## Hollywoodians Encouraging Logical Planning HELP

1921 North Saint Andrews Place Hollywood, California 90068 323/957-9588 (tel) \* 323/464-7066 (fax) HwoodCA@Gmail.com

Tuesday, October 18, 2016

TO: LOS ANGELES CITY COUNCIL MEMBERS PLUM COMMITTEE: Councilmember Jose Huizar, Councilmember Moorcock Harris-Dawson, Councilmember Gilbert Cedillo, Councilmember Mitchell Englander, and Councilmember Curs Price

RE: Case: DIR-2015-2697-SPP, VAT 73704, ENV-2015-2618-MIND Council File: 16-1048-S1 Hermitage at Weddington \* Valley Village

Dear Honorable Members PLUM Committee

## 1. The Developer Does not Own the Property

The developer Raffi Shirinian, aka UB Valley Village, LLC, does not own the property on which the project will be constructed.

The Project site is composed a several parcels of which the developer owns only 43.3% of the project site. In order for anyone to have a Project approved, they must own the property. In this case, the developer appears to be Raffi Shirinian who has used LLCs rather than his own name. There is nothing improper in having LLCs, but their use does involve certain legalities which Mr. Shirinian appears to have ignored. At this point, the most that Mr. Shirinian owns is 43.3% of the project area.

S1 Appeal to City Council – Hearing Date: October 25, 2016

Today's Date: Tuesday, October 18, 2016

Parcel	Sq feet 1	Owner
5261 Hermitage	7,805	Raffi Shirinian
12300-02 Weddington	10,539	Raffi Shirinian
12301 Weddington	7,905	Edwards Trust
5305 Hermitage	8,027	<b>Edwards Trust</b>
Weddington Street	8,111	State of California
-		
Total	42,342	

Percent owned by Shirinian: 43.3% of the project area Percent owned by Edwards Trust: 37.5% of the project area Percent owned by State: 19.2% of the project area

Not only does the developer own considerably less than 50% of the project area, his claims that he can easily obtained the additional area are contrary to fact.

The developer has sued the Edwards Trust because they refused to sell the property to his non-registered LLC, Urban Blox, LLC, which may not do business in the State of California unless and until it files with the California Secretary of State, which it has failed to do as of October 17, 2016. As a result, the purported assignment from the non-registered LLC, Urban Blox, would have no legal effect which means that Mr. Shirinian's LLC, UB Valley Village, LLC, which is registered with the California Secretary of State, could not have obtained clear title. [(California Corporations Code section 2105, 15909.02, 16959 or 17708.02.) California Corporations Code sections 191, 15901.02(ai) and 17708.03 re unqualified entities]

<sup>&</sup>lt;sup>1</sup>EIR pages 2-3 and 2-4

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More significant than the fact that Shirinian's unregistered LLC's not obtaining a valid claim to the property is that Shirinian is suing the Edwards Trust and filed its First Amendment Complaint on October 11, 2016. The court's case management conference date is set for February 6, 2017. *UB Valley Village, LLC v Edwards Trust*, Los Angeles County Superior Court Case Number EC 065-734 (see exhibits) This litigation directly rebut's Shirinian's claim that he either owns or will shortly own all the properties.

The date for the PLUM Committee to act on this project has been continued to November 18, 2016, and there is no way which the litigation can conclude when all the defendants in the litigation have not yet been served and their responses will not be due before November 18, 2016.

### 2. No Basis for Street Vacation or Merger

Furthermore, the fact that the developer has filed suit admitting that he does not own the property completely invalidates any attempt to vacant or merger Weddington Street into the project. In order for there to be a vacation of the street and a merger, the developer must own all the abutting property and developer does not.

To the extent any City agency, department or commission provided any type of approval to this Project, said approval was null and void based upon the false representation that the developer owned the property.

The merger/vacation of Weddington is contrary to law for a number of reasons. One fact is that Weddington Street is required to access the driveway on the Edwards property and to access all the cottages on the property. The City may not vacate a street which is required by a property owner to reach his driveway. One of the Edwards' driveways is at the far western end of

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Weddington and if Weddington Street were vacated there would be no way to reach that driveway. Furthermore, the Edwards's property at 5303, 5303 ½, 5305 Hermitage would lose their access to the public street as access to these properties is along Weddington.

# 3. The Litigation Is Complex and it Is Highly Unlikely That It Can Be Resolved Within the Time for this Project to Proceed

The legal issues in the developer's lawsuit are complex and they have not yet been legally framed for the court as no defendant's time to respond to the complaint has arrived. From the face of the complaint, however, one sees that the party which purported to enter into a purchase agreement with Edwards Trust was not legally entitled to enter into any real estate contract in the State of California, and thus, it could not have obtained any enforceable rights under the purported real estate sales contract. Thus, even if the sales contract had been completed, the non-registered out of state LLC would not have obtained any legal title which it could then assign to anyone.

Furthermore, The Edwards Trust had a prior agreement entangling the property and it was an express condition of the purported sale to Shirinian that the prior agreement somehow be set aside. That prior agreement has not been set aside, and thus, the express conditions have not materialized.

# 4. Unclean Hands, Unlawful Harassment and Duress Vitiate would Vitiate any Sale to Shirinian

In addition, it appears that the developer has retained some criminals to harass and intimidate Edwards Trust and the lawful tenants on the property. Such inequitable and illicit behavior would void any real estate contract. Two of the criminals who have been attempting to intimidate Edwards Trust and the

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tenants are Brandon Lee Gregg and Sean M Mahavik and for reasons which the councilmember and the major are probably in the best position to explain, the City has taken a hands-off approach to these two criminals and it seems that they may have intervened with the courts so that when the court revoked Mr. Gregg's probation and sentenced him to forty-five [45] days in jail starting August 24, 2016, he never had to serve even one day. See exhibits re Gregg and Mahavik

There are other legal issues which the parties will frame when their time to file Answers arrive in the Shirinian litigation against the property owners, but at this time it looks as if the developer's lawsuit is demurrerable.

## 5. The City May Not Use its Power to Compel a Property Owner to Sell its Land to a Friend of the Councilmember and Mayor

The City may not use its power to coerce a property owner to sell its land to a friend of the councilmember and/or of the mayor. By it attempt to make the Edwards property land-locked without access to the public streets due to the City's purported vacation/merger of Weddington Street, the City is improperly using its power to compel Edwards Trust to sell its 37.5% to Raffi Shirinian.

Once the City vacates Weddington Street, Edwards Trust will have no access to its properties which front on Weddington. Instead, it will be reduced to one driveway along its northern lot line, but that driveway provides no access to the majority of the Edwards' property. Thus, the City is improperly threatening Edwards Trust with extreme economic hardship by preventing all reasonable access to the majority of its property. The City's action amounts to a form of unlawful condemnation.

///

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### 6. Summary

The developer not only does not own the land on which he wishes to build, but he is involved in protracted litigation. Mr. Shirinian filed his original complaint on September 7, 2016 when the efforts of the two criminals Brandon Lee Gregg and Sean M Mahavik failed to intimidate the Edwards and the tenants to acquiesce to Mr. Shirinian's desires. One person who seems particularly upset by this failure is Mr. Gregg in that he now feels that he will not be paid for his harassment efforts.

The developer has no basis for his project. By his own admission he not only does not own any of the Edwards property, but the Edwards are refusing to sell to him. Without his owning the Edwards property, there is no basis to vacate Weddington Street and Weddington may not be merged to the property at 5621 Hermitage.

#### 7. Conclusion:

Perhaps Mr. Shirinian believed that he could force the Edwards to sell to him and that this project with the help of the councilmember, the mayor and two criminals to harass the Edwards and their tenants would become a reality by the time it reached the City Council and/or its PLUM Committee. No matter what Mr. Shirinian may have anticipated, this project has crumbled and the PLUM Committee cannot as a matter of law do anything other than grant the appeals and reject the project.

There is no gainsaying that the criminals Brandon Lee Gregg and Sean M Mahavik are aligned with the developer Raffi Shirinian as their actions are harmful to Edwards Trust with the loosening of gas lines and the purported set

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of a meth lab – both of which result in explosions destroying the property. The only persons to benefit from the destruction of the property is the developer. The Edwards Trust and the tenants have no desire for these cottages to burn to the ground.

Now that the Gas Company has turned off the gas to the unoccupied cottages and the meth lab has been repeatedly reported to the police, those endeavors have a abated for the time being. The question of who has the political clout to allow two people who are on probation to move into someone's property and harass the tenants and owners remains unanswered. The owners have been forced to hire 24 hour security. As one can figure out, if these criminals and their other friends who have also moved into the property were normal squatters, they would be very nice to everyone around them. The lat thing squatters want to do is draw attention to themselves by menacing everyone else.

Respectfully submitted,

Hollywoodians Encouraging Logical Planning HELP

By

Richard Lee Abrams

Authorized spokesperson for HELP

Exhibits:

#1 Developer Shirinian's lawsuit against owners of Hermitage property

#2 Brandon Lee Gregg and Sean H. Mahavik, rap sheet, newspaper articles c: Shaaron.Dickinson@lacity.org

Exhibits re Raffi Shirinian's Lawsuit Against Edwards Trust, Owner of Hermitage Weddington property

1.

October 18, 2016 Superior Court Case Summary Statement showing status of Shirinian's litigation against owner

2.

September 7, 2016 Conformed facesheet of Shirinian's Complaint against property owner

3.

October 11, 2016 conformed facesheet of Shirinian's First Amended Complaint against property owner

**NEW SEARCH** 

THE SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

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## **Case Summary**

#### **CASE SUMMARY**

Case Number: EC065734

UB VALLEY VILLAGE, LLC VS. SYDNEY A. EDWARDS, ET AL

Filing Date: 09/07/2016

Case Type: Other Real Property Rights Case (General Jurisdiction)

Status: Pending

#### **Future Hearings**

02/06/2017 at 08:30 am in department D at 600 East Broadway, Glendale, CA 91206 Conference-Case Management

11/21/2016 at 08:30 am in department D at 600 East Broadway, Glendale, CA 91206
Order to Show Cause(RE: FAILURE TO COMPLY WITH TRIAL COURT DELAY REDUCTION ACT)

Documents Filed | Proceeding Information

#### **Parties**

ALAN J. DROSTE - Attorney for Plaintiff

LATHROP MARTA AN INDIVIDUAL - Defendant

SYDNEY A. EDWARDS TRUSTEE OF THE EDWARDS - Trustee

UB VALLEY VILLAGE LLC A DELAWARE LLC - Plaintiff

Case Information | Party Information | Proceeding Information

Documents Filed (Filing dates listed in descending order)
10/13/2016 Notice (AMENDED NOTICE OF PENDENCY OF ATION )
Filed by Attorney for Plaintiff

10/13/2016 Notice (OF PENDENCY OF ACTION ) Filed by Attorney for Plaintiff

10/11/2016 Notice-Related Cases (WITH EC064049 FILED 05/07/15 ) Filed by Attorney for Plaintiff

10/11/2016 First Amended Complaint Filed by Attorney for Plaintiff

10/11/2016 Summons Filed (FIRST AMENDED COMPLAINT)

Filed by Attorney for Plaintiff

09/07/2016 Summons Filed

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#### **Business Entities (BE)**

#### Online Services

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- Business Search
- Processing Times
- Disclosure Search

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- Business Resources
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- Starting A Business

#### Customer Alerts

- Business Identity Theft
- Misleading Business Solicitations

#### **Business Search - Results**

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, September 09, 2016. Please refer to <a href="Processing Times">Processing Times</a> for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

- Select an entity name below to view additional information. Results are listed alphabetically in ascending order by entity name.
- For information on checking or reserving a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to <u>Information Requests</u>.
- For help with searching an entity name, refer to <u>Search Tips</u>.
- For descriptions of the various fields and status types, refer to Field Descriptions and Status Definitions.

Results of search for " URBAN BLOX " returned no entity records.

Record not found.

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Copyright © 2016 California Secretary of State

1 2 3 4 5 6 7	ALAN J. DROSTE SBN 105616 KING PARRET & DROSTE LLP 450 Newport Center Drive, Suite 500 Newport Beach, California 92660 E-mail: adroste@kpdlex.com Telephone: (949) 644-3400 Direct: (949) 939-3484 Facsimile: (949) 644-3993 Attorneys for Plaintiff UB Valley Village, LLC, a Delaware limited liability company	Superior Court of California County of Los Angeles  OCT 1.1 2016  Sherif A. Deputy  Delia Conde	
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
9	COUNTY OF LOS ANGELES		
10	NORTH CENTRAL DISTRICT – GLENDALE COURTHOUSE		
11		. 0	
12	UB VALLEY VILLAGE, LLC, a Delaware limited liability company,	Case No. EC065734 Dept D	
13	Plaintiff,	FIRST AMENDED COMPLAINT FOR:	
14	)	(1) SPECIFIC PERFORMANCE FOR BREACH OF CONTRACT TO	
15	VS. )	SELL REAL PROPERTY;	
16	SYDNEY A. EDWARDS, as Trustee of the ) Edwards Living Trust; MARTA LATHROP, ) an individual and as Executor of the Estate		
17	of Clinton Lathrop, Deceased; JENNIFER )	CONTRACT; AND	
18	GETZ, an individual; and DOES 1 through 20, inclusive,	(3) DECLARATORY RELIEF	
19	Defendants.	By Fax	
20			
21	Plaintiff UB VALLEY VILLAGE, LLC, a Delaware limited liability company, hereby		
22	alleges as follows:		
23	PARTIES, JURISDICTION AND VENUE		
24	1. Plaintiff UB VALLEY VILLAGE, LLC ("Plaintiff") is a Delaware limited		
25	liability company qualified to do business in the State of California and with its principal place		
26	of business in Los Angeles County, California.		
27			
28			

# Exhibits re Brandon Lee Gregg and Sean M Mahavik

1.

People v Gregg, Case # PA 080569 Probation revoked 8-24-2016, Committed to County Jail

2.

August 8, 2016 photo of Gregg tearing down security camera on Edwards' property

3.

November 24, 2014 Falmouth News article re Sean M Mahavik arrest re Meth Lab

4.

June 21, 2016 Cape Code Times article re Sean Mahavik's associate's sentencing and Mahavik's disposition pending

#### SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

NO. PA080569

THE PEOPLE OF THE STATE OF CALIFORNIA VS PAGE NO. 1

DEFENDANT 01: BRANDON LEE GREGG

CURRENT DATE 09/28/16

LAW ENFORCEMENT AGENCY EFFECTING ARREST: LAPD - FOOTHILL AREA

BAIL: APPEARANCE AMOUNT

DATE POSTED RECEIPT OR SURETY COMPANY

REGISTER

DATE

OF BAIL

BOND NO.

NUMBER

CASE FILED ON 12/02/14.

INFORMATION FILED ON 12/16/14.

OFFENSE(S):

COUNT 01: 594(A) PC FEL

COMMITTED ON OR ABOUT 05/06/14 IN THE COUNTY OF LOS ANGELES

NEXT SCHEDULED EVENT:

12/16/14 830 AM ARRAIGNMENT DIST NORTH VALLEY DISTRICT DEPT NVN

ON 12/16/14 AT 830 AM IN NORTH VALLEY DISTRICT DEPT NVN

CASE CALLED FOR ARRAIGNMENT

PARTIES: CYNTHIA L ULFIG (JUDGE) ROBIN SULLIVAN (CLERK)

DENISE LUTZ (REP) ED GREENE (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DEBORAH HONG DEPUTY PUBLIC DEFENDER

INFORMATION FILED AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

PURSUANT TO THE REQUEST OF THE DEFENDANT, THE MATTER IS CONTINUED TO 1/28/15 FOR ARRAIGNMENT AND PLEA (0 OF 60).

THE DEFENDANT IS ORDERED TO RETURN ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

01/28/15 830 AM ARRAIGNMENT AND PLEA DIST NORTH VALLEY DISTRICT DEPT NVN

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/28/15 AT 830 AM IN NORTH VALLEY DISTRICT DEPT NVN

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: CYNTHIA L ULFIG (JUDGE) TROY ELAINE SMITH (REP) TROY PODRATZ (CLERK)

ED GREENE (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY TRELOAR DEPUTY PUBLIC DEFENDER

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT

OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 594(A) PC.
THE MATTER IS TRAILED TO 2/24/15 FOR PRETRIAL CONFERENCE

(27 OF 60).

THE DEFENDANT IS ORDERED TO RETURN ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

830 AM PRETRIAL CONFERENCE DIST NORTH VALLEY DISTRICT DEPT NVN 02/24/15

J. PA080569 NO. 01

PAGE NO. DATE PRINTED 09/28/16

CASE CALLED FOR PROBATION VIOLATION HEARING

PARTIES: VALERIE SALKIN (JUDGE) MARICRIS PAPA (CLERK)

WENDY OILLATAGUERRE (REP) JESSICA HITT (DA)

THE DEFENDANT FAILS TO APPEAR, WITHOUT SUFFICIENT EXCUSE AND NOT REPRESENTED BY COUNSEL

PROBATION REVOKED

AS TO COUNT (01):

DEFENDANT FAILS TO APPEAR FOR TODAY'S PROCEEDINGS.

THE COURT ORDERS A BENCH WARRANT IN THE AMOUNT OF \$40,000 ISSUED.

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

BENCH/WARRANT TO ISSUE

ON 08/24/16 AT 130 PM IN NORTH VALLEY DISTRICT DEPT NVC

CASE CALLED FOR PROBATION VIOLATION HEARING

PARTIES: VALERIE SALKIN (JUDGE) MARICRIS PAPA WENDY OILLATAGUERRE (REP) (CLERK)

JESSICA HITT (DA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT APPEARS IN PRO PER

PROBATION REINSTATED

PROBATION IS CONTINUED ON SAME TERMS AND CONDITIONS.

AS TO COUNT (01):

BENCH WARRANT IS RECALLED AND QUASHED THIS DATE.

COMMUNITY LABOR IS DELETED.

DEFENDANT IS ORDERED TO SERVE 45 DAYS IN COUNTY JAIL WITH A TOTAL CUSTODY CREDIT OF ZERO (0) DAYS.

COMMITMENT ORDER IS ISSUED.

PAYMENT OF THE COURT FEES IS DUE ON 08/24/17 IN THE CLERK'S OFFICE.

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

900 AM PROOF: RESTITUTION FINE PAYMNT DIST NORTH VALLEY 08/24/17

DISTRICT DEPT CLK

CUSTODY STATUS: ON PROBATION.

http://www.capenews.net/falmouth/news/meth-dealer-to-be-tried-in-superior-court/article\_997ec46e-772a-11e4-9def-437073c10312.html

## Meth Dealer To be Tried In Superior Court

SAM HOUGHTON Nov 28, 2014

Home / Falmouth / Falmouth News

An alleged methamphetamine dealer has been indicted at the Barnstable District Court on drug trafficking charges.

Sean M. Mahavik, 26, listed in court documents as homeless and from Barnstable, was charged witl possession to distribute a Class B drug, trafficking in methamphetamine, and conspiracy to violate a drug law on June 12.

He also faces an additional charge after prison guards found he had marijuana hidden in a body cavity while imprisoned at the Barnstable County Correctional Facility in October.

Mr. Mahavik was arrested along with Edward Rooney, 34, of Teaticket during a motor vehicle stop or Maravista Avenue in Teaticket in June. Falmouth and Barnstable police allege that Mr. Mahavik and Mr. Rooney were running a meth lab from a home on Chestnut Street in Teaticket.

The interior of the Chestnut Street house was described by Drug Enforcement Agency officers at the scene at the time of the bust as a "textbook, clandestine meth lab."

Wednesday, November 26, at Falmouth District Court it was announced that Mr. Mahavik will face trial in Superior Court. A pretrial conference hearing is scheduled for January 7 in Barnstable.

Police at the scene of the Chestnut Street lab in June said that it was the first methamphetamine laboratory bust on Cape Cod they were aware of.

Speculation about the operation arose during an investigation led by officers in the Barnstable Narcotics Unit when an influx of methamphetamine was found in the homeless population in Hyanni The drug trafficking was later tracked to Falmouth.

In an unrelated event, on October 29 at the Barnstable County Correctional Facility prison guards smelled a "pungent order" of marijuana emanating from Mr. Mahavik's cell. Mr. Mahavik, court documents read, had hidden the marijuana in a cavity on his body. He will have a pretrial hearing for charges of delivering drugs to a prisoner and possession of marijuana over one ounce at the Falmouth court on December 23.



# Falmouth man gets 4-6 years in prison on meth charges

**Tuesday** Posted Jun 21, 2016 at 6:34 PM Updated Jun 21, 2016 at 6:34 PM

#### By Haven Orecchio-Egresitz

Follow

BARNSTABLE — A Falmouth man whom prosecutors accused of operating a meth lab in his home was sentenced Monday to four to six years in state prison.

Edward Rooney pleaded guilty in the middle of his Barnstable Superior Court trial Monday to two counts of possession of methamphetamine with intent to distribute. One of those counts was amended from trafficking methamphetamine.

Cape and Islands Assistant District Attorney Edward F.X. Lynch, who was prosecuting the case, dropped several other drug charges at the time of the plea.

Rooney, who already has spent more than 700 days in jail, was arrested in June 2014 while driving away from his 87 Chestnut St. home.

Police launched an investigation after noticing an uptick in the use of meth on Cape Cod and traced the substance to Rooney's house.

After obtaining a warrant, they searched the home and found meth lab paraphernalia, including nine plastic baggies, each filled with a substance believed to be methamphetamine; scales; and about 25 grams of suspected liquid

methamphetamine, strewn across virtually every room, according to court documents.

"The reduced charge more accurately applied to the evidence at hand and the sentence was within the suggested guidelines for the offense," defense attorney Robert Galibois said of his client's sentence at Massachusetts Correctional Institution-Cedar Junction.

Sean M. Mahavik, who was arrested with Rooney during the car stop, has a pending case, according to Galibois.

- Follow Haven Orecchio-Egresitz on Twitter: @HavenCCT.

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UB VALLEY VILLAGE, LLC VS. SYDNEY A. EDWARDS, ET AL

Filing Date: 09/07/2016

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#### Documents Filed | Proceeding Information

**Parties** 

ALAN J. DROSTE - Attorney for Plaintiff

LATHROP MARTA AN INDIVIDUAL - Defendant

SYDNEY A. EDWARDS TRUSTEE OF THE EDWARDS - Trustee

UB VALLEY VILLAGE LLC A DELAWARE LLC - Plaintiff

Case Information | Party Information | Proceeding Information

Documents Filed (Filing dates listed in descending order)

09/07/2016 Summons Filed

09/07/2016 Complaint filed-Summons Issued

Case Information | Party Information | Documents Filed

Proceedings Held (Proceeding dates listed in descending order)
None

Case Information | Party Information | Documents Filed | Proceeding Information