollars on  
renovations to its single-family homes in California but intentionally and systematically failed

1 to obtain building permits. IH's business model was simple: it purchased thousands of single-  
2 family homes that were devalued by the financial crisis, renovated them, and then rented them  
3 out at a higher valuation. It chose to ignore permitting requirements to avoid permit fees and  
4 to get the properties into the rental market as quickly as possible, as well as, as explained  
5 below, to avoid property tax increases.

6 5. Since 2012, IH has spent approximately \$25,000 per home on renovations of its  
7 California single-family homes. The vast majority of IH's renovations required permits—  
8 including for demolishing and constructing sections of single-family homes, installing and  
9 demolishing pools, and significantly altering the electrical work—but permits were not  
10 obtained. Once the single-family homes were renovated without the required permits, IH  
11 rented them to tenants who were unaware of the unpermitted and potentially unsafe  
12 renovations.

13 6. Relator's analyses show that IH obtained building permits for less than 7% of  
14 the single-family homes it owns. Relator has closely analyzed IH's permitting scheme in the  
15 Cities of San Diego, Sacramento, Moreno Valley, Riverside, Compton, Temecula, Palmdale,  
16 Lancaster, San Bernardino, Vallejo, Fontana, Murrieta, Fairfield, Perris, Yucaipa, Corona, and  
17 Rialto covering Northern and Southern California, and urban rural and suburban settings.  
18 Relator has confirmed IH's failure to permit in each city, and therefore believes it is a statewide  
19 practice.

20 7. By its failure to pay or remit inspection, permit fees, penalties and interest IH  
21 has defrauded cities and counties in California millions of dollars.<sup>1</sup>

---

22  
23  
24 <sup>1</sup> IH has also defrauded counties of additional property taxes that it owes because of  
25 the higher valuation of the property after the renovation. In California, under Proposition 13  
26 revaluations are strictly limited, but can take place when a property is sold, or when renovations  
27 requiring permits takes place. When IH acquired a home, a revaluation would have taken place  
28 upon its purchase (but many of the properties were distressed, lowering sales prices and valuations),  
and should have occurred again when IH improved the property through renovations. The  
permitting process informs the county assessor of an improvement made, and thus a need for  
reassessment. But when no permits were pulled, no reassessment took place, and taxes remained  
fraudulently low.

1 **JURISDICTION AND VENUE**

2 8. This Court has subject-matter jurisdiction over this action pursuant to Cal. Gov't  
3 Code § 12652(c)(2).

4 9. This Court has jurisdiction over the Defendant under California Code of Civil  
5 Procedure § 410.10 because a substantial portion of the acts and omissions complained of, and  
6 giving rise to the claims alleged herein, occurred in California. IH owns 82 single-family homes in  
7 the City of San Diego and has failed to get required permits on those homes, defrauding the City.

8 10. Venue is proper under California Code of Civil Procedure § 395.5 because the  
9 Defendant transacts business in San Diego County and many of the breaches of legal obligation  
10 that give rise to Defendant's liability, as described in this Complaint, also took place in San Diego  
11 County. Venue is also proper under California Code of Civil Procedure § 393 because some part  
12 of this cause to recover penalties imposed by the CFCA arose in San Diego County.

13 11. This action is not based upon prior public disclosure of allegations or transactions  
14 in (1) a civil suit or an administrative civil money penalty proceeding in which the State or any of  
15 the political subdivisions is already a party; (2) a criminal, civil, or administrative hearing in which  
16 the State or any prosecuting authority of the political subdivisions or their agents is a party; (3) a  
17 report, hearing, audit, or investigation of the California Legislature, the State, or any of the political  
18 subdivisions' governing bodies; or (4) the news media.

19 12. To the extent that there has been a public disclosure unknown to Relator, Relator is  
20 an original source under Cal. Gov't Code § 12652(d)(3)(C). Relator has voluntarily disclosed to  
21 the State the information on which this claim is based. It also has knowledge that is independent  
22 of, and materially adds to, the publicly disclosed allegations or transactions, and has voluntarily  
23 provided that information to the State before filing this complaint. *See id.*

24 **PARTIES**

25 13. Relator Blackbird Special Project, LLC ("Blackbird" or "Relator") was  
26 incorporated in Delaware in March 2020 and is headquartered in San Diego. Blackbird, in  
27 conjunction with a related company called Deckard Technologies, Inc., uses proprietary  
28 technology, which implements aspects of artificial intelligence and machine learning, to review

1 and analyze various issues concerning real estate nationwide, including California.<sup>2</sup> Among the  
2 issues that Relator has analyzed is the underpayment of property taxes in California. In looking at  
3 this issue, Relator discovered that the source of much underpayment of property taxes in California  
4 was the failure of large corporate purchasers, including IH, to obtain permits for renovations of  
5 homes bought after the 2007 to 2008 financial crisis.

6 14. Defendant Invitation Homes, Inc. (“IH”) is a publicly traded, premier, home-leasing  
7 company headquartered in Dallas, Texas and incorporated in the state of Maryland. IH has a market  
8 cap over \$10 billion and had an annual revenue of \$1.72 billion in 2018. Its President and CEO is  
9 Dallas B. Tanner.

10 15. IH was founded by Blackstone (formally, The Blackstone Group, Inc.) in 2012 and  
11 has grown rapidly by buying single-family homes and through acquisitions of other companies  
12 which had done the same. By June 30, 2016, IH had acquired nearly 50,000 single-family homes  
13 through the multiple listing service (“MLS”), broker sales, and bulk portfolio sales, among others.  
14 In August 2017, IH and Starwood Waypoint Homes, another owner and operator of single-family  
15 homes, merged and IH’s portfolio of single-family homes increased by 34,670. IH is currently the  
16 largest owner of single-family, rental homes in the United States, with most of its homes located  
17 in California, Florida, Georgia, Texas and other Sun Belt states. As of December 31, 2019, IH  
18 owned 79,505 single-family homes in twelve states.

19 16. In California, as of December 31, 2019, Defendant owned 12,461 single-family  
20 homes in over one hundred cities. Since 2020, Relator’s analysis has shown that IH has owned 82  
21 single-family homes in San Diego, 517 in Riverside, 526 in Moreno Valley, 971 in Sacramento,  
22 56 in Compton, 1,693 in Los Angeles, 135 in Temecula, 135 in Temecula, 379 in Palmdale, 376 in  
23 Lancaster, 348 in San Bernardino, 314 in Vallejo, 286 in Fontana, 274 in Murrieta, 217 in Fairfield,  
24 183 in Perris, 181 in Yucaipa, 180 in Corona, and 176 in Rialto.<sup>3</sup>

25 \_\_\_\_\_  
26 <sup>2</sup> Prior to March 2020, the references to Relator or Blackbird should be understood to  
27 encompass work done by Deckard. Post March 2020, the references to Relator or Blackbird refer  
solely to Blackbird, except to the extent Blackbird used Deckard’s proprietary technology.

28 <sup>3</sup> The current amounts may differ depending on the amount of IH’s acquisitions and  
disposals in those cities this year.

1 REGULATORY STRUCTURE

2 **A. The California False Claims Act.**

3 17. The California False Claims Act, Cal. Gov't Code § 12650, *et seq.*, was enacted in  
4 1987 and modeled after the federal False Claims Act.

5 18. Among other things, the CFCA makes it unlawful to “knowingly conceal[] or  
6 knowingly and improperly avoid[], or decrease[] an obligation to pay or transmit money or property  
7 to the state or to any political subdivision.” Cal. Gov't Code § 12651(a)(7).

8 19. The CFCA also makes it unlawful to “knowingly make[], use[], or cause[] to be  
9 made or used a false record or statement material to an obligation to pay or transmit money or  
10 property to the state or to any political subdivision[.]” *Id.*

11 20. The CFCA defines “knowingly” as meaning that one who either has “actual  
12 knowledge of the information, [a]cts in deliberate ignorance of the truth or falsity of the  
13 information, or [a]cts in reckless disregard of the truth or falsity of the information.” Cal. Gov't  
14 Code § 12650(b)(3). “Proof of specific intent to defraud is not required.” *Id.*

15 21. The CFCA defines “political subdivision” to include “any city, city and county,  
16 county, tax or assessment district, or other legally authorized local governmental entity with  
17 jurisdictional boundaries.” Cal. Gov't Code § 12650(b)(6).

18 22. The CFCA defines “obligation” as meaning “an established duty, whether or not  
19 fixed, arising from . . . a fee-based or similar relationship, from statute or regulation, or from the  
20 retention of any overpayment.” Cal. Gov't Code § 12650(b)(5).

21 23. The CFCA contains a *qui tam* provision permitting individuals to prosecute  
22 proscribed conduct in a civil action on behalf of themselves, the State of California, and political  
23 subdivisions. Cal. Gov't Code § 12652(c)(1). The complaint is to be filed in Superior Court *in*  
24 *camera* and may remain under seal for 60 days, allowing the government to conduct its own  
25 investigation and determine whether to join in the suit. *See* Cal. Gov't Code § 12652(c)(2).

26 24. The CFCA provides that anyone who engages in proscribed conduct “shall be liable  
27 to the state or to the political subdivision for three times the amount of damages that the state or  
28 political subdivision sustains,” plus a civil penalty of not less than \$5,500 and not more than  
\$11,000 for each violation, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of



1 1990, Public Law 101–410 Section 5, 104 Stat. 891, note following 28 U.S.C. Section 2461. Cal.  
2 Gov’t Code § 12651(a).

3 25. The CFCA “shall be liberally construed and applied to promote the public interest.”  
4 Cal. Gov’t Code § 12655(c).

5 **B. California Building Permits Requirements, Fees, and Penalties.**

6 **i. Mandatory Permits and Fees Prior to Renovating Homes.**

7 26. Under the California State Building Code, a written permit is required prior to  
8 “erection, construction, reconstruction, installation, moving or alteration of any building or  
9 structure.” Cal. Code Regs. tit. 24, § 1.8.4.1; *see also* Cal. Code Regs. tit. 24, § 105.1 (“Any owner  
10 . . . who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a  
11 building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any  
12 electrical, gas, mechanical or plumbing system . . . shall first make application to the [local]  
13 building official and obtain the required permit.”).

14 27. The State Building Code is deemed adopted in its entirety by all California cities  
15 and counties unless a given locality expressly indicates which provisions it declines to adopt, and  
16 local authorities can only deviate from the State Building Code if they expressly find “that such  
17 modifications or changes are reasonably necessary because of local climatic, geological or  
18 topographical conditions.” Cal. Health & Safety Code §§ 17958, 17958.7. Thus, cities either have  
19 the same permitting requirements as the state or slight differences through local substitution, not  
20 relevant to the substance of this Complaint.

21 28. Local governments are authorized to prescribe fees for building and renovation  
22 permits. Cal. Health & Safety Code § 17951; *see also* Cal. Code Regs. tit. 24, § 1.8.4.2.

23 29. For example, in the City of Los Angeles, “[n]o person shall erect, construct, alter,  
24 repair, demolish, remove or move any building or structure . . . unless said person has obtained a  
25 permit.” LAMC 91.106.1.1; *see also* LAMC 91.101.1.1 (adopting portions of the State Building  
26 Code by reference).<sup>4</sup> Permits require advance payment of a fee, the amount of which is calculated

27 <sup>4</sup> Available at [http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/  
28 chapterixbuildingregulations/article1buildingsbuildingcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:losangeles\\_ca\\_mc\\$anc=JD\\_91.106.1.1](http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterixbuildingregulations/article1buildingsbuildingcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc$anc=JD_91.106.1.1).

1 based on “the total value of all construction work for which the building permit is issued.” *Id.* at  
2 91.107.2.1. Renovations valued between \$20,000 and \$50,000 are subject to a minimum permit fee  
3 of \$170, *id.* at 91.113, Table 1-A, in addition to any applicable line-item fees, such as to replace a  
4 garbage disposal (\$10) or water heater (\$28). *See* Los Angeles Department of Building and Safety,  
5 Fee Schedules for Plumbing Permits, <https://www.ladbs.org/faq/fee-schedules>. There is also a  
6 mandatory plan check fee, the amount of which “shall be equal to 90% of the building permit fee.”  
7 LAMC 91.107.3.1.1.

8 30. In the City of Sacramento, which has adopted the State Building Code permitting  
9 provisions, Sacramento City Code 15.04.050, 15.08.010, and 15.20.010 (adopting the State  
10 Building Code without altering the permitting requirement),<sup>5</sup> permit fees cover “all aspects of  
11 administration of the building permit program,” including plan review and inspection, and are  
12 calculated based on either “the estimated value of the work to be done” or “an hourly rate to be  
13 charged for actual time expended performing plan review or inspections.” *Id.* at 15.08.050.  
14 Renovations valued above \$20,000, for example, are charged a mandatory fee of at least \$429. *See*  
15 Sacramento Community Development Department, Fee Tables, Table A.<sup>6</sup> Flat permit fees also  
16 apply, such as for kitchen remodels (\$287), roof replacements (\$175), and custom patios (\$300 for  
17 the permit and \$152 for the plan check). *Id.*

18 31. In the City of Riverside, which has adopted the State Building Code permit  
19 requirement, Riverside Municipal Code 16.08.020 and 16.08.030 (adopting the State Building  
20 Code without altering the permitting provision),<sup>7</sup> fees for permits and plan checks are calculated  
21 based on the square footage of the property. Renovations valued between \$25,000 to \$50,000 are  
22 charged a mandatory fee of at least \$267. Riverside Building & Safety Division, Building Permit  
23 and Plan Check Fees.<sup>8</sup> For more minor electrical, plumbing, and mechanical renovations, there is  
24

25 <sup>5</sup> Available at <http://www.qcode.us/codes/sacramento/>.

26 <sup>6</sup> Available at [http://www.cityofsacramento.org/Online-Services/FeeChargeSearch.aspx?  
cu\\_fee\\_id=28](http://www.cityofsacramento.org/Online-Services/FeeChargeSearch.aspx?cu_fee_id=28).

27 <sup>7</sup> Available at [https://library.municode.com/ca/riverside/codes/code\\_of\\_ordinances?node  
Id=PTIICOOR\\_TIT16BUCO\\_CH16.08BUCO\\_16.08.020CABUCOADILBUOF](https://library.municode.com/ca/riverside/codes/code_of_ordinances?nodeId=PTIICOOR_TIT16BUCO_CH16.08BUCO_16.08.020CABUCOADILBUOF).

28 <sup>8</sup> Available at <https://www.riversideca.gov/cedd/sites/riversideca.gov.ceed/files/pdf/buil>

1 generally a \$25 permit fee on top of more tailored fees, such as garbage disposal replacement (\$5)  
2 or water heater replacement (\$9 to \$56.50 based on energy efficiency). *Id.*

3 32. In the City of Moreno Valley, which has adopted the State Building Code permit  
4 requirement, Moreno Valley Municipal Code 8.20.010 (as amended via Ordinance No. 962,  
5 adopted Nov. 5, 2019) (adopting the California Building Code without altering the permitting  
6 provision),<sup>9</sup> renovation permit fees are calculated based on square footage, with a minimum plan  
7 check fee of \$615 and inspection fee of \$770. City of Moreno Valley, Schedule of City Fees,  
8 Charges and Rates, Fiscal Year 2019-20.<sup>10</sup> There are also miscellaneous permit fees for such  
9 improvements as water heater replacement (\$60), adding new windows (\$305 for the plan check  
10 and \$576 for the inspection), and re-roofing (\$41 for the plan check and at least \$155 for the  
11 inspection). *Id.*

12 33. In the City of San Diego, “[n]o structure regulated by the Land Development Code  
13 shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently  
14 relocated or partially demolished unless a Building Permit has first been obtained from the Building  
15 Official.” San Diego Municipal Code §129.0202. Permit fees for remodeling of residential units  
16 are calculated based on the unit’s square footage, with a minimum plan check fee of \$485.19 and  
17 inspection fee of \$1,339.15 for minor remodels, and a minimum plan check fee of \$1,305.09 for  
18 non-minor remodels. San Diego Development Services Department, Information Bulletin 501:  
19 Construction Permits – Structures, Table 501A.<sup>11</sup> Building permits that require plan review and  
20 inspection cost a flat “General Plan Maintenance Fee” of \$451 on top of any item-specific fees,  
21 such as for roof re-sheathing (\$325.62 for inspection), *id.* at Table 501C, or replacement of water  
22 heaters (\$151.79 for first unit) or HVAC condenser units (\$121.95 for first unit). San Diego

23  
24  
25 \_\_\_\_\_  
ding/BLDG-PERMIT-PLANCHECK-FEES.pdf.

26 <sup>9</sup> Available at <http://www.moreno-valley.ca.us/cdd/pdfs/Ordinance962.pdf>.

27 <sup>10</sup> Available at <http://www.moreno-valley.ca.us/departments/financial-mgmt-svcs/fin-pdf/FeeSchedule.pdf#page=10>.

28 <sup>11</sup> Available at <https://www.sandiego.gov/sites/default/files/dsdib501.pdf>.

1 Development Services Department, Information Bulletin 103: Fee Schedule for Mechanical,  
2 Electrical, Plumbing/Gas Permits, Tables 1B and 3B.<sup>12</sup>

3 34. In the City of Temecula, which has adopted the State Building Code permit  
4 requirement, Temecula Municipal Code 15.04.010 (adopting the California Building Code without  
5 altering the permitting provision),<sup>13</sup> permit fees for residential remodeling are based on square  
6 footage, with a minimum fee of \$241. City of Temecula, 2020-21 User Fee Schedule, Appendix  
7 1.<sup>14</sup> There are also flat fees for individual renovations, such as re-roofing (at least \$210) or  
8 replacing water heaters (\$23.70) and air conditioners (at least \$23.70, depending on efficiency). *Id.*

9 35. Other communities in California with significant numbers of IH properties have  
10 adopted similar provisions regarding mandatory permitting and fees. *See, e.g.,* Lancaster Municipal  
11 Code 15.04.010 and 15.04.080 (adopting the State Building Code without altering the permit  
12 requirement);<sup>15</sup> Vallejo Municipal Code 12.04.010 (same);<sup>16</sup> Code of the City of Fontana,  
13 California Sec. Sec. 5-61 and Sec. 5-62 (same).<sup>17</sup>

14 **ii. Mandatory Penalties for Renovating Homes without Obtaining Permits.**

15 36. Under the California State Building Code, there is a mandatory penalty for  
16 renovating buildings without first obtaining a permit: “Any person who commences any work on  
17 a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary  
18 permits shall be subject to a fee established by the building official that shall be in addition to the  
19

20  
21 <sup>12</sup> Available at <https://www.sandiego.gov/sites/default/files/dsdib103.pdf>.

22 <sup>13</sup> Available at [http://www.qcode.us/codes/temecula/view.php?topic=15-15\\_04&showAll=1&frames=off](http://www.qcode.us/codes/temecula/view.php?topic=15-15_04&showAll=1&frames=off).

23 <sup>14</sup> Available at <https://temeculaca.gov/DocumentCenter/View/892/2020-21-User-Fee-Study-Handbook-PDF?bidId=>.

24 <sup>15</sup> Available at [https://library.municode.com/ca/lancaster/codes/code\\_of\\_ordinances?nodeId=TIT15BUCO\\_CH15.04ADCO\\_15.04.080FE](https://library.municode.com/ca/lancaster/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.04ADCO_15.04.080FE).

25 <sup>16</sup> Available at [https://library.municode.com/ca/vallejo/ordinances/code\\_of\\_ordinances?nodeId=1005409](https://library.municode.com/ca/vallejo/ordinances/code_of_ordinances?nodeId=1005409).

26 <sup>17</sup> Available at [https://library.municode.com/ca/fontana/codes/code\\_of\\_ordinances?nodeId=CO\\_CH5BUBURE\\_ARTIIICABUCO](https://library.municode.com/ca/fontana/codes/code_of_ordinances?nodeId=CO_CH5BUBURE_ARTIIICABUCO).

1 required fees.” Cal. Code Regs. tit. 24, § 109.4; *see also id.* at § 114.4 (establishing penalties for  
2 code violations).

3 37. As with the permitting requirement, many localities have adopted the State Building  
4 Code without substantively amending the penalty provisions. *See, e.g.*, Murrieta Municipal Code  
5 15.08.010 (adopting State Building Code without amending the penalties provision)<sup>18</sup> and Perris  
6 Municipal Code 16.08.050, 16.08.051 (same).<sup>19</sup>

7 38. Other cities have amended the State Building Code by setting the amount of the  
8 amount penalty.

9 39. For example, in the City of Los Angeles, whenever construction commences  
10 without the proper permit, the building department must impose a minimum “investigation fee” of  
11 \$400. LAMC 98.0402.<sup>20</sup>

12 40. Similarly, in Los Angeles County, the minimum investigation fee for unpermitted  
13 work is generally \$396.10. Los Angeles County Code 107.13.<sup>21</sup> Even if it is determined that an  
14 owner was unaware that permits were necessary, the investigation fee may not be less than \$198.00.  
15 *Id.*

16 41. In the City of Sacramento, when work commences without a required permit, the  
17 city building official “shall charge up to four times all applicable plan review and permit  
18 (inspection) fees related to the required permit(s), including, but not limited to, building permits,  
19 sign permits and demolition permits.” Sacramento City Code 15.08.080.<sup>22</sup> Additionally, all  
20

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21 <sup>18</sup> Available at [https://codelibrary.amlegal.com/codes/murrieta/latest/murrieta\\_ca/0-0-0-22732#JD\\_Chapter15.08](https://codelibrary.amlegal.com/codes/murrieta/latest/murrieta_ca/0-0-0-22732#JD_Chapter15.08); [https://codelibrary.amlegal.com/codes/murrieta/latest/murrieta\\_ca/0-0-0-36602](https://codelibrary.amlegal.com/codes/murrieta/latest/murrieta_ca/0-0-0-36602).

23 <sup>19</sup> Available at [https://library.municode.com/ca/perris/codes/code\\_of\\_ordinances?nodeId=COOR\\_TIT16BUCO\\_CH16.08BUPLOTCOAD\\_ARTIINGE\\_S16.08.050AD2019CABUCO](https://library.municode.com/ca/perris/codes/code_of_ordinances?nodeId=COOR_TIT16BUCO_CH16.08BUPLOTCOAD_ARTIINGE_S16.08.050AD2019CABUCO).

24 <sup>20</sup> Available at [http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterixbuildingregulations/article1buildingsbuildingcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:losangeles\\_ca\\_mc\\$anc=JD\\_91.106.1.1](http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterixbuildingregulations/article1buildingsbuildingcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc$anc=JD_91.106.1.1).

26 <sup>21</sup> Available at [https://library.municode.com/ca/los\\_angeles\\_county/codes/code\\_of\\_ordinances?nodeId=TIT26BUCO\\_CH1AD\\_107.13INFEWOWIPE](https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT26BUCO_CH1AD_107.13INFEWOWIPE).

27 <sup>22</sup> Available at [https://www.qcode.us/codes/sacramento/view.php?topic=15-15\\_08-15\\_08\\_080&frames=on](https://www.qcode.us/codes/sacramento/view.php?topic=15-15_08-15_08_080&frames=on).

1 violations of the building code (including the permit requirement) are subject to civil penalties of  
2 not less than \$250 per day. *Id.* at 15.04.060.

3 42. Many localities automatically double the applicable permit fees if work commences  
4 without the required permit. *See, e.g.*, Temecula Municipal Code 15.02.040 (“Any person, firm or  
5 corporation who shall proceed with or commence work for which a permit is required by these  
6 building and construction regulations without first having obtained such permit shall, if  
7 subsequently permitted to obtain a permit therefor, pay double the fee fixed for such work[.]”);<sup>23</sup>  
8 Sacramento County Code, 16.02.080 (amending the State Building Code penalty provision such  
9 that “[t]he violation fee shall be twice the amount of the total Building Inspection fees (plan review  
10 plus building permit fees) prescribed in Chapter 16.90 of the Sacramento County Code,” and “is  
11 separate and independent from other fees”);<sup>24</sup> San Diego County Code 91.1.109.4.1 (requiring an  
12 investigation fee when work violates the building code, which “shall be equal to the amount of the  
13 permit fee required by this chapter”); Yucaipa Municipal Code 15.04.020 (same);<sup>25</sup> Palmdale  
14 Municipal Code 8.04.200 (same);<sup>26</sup> West Covina Municipal Code 7-18.3 (doubling permit fees);<sup>27</sup>  
15 City of Moreno Valley, Schedule of City Fees, Charges and Rates, Fiscal Year 2019-20 (same);<sup>28</sup>  
16 City of Burbank, Ordinance No. 19-3,922, 9-1-1-109.4 (same).<sup>29</sup>

### 17 FACTUAL ALLEGATIONS

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19 \_\_\_\_\_  
20 <sup>23</sup> Available at [http://www.qcode.us/codes/temecula/view.php?topic=15-15\\_02-15\\_02\\_040&frames=off](http://www.qcode.us/codes/temecula/view.php?topic=15-15_02-15_02_040&frames=off).

21 <sup>24</sup> Available at [https://qcode.us/codes/sacramentocounty/view.php?topic=16-16\\_02-16\\_02\\_080&frames=on](https://qcode.us/codes/sacramentocounty/view.php?topic=16-16_02-16_02_080&frames=on).

22 <sup>25</sup> Available at <http://www.qcode.us/codes/yucaipa/> (see additional “109.7.2 Fee.”).

23 <sup>26</sup> Available at <https://www.codepublishing.com/CA/Palmdale/#!/Palmdale08/Palmdale0804.html#8.04.200> (see additional “107.13 Investigation Fee for Work without Permit.”)

24 <sup>27</sup> Available at [https://library.municode.com/ca/west\\_covina/codes/code\\_of\\_ordinances?nodeId=MUCO\\_CH7BUBURE\\_ARTIIBUCO\\_S7-18.3FE](https://library.municode.com/ca/west_covina/codes/code_of_ordinances?nodeId=MUCO_CH7BUBURE_ARTIIBUCO_S7-18.3FE).

25  
26 <sup>28</sup> Available at <http://www.moreno-valley.ca.us/departments/financial-mgmt-svcs/fin-pdf/FeeSchedule.pdf#page=10> (“For work that is under construction for which no permit has  
27 been obtained, the investigation fee shall be equal to the value set forth in this Resolution for  
28 permit fees (building, electrical, mechanical, plumbing, etc.).”)

<sup>29</sup> Available at <https://www.burbankca.gov/home/showdocument?id=52334>.

1 43. Defendant IH has intentionally ignored permitting laws in renovating the homes it  
2 purchased to get them on the rental market as soon as possible. This allowed Defendant to evade  
3 both permitting fees and increased real estate taxes, and the company avoids carrying an  
4 unoccupied home while awaiting permitting approval, allowing Defendant to enter this market with  
5 far less expenses than it should have absorbed.

6 44. Relator has run multiple analyses using proprietary technology to discover and then  
7 confirm that Defendant has conducted this fraudulent activity in California and has therefore  
8 defrauded cities and counties in California of millions of dollars in permitting fees.<sup>30</sup>

9 **A. IH Made Substantial Structural Renovations on Many of its Single-Family Homes.**

10 45. When Defendant acquired a home, it began a detailed process to determine the scope  
11 and substance of the renovations. As detailed by Defendant in its 2019 10-K:

12 [O]ur in-house teams begin the renovation process by preparing a detailed  
13 renovation budget and scope of work based on an assessment of each property’s  
14 major systems and structural features. These include HVAC, roofs, pools, and  
15 plumbing and electrical systems. In addition, we also evaluate other features of our  
16 homes’ fit and finish, including appliances, landscaping, decks and/or patios, and  
17 fixtures. During our initial assessment, we also determine the potential for, and  
18 potential return on, any value-additive upgrades that may reduce future operating  
19 costs or enhance rental demand and, by extension, our ability to realize more  
20 attractive rental, occupancy, or turnover rates.”

21 46. Defendant’s ‘budget’ for renovations has been substantial, as shown in the table  
22 below.

Year Ending	Average Renovation Expenditure
2012–2017	~\$25,000
2018	~\$35,000
2019	~\$38,000

23 47. In total, by December 31, 2019, Defendant and its predecessors had invested  
24 approximately \$2.3 billion in upfront renovations nationwide in their homes. Defendant typically  
25 performed these renovations in-house.

26  
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28 <sup>30</sup> As explained above, permitting fees can encompass plan-check fees, inspection fees, record-keeping and other administrative fees, in addition fees for specific renovations.

1           48.     In 2017, Defendant acquired 5,511 single-family homes in California from its  
2 merger with Starwood Waypoint Homes (“Starwood”), a real estate investment trust.

3           49.     Starwood, like Defendant, performed substantial renovations on the properties after  
4 purchasing them. In Starwood’s Form 10-K for the year ending December 31, 2016, Starwood  
5 estimated its “upfront renovation costs [amounted to] 10% to 20% of the purchase price.”  
6 Considering the average acquisition cost for Starwood was approximately \$178,000, that means  
7 Starwood spent an average of \$26,000 on renovations per home.

8           50.     As illustrated and explained below, the nature and scope of Defendant’s renovations  
9 triggered permitting requirements. Defendant demolished sections of its single-family homes,  
10 erected additions onto homes, performed substantial electrical and plumbing work, filled and  
11 constructed pools, installed permanent air conditioning units, and refurbished the insides of homes.  
12 Defendant systematically ignored the required permits for most of its renovations.

13           **B. IH Knew of the Requirement to Obtain Permits for its Renovations.**

14           51.     Defendant is a highly sophisticated company that knew of the permit requirements,  
15 and has admitted in its SEC submissions that permits for renovations are required by local laws.  
16 For example, Defendant wrote in its Form 10-K for the 2019 fiscal year:

17           *Compliance with governmental laws, regulations, and covenants that are*  
18 *applicable to our properties or that may be passed in the future, including*  
19 *affordability covenants, permit, license, and zoning requirements, may adversely*  
20 *affect our ability to make future acquisitions, renovations, or dispositions, result*  
21 *in significant costs, delays, or losses, and adversely affect our growth strategy.*

22           Rental homes are subject to various covenants and local laws and regulatory  
23 requirements, including permitting, licensing, and zoning requirements. Local  
24 regulations, including municipal or local ordinances, restrictions, and restrictive  
25 covenants imposed by community developers may restrict our use of our properties  
26 and may require us to obtain approval from local officials or community standards  
27 organizations at any time with respect to our properties, including prior to acquiring  
28 any of our properties or when undertaking renovations of any of our existing  
properties. . . Such local regulations may cause us to incur additional costs to  
renovate or maintain our properties in accordance with the particular rules and  
regulations. . . We cannot assure you that existing regulatory policies will not  
adversely affect us or the timing or cost of any future acquisitions, renovations, or  
dispositions, or that additional regulations will not be adopted that would increase  
such delays or result in additional costs or losses. Our business and growth strategies  
may be materially and adversely affected by our ability to obtain permits, licenses



1 and approvals. Our failure to obtain such permits, licenses, and approvals could  
2 have a material adverse effect on us and cause the value of our common stock to  
decline.”

3 52. Despite its affirmative disclosure that it understood that there were permitting  
4 requirements, Defendants intentionally failed to obtain permits for the vast majority of its  
5 renovations.

6 **C. Relator’s Data Analytic Program Uncovered that Defendant Did Not Comply with  
Permit Requirements.**

7 53. Relator identified underpayment of property taxes on many homes acquired in this  
8 period, and from further analysis suspected that Defendant had systematically failed to obtain  
9 permits in California.

10 54. To test the thesis, Relator used proprietary technology to identify specific examples  
11 of single-family homes where IH performed substantial renovations that trigger the permit  
12 requirement, but failed to seek a permit.<sup>31</sup>

13 55. Relator also used proprietary software to compare the percentage of IH’s homes for  
14 which one or more building permits had been obtained after IH acquired the property, with the  
15 percentage of all other homes in the jurisdiction which had had permits pulled in the same period.  
16 Relator discovered that IH rarely procured permits for its multi-thousand-dollar renovations,  
17 particularly in comparison with rates for other homeowners in the same localities irrespective of  
18 the nature of their renovations. That is, IH’s large renovations generated substantially fewer permits  
19 than the general public’s renovations of all sizes.

20 56. Both approaches that Relator used to test its thesis confirmed that IH failed to obtain  
21 a substantial number of the permits required by law.<sup>32</sup>

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23 <sup>31</sup> The software implemented artificial intelligence and machine learning. The software  
24 scoured different rental listing websites—i.e., Zillow.com and Invitationhomes.com—to find IH  
25 owned homes (generally by identifying the address where the renter is required to send rental  
26 payments). The software then accessed the county and city databases of permits and identified  
what permits were pulled for each property and when the property was purchased by IH. The  
properties were determined by the Access Parcel Number (“APN”), not the address, to ensure  
consistency.

27 <sup>32</sup> This data analysis was done in San Diego, Sacramento, Riverside, Temecula, Moreno  
28 Valley and Compton. Los Angeles has also been named as a plaintiff because of IH’s  
organizational structure and its geographical proximity to Compton. IH California employees are  
organized in ‘pods’ in close geographical region, and these pods are likely to have the same



1 61. IH did not obtain a permit for this renovation or any other renovation done on 5056  
2 College Avenue.

3 **Example 2: 4488 Jones Avenue, Riverside, CA 92505**



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23 62. At 4488 Jones Avenue, Riverside, CA 92505, Defendant demolished the back-left  
24 corner of the house, altered the electrical work in the garage, filled the pool, installed a sliding glass  
25 door, and reframed the interior. These renovations require permits in the City of Riverside. *See id.*  
26 at 2, 4 (listing permit valuation metrics for general permits, demolition, and swimming pools).<sup>34</sup>

27  
28 <sup>34</sup> *See also* Riverside Municipal Code 16.08.020 and 16.08.030 (adopting the State Building Code, which requires a permit for demolition, and declining to exempt additional renovations).



1           63.     IH did not obtain a permit for this renovation or any other renovation done on 4488  
2 Jones Avenue.

3 **Example 3: 4378 Snowberry Street, Riverside, CA 92504**



11           64.     At 4378 Snowberry Street in Riverside, California, IH demolished the home's  
12 outdoor patio. Demolition of a structure requires a permit in the City of Riverside. *See id.*

13           65.     IH did not obtain a permit for this renovation or any other renovation done on 4378  
14 Snowberry Street.

15 **Example 4: 4490 Jones Avenue, Riverside, CA 92505**



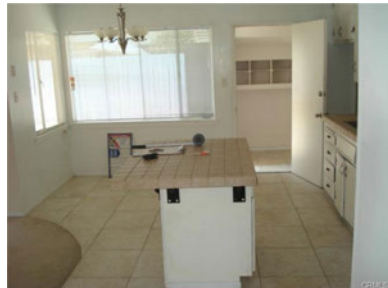
23           66.     In March 2013, 4490 Jones Avenue in Riverside, California, had a patio and arbor.  
24 After IH purchased the home, it removed the arbor. Again, demolition of a structure requires a  
25 permit in the City of Riverside. *See id.* at 2.

26           67.     IH did not obtain a permit for this renovation or any other renovation done on 4490  
27 Jones Avenue.

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2 **Example 5: 5351 Central Avenue, Riverside, CA 92504**

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4 *Before:*



*After Kitchen Remodel (no permits issued):*



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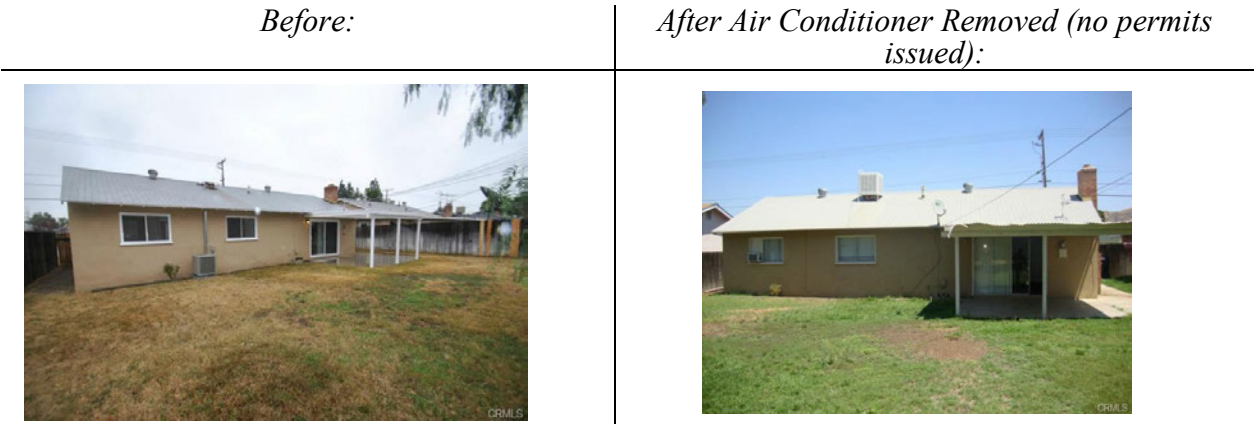
68. At 5351 Central Avenue, Riverside, CA 92504, Defendant obtained no permits for electrical or plumbing and remodeling kitchen, including installing new cabinets, countertops, kitchen island, and appliances. Neither did Defendant obtain a demolition permit for removing kitchen door leading to the storage area. These renovations require permits in Riverside. *See id.* at 2, 4 (listing fees for demolition, electrical, and plumbing permits, including for replacing sinks, garbage disposals, and dishwashers).<sup>35</sup>

69. IH did procure a permit for the reroofing (not pictured above), but only after the city-imposed Stop Work notice on its work. The stop order and required permit should have alerted IH personnel to the fact that other personnel were choosing to ignore permitting requirements, but no change in approach can be discerned after this date.

<sup>35</sup> *See also* Riverside Municipal Code 16.08.020 and 16.08.030 (adopting the State Building Code, which requires a permit for demolition, and declining to exempt additional renovations)

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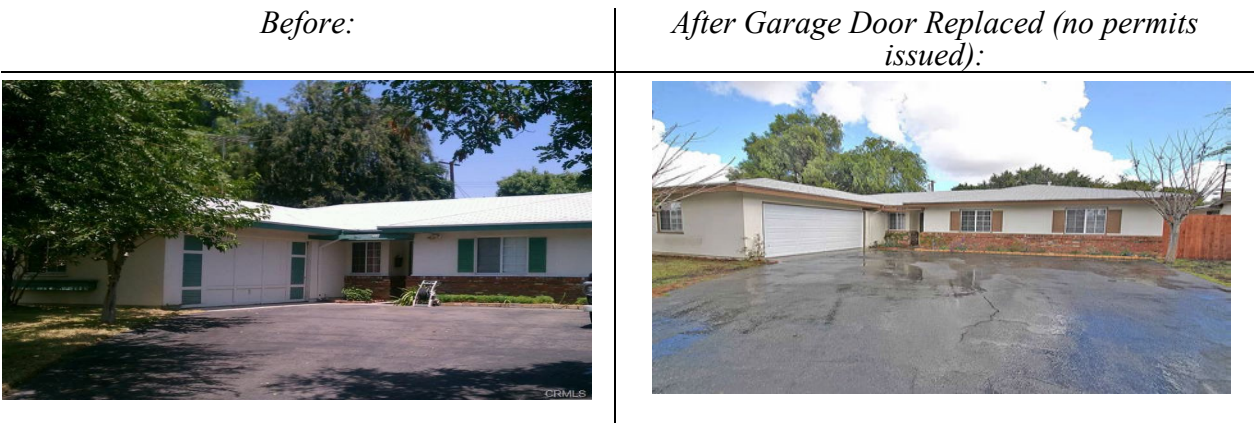
**Example 6: 10480 Hole Ave, Riverside, CA 92505**



70. At 10480 Hole Avenue in Riverside, Defendants removed the air conditioner on the outside of the building. Upon information and belief, IH installed a central air conditioner inside the house. Installing permanent central air conditioners requires a permit in Riverside. *See id.* at 4 (listing fees for “A/C Units”).<sup>36</sup>

71. IH did not obtain a permit for this renovation or any other renovation done on 10480 Hole Avenue.

**Example 7: 4089 Lively Street, Riverside, CA 92505**



72. At 4089 Lively Street in Riverside, Defendant installed new metal roll up garage door. Installing a new garage door requires a permit in the City of Riverside. *See id.*

<sup>36</sup> *See also* Riverside Municipal Code 16.08.020 and 16.08.030 (declining to exempt renovations in addition to the State Building Code exemptions)





1 **Example 9: 15180 Rio Grande Drive, Moreno Valley CA 92551**

2 *Before:*

3 *After Solar Panel Removed (no permits*  
4 *issued):*



9 76. At 15180 Rio Grande Drive in Moreno Valley, Defendant removed a solar water  
10 heater from home. This action requires a permit in the City of Moreno Valley. *See* City of Moreno  
11 Valley, Schedule of City Fees, Charges and Rates, Fiscal Year 2019-20 (listing permit fee for  
12 replacing water heater).<sup>38</sup>

13 77. IH did not obtain a permit for this renovation or any other renovation done on 15180  
14 Rio Grande Drive.

15 **Example 10: 24884 Lorna Drive, Moreno Valley, CA 92553**

16 *Before:*

17 *After Renovation (no permits issued):*



23  
24  
25  
26 <sup>38</sup> Available at available at <http://www.moreno-valley.ca.us/departments/financial-mgmt-svcs/fin-pdf/FeeSchedule.pdf#page=10>.

27 *See also* Moreno Valley Municipal Code 8.20.010 (as amended via Ordinance No. 962,  
28 adopted Nov. 5, 2019) (adopting the California Building Code without exempting water heater  
replacements), available at <http://www.moreno-valley.ca.us/cdd/pdfs/Ordinance962.pdf>.





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7 78. At 24884 Lorna Drive, Moreno Valley, CA 92553, Defendant installed a new stove  
8 and dishwasher, refurbished the kitchen counter, replaced the cabinets, and installed a new garage  
9 door. These actions require permits in Moreno Valley. *See id.* (listing permit fees for dishwashers,  
10 electric ranges, and other renovations).<sup>39</sup>

11 79. IH did not obtain a permit for this renovation or any other renovation done on 24884  
12 Lorna Drive.

13 **Example 11: 25433 Renoir Avenue, Moreno Valley CA 92553**

14 *Before:*

14 *After New Garage Door Installed (no permits issued):*



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21 80. At 25433 Renoir Avenue in Moreno Valley, Defendant installed a new automatic  
22 garage door. This action requires a permit in the City of Moreno Valley. *See id.* (listing permit fees  
23 for door replacements).<sup>40</sup>

24  
25 <sup>39</sup> Available at <http://www.moreno-valley.ca.us/departments/financial-mgmt-svcs/fin-pdf/FeeSchedule.pdf#page=10>.

26 *See also* Moreno Valley Municipal Code 8.20.010 (as amended via Ordinance No. 962,  
27 adopted Nov. 5, 2019) (adopting the California Building Code without exempting any of the  
28 above renovations), *available at* <http://www.moreno-valley.ca.us/cdd/pdfs/Ordinance962.pdf>.

<sup>40</sup> Available at <http://www.moreno-valley.ca.us/departments/financial-mgmt-svcs/fin-pdf/FeeSchedule.pdf#page=10>.

1 81. IH did not obtain a permit for this renovation or any other renovation done on 25433  
2 Renoir Avenue.

3 **Example 12: 30361 Red River Circle, Temecula, CA 92591**



11 82. At 30361 Red River Circle, Temecula, CA 92591, Defendant installed new central  
12 air conditioner. This action requires a permit in the City of Temecula. *See* City of Temecula, 2020-  
13 21 User Fee Schedule, Appendix 1 at 35 (listing the permit fees for air conditioners).<sup>41</sup>

14 83. IH did not obtain a permit for this renovation or any other renovation done on 30361  
15 Red River Circle.

16 **Example 13: 32456 Hupp Drive, Temecula, CA 92592**



26 *See also* Moreno Valley Municipal Code 8.20.010 (as amended via Ordinance No. 962,  
27 adopted Nov. 5, 2019) (adopting the California Building Code without exempting garage door  
replacements)

28 <sup>41</sup> Available at <https://temeculaca.gov/DocumentCenter/View/892/2020-21-User-Fee-Study-Handbook-PDF?bidId=>.



1 **Example 15: 1311 S. Cliveden Ave. in Compton, CA 90220**

2 87. In another example, at 1311 S. Cliveden Ave., Compton, CA 90220, Defendant  
3 installed a new garage door with no permits. This action requires a permit in the City of Compton.

4 **ii. IH Has Procured Far Fewer Permits Than Other Homeowners.**

5 88. Relator also compared the percentage of Defendant’s homes for which one or more  
6 building permits had been obtained after Defendant acquired the property with the percentage of  
7 all other homes in the jurisdiction which had had permits pulled in the same time period. The data  
8 confirms the hypothesis that Defendant rarely obtained required permits.

9 89. For example, in Moreno Valley, 20.1% of all homes had pulled building permits in the  
10 time frame analyzed, while IH had pulled permits on only 3.6% of its homes.

11 90. As illustrated above, Defendant IH frequently performed the type of renovations that  
12 require a permit in Moreno Valley. Further, IH spend an average of approximately \$25,000 per  
13 renovation.

14 91. This suggests that IH should have obtained permits on a very substantial number of  
15 its homes, rather than only 3.6% of them. The disparity in the rate at which IH pulls permits compared  
16 to other single-family homeowners is consistent across the other cities in California, as shown in the  
17 table below:

County/City	IH Owned Single-Family Homes <sup>43</sup>	Permits on IH Owned Homes (%)	Non-IH Owned Single-Family Homes in the County	Permits for Non-IH Owned Homes	Difference
Riverside (since 2013)	517	12 (2.3%)	31,144	3,087 (9.9%)	7.6%
Moreno Valley (since 2012)	526	12 (3.6%)	17,703	3,553 (20.1%)	16.5%
San Diego (since 2012)	82	13 (15.9%)	59,287	14,870 (25.1%)	9.2%
Sacramento (since 2012)	971	99 (10.2%)	98,073	20,341 (20.7%)	9.5%

25  
26  
27 <sup>43</sup> The current number of IH single-family homes may differ depending on whether IH acquired  
28 or sold houses after the analyses were completed. Relator completed the analyses between April and June 2020 and therefore includes the Starwood homes acquired homes.

1           92. This comparison, compelling as it is, very likely understates the gross disparity  
2 between Defendant’s conduct and others’ conduct because Defendant spent \$25,000 to \$38,000 to  
3 renovate homes that may have been in distressed conditions when purchased after the financial  
4 crisis, while the other homes in the each city include many owned by laypersons who would have  
5 been less likely to spend heavily on renovations, or to need them at all.

6           93. In addition, the non-Defendant group of single-family homes includes homes that  
7 were not distressed when purchased, which do not usually require any major work. As a general  
8 practice, Defendant did not acquire these types of homes, but focused on purchasing foreclosed  
9 properties and “bargain” buys. Accordingly, one may reasonably infer that IH properties would be  
10 *more* likely to require permits than the general population. Instead, IH has a starkly lower  
11 percentage than its peers.

12           **D. IH Has Caused Substantial Damage to the Public Through This Conduct in terms of**  
13           **Avoided Fees, Underpaid Taxes, and Safety Risks to Residents.**

14           94. Defendant’s fraudulent business practices have harmed many cities and counties in  
15 California, and their residents. Defendant has harmed cities and counties by depriving them of  
16 inspection and permit fees, property taxes, penalties and interest.

17           95. By failing to obtain permits, Defendants have also created great risks to tenants by  
18 avoiding safety oversight for renovations to their homes. Permits are required for structural  
19 renovations, electrical work and other important renovations because errors in this work expose  
20 residents to physical and financial harm. Thus, permits are among the most important building  
21 requirements under California and municipal law.

22           96. As of December 31, 2019, Defendant IH owned 12,461 California properties.  
23 Defendant sharply increased its amount of properties owned in California in 2017 (primarily as a  
24 result of the Starwood merger), as shown in the table below:

Year Ending	IH Single-Family Homes Owned
2012 – 2016	7,509
2017	12,990
2018	12,822
2019	12,461





1 101–410 Section 5, 104 Stat. 891, note following 28 U.S.C. Section 2461, for each and every act  
2 of concealment, avoidance, and decreased obligation committed by Defendants described herein.

3 **VII. PRAYER FOR RELIEF**

4 WHEREFORE, Relator prays for judgment against Defendants as follows:

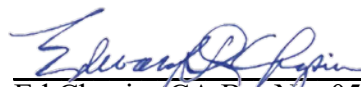
- 5 a. That Defendants cease and desist from violating Cal. Gov't Code § 12650 *et seq.*;
- 6 b. That this Court enter judgment against Defendants in an amount equal to three times  
7 the amount of damages the political subdivisions have sustained because of  
8 Defendants' actions, plus a civil penalty for each violation of Cal. Gov't Code §  
9 12651 proven at trial;
- 10 c. That Relator be awarded the maximum amount allowed pursuant to Cal. Gov't Code §  
11 12652(g), including the costs and expenses of this action and reasonable attorneys'  
12 fees; and
- 13 d. Such other, further and different relief, whether preliminary or permanent, legal or  
14 equitable, as the Court deems just and proper.

15 **VIII. DEMAND FOR JURY TRIAL**

16 Plaintiff-Relator hereby demands a trial by jury on all issues so triable.

17  
18  
19 Dated: October 20, 2020

Respectfully submitted:

20  
21   
22 Ed Chapin (CA Bar No. 05328)  
23 **SANFORD HEISLER SHARP, LLP.**  
24 655 West Broadway, Suite 1700  
25 San Diego, CA 92101  
26 Telephone: (619) 577-4251  
27 Facsimile: (619) 577-4250  
28 Email: echapin@sanfordheisler.com

H. Vincent McKnight, *Pro Hac Vice forthcoming*  
**SANFORD HEISLER SHARP, LLP.**  
700 Pennsylvania Ave. SE, Suite 300  
Washington, D.C. 20003  
Telephone: (202) 499-5201  
Email: vmcknight@sanfordheisler.com

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Leonard B. Simon (California Bar No. 58310)  
**LAW OFFICES OF LEONARD B. SIMON**  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: (619) 818-0644  
Email: lens@rgrdlaw.com

*Attorneys for the Plaintiff-Relator Blackbird Special  
Project, LLC*



Date of this notice: 03-23-2020

Employer Identification Number:  
85-0495255

Form: SS-4

Number of this notice: CP 575 G

BLACKBIRD SPECIAL PROJECT LLC  
NEIL SENTURIA SOLE MBR  
2223 AVENIDA DE LA PLAYA STE 206  
LA JOLLA, CA 92037

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 85-0495255. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at [www.irs.gov](http://www.irs.gov). If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

**IMPORTANT REMINDERS:**

- \* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- \* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- \* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is BLAC. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.



## Instructions for Completing the Application to Register a Foreign Limited Liability Company (Form LLC-5)

To qualify a limited liability company (LLC) from another state or country to transact intrastate business in California, you must file an Application to Register a Foreign Limited Liability Company (Form LLC-5) with the California Secretary of State.

- Form LLC-5 is required along with a current (within 6 months) **Certificate of Good Standing** issued by the agency where the foreign LLC is formed. The Certificate must certify that the LLC is in existence, in active status, or in good standing.
- Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs and whether additional provisions for the LLC are needed.

### Fees:

- **Filing Fee:** The fee for filing an Application to Register a Foreign Limited Liability Company (Form LLC-5) is **\$70.00**.
- **Faster Service Fee:**
  - Counter and guaranteed expedite services are available only for documents *submitted in person (drop off) to our Sacramento office*.
  - **Counter Drop Off:** A separate, non-refundable **\$15.00** counter drop off fee is required if you submit in person (drop off) your completed document at our Sacramento office. The \$15.00 counter drop off fee provides priority service over documents submitted by mail. The drop off fee does not apply to mail submissions. The special handling fee is not refundable whether the document is filed or rejected.
  - **Guaranteed Expedite Drop Off:** For more urgent submissions, documents can be processed within a guaranteed timeframe for a non-refundable fee in lieu of the counter drop off fee. For detailed information about this faster processing service through our Preclearance and Expedited Filing Services, go to [www.sos.ca.gov/business/be/service-options](http://www.sos.ca.gov/business/be/service-options).

**Copies:** Upon filing, we will return one (1) plain copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee. To obtain additional copies or certified copies of the filed document, include payment for copy fees and certification fees at the time the document is submitted. Additional copy fees are \$1.00 for the first page and \$0.50 for each additional page. For certified copies, there is an additional \$5.00 certification fee, per document.

**Payment Type:** Check(s) or money orders should be made payable to the Secretary of State. **Do not send cash by mail.** If submitting the document in person in our Sacramento office, payment also may be made by credit card (Visa or Mastercard®).

**Processing Times:** For current processing times, go to [www.sos.ca.gov/business/be/processing-times](http://www.sos.ca.gov/business/be/processing-times).

If you are not completing this form online, please **type or legibly print** in black or blue ink. **Complete the Application to Register a Foreign Limited Liability Company (Form LLC-5) as follows:**

Item	Instruction	Tips
1a.	Enter the name of the LLC <b>exactly</b> as it is shown on the <b>Certificate of Good Standing</b> from the foreign jurisdiction.	<ul style="list-style-type: none"> <li>• Enter the name currently used in the state, foreign country or other place where the LLC is formed.</li> <li>• The name in Item 1a must match the name listed in the Certificate of Good Standing that is required to accompany your completed Form LLC-5.</li> <li>• There are legal limitations on what name can be used for the LLC. For general LLC name requirements and restrictions or for information on reserving an LLC name prior to submitting Form LLC-5, go to <a href="http://www.sos.ca.gov/business/be/name-availability">www.sos.ca.gov/business/be/name-availability</a>.</li> <li>• A name reservation is not required to submit Form LLC-5.</li> </ul>

1b.	If the name of the LLC does not comply with California Corporations Code section <a href="#">17701.08</a> ; enter an alternate name to be used in California exactly as it is to appear on the records of the California Secretary of State. See Filing Tips.	<ul style="list-style-type: none"> <li>• California Corporations Code section 17701.08 requires: <ul style="list-style-type: none"> <li>- The LLC name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Company, or Ltd. Liability Co.</li> <li>- The LLC name may not include: bank, trust, trustee, incorporated, inc., corporation, or corp.</li> <li>- The LLC name may not include: insurer, insurance company, or any other words suggesting that the limited liability company is in the business of issuing policies of insurance and assuming insurance risks.</li> <li>- The name is not likely to mislead the public and is distinguishable from other LLC's of record or reserved with the California Secretary of State.</li> </ul> </li> <li>• A preliminary search of LLC names already of record can be made online through our Business Search at <a href="http://BusinessSearch.sos.ca.gov">BusinessSearch.sos.ca.gov</a>. Please note: The Business Search is only a preliminary search and not intended to serve as a formal name availability search. For information on checking or reserving a name, go to <a href="http://www.sos.ca.gov/business/be/name-availability">www.sos.ca.gov/business/be/name-availability</a>.</li> </ul>
2a.	Enter the date your LLC was formed using the following format: MM/DD/YYYY.	The date must match the formation date listed in the attached Certificate of Good Standing, if specified in the Certificate.
2b.	Enter the state, foreign country or other place of origin where the foreign LLC is formed.	The jurisdiction must match the jurisdiction listed in the attached Certificate of Good Standing.
2c.	This statement is required. Do not alter.	
3a.	Enter the complete street address, city, state and zip code of the LLC's Principal Executive Office address.	<ul style="list-style-type: none"> <li>• The <b>complete street address</b> is required, including the street name and number, city, state and zip code.</li> <li>• Address must be a physical address.</li> <li>• Do not enter a P.O. Box, an "in care of" address, or abbreviate the name of the city.</li> </ul>
3b.	Enter the complete street address, city, state and zip code of the LLC's Principal Office in California, if any.	<ul style="list-style-type: none"> <li>• The <b>complete street address</b> is required, including the street name and number, city and zip code.</li> <li>• Address must be a physical address in California.</li> <li>• Do not enter a P.O. Box, an "in care of" address, or abbreviate the name of the city.</li> </ul>
3c.	If different from the address in Item 3a, enter the mailing address of the LLC's Principal Executive Office.	<ul style="list-style-type: none"> <li>• This address will be used for mailing purposes and may be a P.O. Box address or "in care of" an individual or entity.</li> <li>• Do not abbreviate the name of the city.</li> </ul>

4.	<p><b>The LLC must have an Agent for Service of Process.</b></p> <p>There two types of Agents that can be named:</p> <ul style="list-style-type: none"> <li>• an individual (e.g. member, manager, or any other individual) who resides in California with a physical California address; OR</li> <li>• a registered corporate agent qualified with the California Secretary of State.</li> </ul>	<ul style="list-style-type: none"> <li>• An Agent for Service of Process is responsible for accepting legal documents (e.g. service of process, lawsuits, other types of legal notices, etc.) on behalf of the LLC.</li> <li>• You must provide information for either an individual OR a registered corporate agent, not both.</li> <li>• If using a registered corporate agent, the corporation must have a current agent registration certificate on file with the California Secretary of State as required by Section 1505.</li> </ul>
4a & b.	<p>If <b>Individual Agent</b>:</p> <ul style="list-style-type: none"> <li>• Enter the name of the initial agent for service of process and the agent's complete <b>California</b> street address, city and zip code.</li> <li>• If an individual is designated as the initial agent, complete Items 4a and 4b <b>ONLY</b>. <b>Do not complete Item 4c.</b></li> </ul>	<ul style="list-style-type: none"> <li>• The <b>complete street address</b> is required, including the street name and number, city and zip code.</li> <li>• Do not enter a P.O. Box address, an "in care of" address, or abbreviate the name of the city.</li> <li>• Many times, a small LLC will designate a member or manager as the agent for service of process.</li> <li>• The individual agent should be aware that the name and the physical street address of the agent for service of process is a public record, open to all (as are all the addresses of the LLC provided in filings.)</li> </ul>
4c.	<p>If <b>Registered Corporate Agent</b>:</p> <ul style="list-style-type: none"> <li>• Enter the name of the initial registered corporate agent <i>exactly</i> as registered in California.</li> <li>• If a registered corporate agent is designated as the initial agent, complete Item 4c <b>ONLY</b>. <b>Do not complete Items 4a and 4b.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Before a corporation is designated as agent for the LLC, that corporation must have a current agent registration certificate on file with the California Secretary of State as required by Section <b>1505</b> stating the address(es) of the registered corporate agent and the authorized employees that will accept service of process of legal documents and notices on behalf of the LLC.</li> <li>• Advanced approval <b>must be obtained</b> from a registered corporate agent <b>prior</b> to designating that corporation as your agent for service of process.</li> <li>• No California or foreign corporation may register as a California corporate agent unless the corporation currently is authorized to engage in business in California and is in good standing on the records of the California Secretary of State.</li> <li>• Provide your Registered Corporate Agent's exact name as registered with the California Secretary of State. To confirm that you are providing the exact name of the Registered Corporate Agent, go to <a href="https://businessfilings.sos.ca.gov/frmlist1505s.asp">https://businessfilings.sos.ca.gov/frmlist1505s.asp</a>.</li> </ul>
5.	<p>Form LLC-5 must be signed by a person with authority to sign according to the laws of the state, foreign country or other place where the LLC is formed.</p>	<ul style="list-style-type: none"> <li>• If you need more space for signatures: <ul style="list-style-type: none"> <li>– Place the additional signatures on only one side of a standard letter-sized piece of paper (8 1/2" x 11") clearly marked as an attachment to Form LLC-5 and attach the extra page(s) to the completed Form LLC-5.</li> <li>– All attachments are part of this document.</li> </ul> </li> <li>• Multiple Form LLC-5s with <b>different signatures</b> will be returned without being filed – use only one form.</li> <li>• Do not include the title of the person signing.</li> </ul>

**Mail Submission Cover Sheet (Optional):** To make it easier to receive communication related to **this document**, including receipt of the copy of the filed document, complete the Mail Submission Cover Sheet. For the Return Address: enter the name of a designated person and/or company and the corresponding mailing address. Please note the Mail Submission Cover Sheet will be treated as correspondence and will not be made part of the filed document.

**Where to File:** Completed forms along with the applicable fees, if any can be mailed to Secretary of State, Business Entities Filings Unit, P.O. Box 944260, Sacramento, CA 94244-2600 or delivered in person (drop off) to the Sacramento office, 1500 11th Street, 3rd Floor, Sacramento, CA 95814. This form is filed only in the Sacramento office.

**Legal Authority:** General statutory filing provisions are found in Sections [17708.02](#). All statutory references are to the California Corporations Code, unless otherwise stated.

**Statement of Information:** A Statement of Information must be filed with the California Secretary of State within 90 days **after** filing the Application to Register a Foreign LLC and **every two years** thereafter during the [applicable filing period](#) (Section [17702.09](#)). A Statement of Information can be filed online at [lcbizfile.sos.ca.gov/SI](http://lcbizfile.sos.ca.gov/SI) or by submitting Form LLC-12.

**Minimum Tax Requirement:** Registered LLCs in California may need to pay a minimum tax of \$800 to the California Franchise Tax Board each year. (California Revenue and Taxation Code section [17941](#).) For more information, please refer to the California Franchise Tax Board's Guide for Corporations Starting Business in California (FTB Publication 1060) at <https://www.ftb.ca.gov/forms/misc/1060.html>.

**Professional Services:** A foreign limited liability company that provides professional services cannot register in California. (Section [17701.04](#).) Professional services are defined as any type of professional services that may be lawfully rendered pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, the Osteopathic Act or the Yacht and Ship Brokers Act. (Sections [13401\(a\)](#) and [13401.3](#).) If your business is required to be licensed, certified or registered, before submitting Form LLC-5 to the California Secretary of State's office, it is recommended that you contact the appropriate licensing authority in order to determine whether your services are considered professional. For licensing requirements in California, please refer to the CalGold website at <http://www.calgold.ca.gov> or the California Department of Consumer Affairs website at <http://www.dca.ca.gov>.

**Additional Resources:** For a list of other agencies you may need to contact to ensure proper compliance, go to [www.sos.ca.gov/business/be/resources](http://www.sos.ca.gov/business/be/resources). Note: The California Secretary of State does not license LLC's. For licensing requirements, please contact the city and/or county where the principal place of business is located and/or the state agency with jurisdiction over the activities of the LLC.



## Mail Submission Cover Sheet

**Instructions:**

- Complete and include this form with your submission. **This information only will be used to communicate with you in writing about the submission.** This form will be treated as correspondence and will not be made part of the filed document.
- Make all **checks or money orders** payable to the Secretary of State.
- Do not include a \$15 counter fee when submitting documents by mail.
- Standard processing time for **submissions** to this office is approximately 5 business days from receipt. All **submissions** are reviewed in the date order of receipt. For updated processing time information, visit [www.sos.ca.gov/business/be/processing-times](http://www.sos.ca.gov/business/be/processing-times).

**Optional Copy and Certification Fees:**

- If applicable, include optional copy and certification fees with your submission.
- For applicable copy and certification fee information, refer to the instructions of the specific form you are submitting.

**Contact Person:** (Please type or print legibly)

First Name: Neil Last Name: Senturia

Phone (optional): (858) 754-3201

**Entity Information:** (Please type or print legibly)

Name: Blackbird Special Project LLC

Entity Number (if applicable): 85-0495255

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Return Address:** For written communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address.

Name: [ Neil Senturia ]

Company: Blackbird Special Project LLC

Address: 2223 Avenida De La Playa, Suite 206

City/State/Zip: [ La Jolla, CA 92037 ]

Secretary of State Use Only	
T/TR:	
AMT REC'D:	\$





**Secretary of State**  
**Application to Register a Foreign Limited Liability Company (LLC)**

**LLC-5**

**IMPORTANT — Read Instructions before completing this form.**

Must be submitted with a current Certificate of Good Standing issued by the government agency where the LLC was formed. [See Instructions.](#)

**Filing Fee** – \$70.00

**Copy Fees** – First page \$1.00; each attachment page \$0.50;  
 Certification Fee - \$5.00

*Note:* Registered LLCs in California may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

**This Space For Office Use Only**

**1a. LLC Name** (Enter the exact name of the LLC as listed on your attached Certificate of Good Standing.)

Blackbird Special Project LLC

**1b. California Alternate Name, If Required** (See Instructions – Only enter an alternate name if the LLC name in 1a not available in California.)

**2. LLC History** (See Instructions – Ensure that the formation date and jurisdiction match the attached Certificate of Good Standing.)

<b>a. Date LLC was formed in home jurisdiction</b> (MM/DD/YYYY) 3 / 11 / 20	<b>b. Jurisdiction</b> (State, foreign country or place where this LLC is formed.) Dover, Delaware
--	---

**c. Authority Statement** (Do not alter Authority Statement)

This LLC currently has powers and privileges to conduct business in the state, foreign country or place entered in Item 2b.

**3. Business Addresses** (Enter the **complete** business addresses. Items 3a and 3b cannot be a P.O. Box or “in care of” an individual or entity.)

<b>a. Street Address of Principal Executive Office - Do not enter a P.O. Box</b> 2223 Avenida De La Playa, Suite 206	City (no abbreviations) La Jolla	State CA	Zip Code 92037
<b>b. Street Address of Principal Office in California, if any - Do not enter a P.O. Box</b> 2223 Avenida De La Playa, Suite 206	City (no abbreviations) La Jolla	State CA	Zip Code 92037
<b>c. Mailing Address of Principal Executive Office, if different than item 3a</b>	City (no abbreviations)	State	Zip Code

**4. Service of Process** (Must provide either Individual **OR** Corporation.)

**INDIVIDUAL** – Complete Items 4a and 4b only. Must include agent’s full name and California street address.

<b>a. California Agent's First Name</b> (if agent is <b>not</b> a corporation) Reed	Middle Name	Last Name McCalmon	Suffix
<b>b. Street Address</b> (if agent is <b>not</b> a corporation) - <b>Do not enter a P.O. Box</b> 2223 Avenida De La Playa, Suite 206	City (no abbreviations) La Jolla	State CA	Zip Code 92037

**CORPORATION** – Complete Item 4c only. Only include the name of the registered agent Corporation.

<b>c. California Registered Corporate Agent's Name</b> (if agent is a corporation) – Do not complete Item 4a or 4b
--

**5. Read and Sign Below** (See Instructions. Title not required.)

By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized to sign on behalf of the foreign LLC.

Signature

Neil Senturia

Type or Print Name



# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT "BLACKBIRD SPECIAL PROJECT, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR REVOKED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

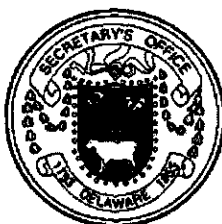
THE FOLLOWING DOCUMENTS HAVE BEEN FILED:

CERTIFICATE OF FORMATION, FILED THE ELEVENTH DAY OF MARCH, A.D. 2020, AT 1:24 O`CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATE IS THE ONLY PAPER OF RECORD, THE LIMITED LIABILITY COMPANY IN QUESTION NOT HAVING FILED AN AMENDMENT NOR HAVING MADE ANY CHANGE WHATSOEVER IN THE ORIGINAL CERTIFICATE AS FILED.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "BLACKBIRD SPECIAL PROJECT, LLC" WAS FORMED ON THE ELEVENTH DAY OF MARCH, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7895475 8315

SR# 20208328787

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 204390465

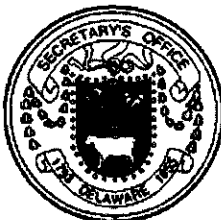
Date: 12-28-20

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "BLACKBIRD SPECIAL PROJECT, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 2020.



7895475 8300

SR# 20208328787

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 204390466

Date: 12-28-20