

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
2 MARK E. ELLIOTT (SBN 157759)
mark.elliott@pillsburylaw.com
3 JULIA E. STEIN (SBN 269518)
4 julia.stein@pillsburylaw.com
5 CAROLINE L. PLANT (SBN 247358)
corrie.plant@pillsburylaw.com
6 725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
7 Telephone: (213) 488-7100
8 Facsimile No.: (213) 629-1033

9 Attorneys for Defendants
10 SANDRA LYON, ET AL.

11 UNITED STATES DISTRICT COURT
12
13 CENTRAL DISTRICT OF CALIFORNIA
14
15 WESTERN DIVISION

16 _____)
17 AMERICA UNITES FOR KIDS, et) No. 2:15-CV-02124 PA (AJWx)
18 al.,)
19 Plaintiffs,) **DISCOVERY SANCTION**
20 vs.) **MATTER**
21 SANDRA LYON, et al.,) **DEFENDANTS' RESPONSE**
22 Defendants.) **TO MINUTE ORDER RE**
23) **MOTION TO DETERMINE**
24) **AMT. OF COMPENSATORY**
25) **SANCTION [ECF NO. 160]**
26)
27) Date: March 14, 2016
Time: 1:30 p.m.
Dept. 15
28)
Judge: Hon. Percy Anderson

1 Defendants Sandra Lyon, et al. (“Defendants”) provide the following
2 response to the Court’s Minute Order of March 3, 2016 (ECF No. 160):

3 At the time Defendants filed their Motion to Determine Amount of
4 Compensatory Sanctions, some of the work necessary to repair the damage
5 caused by Plaintiffs’ unsanctioned sampling activities was not complete. As a
6 result, as part of their cost documentation, Defendants provided two cost
7 estimates for anticipated work: (1) an estimate of \$1,798.68 to complete the
8 repair of damage to areas not previously encapsulated, and (2) an estimate of
9 \$10,250 for Ramboll Environ to complete the confirmatory sampling
10 following the repairs to the previously encapsulated and remediated areas at
11 the Malibu Campus.

12 On March 3, 2016, the Court issued a Minute Order requesting
13 Defendants provide supplemental evidence establishing “the actual costs for
14 the repair work to the areas that had not been encapsulated during the
15 remediation work and the confirmatory sampling rather than estimates of those
16 costs.” ECF No. 160. Defendants therefore provide the accompanying
17 Supplemental Declaration of Janeace Maez (“Supplemental Maez Decl.”)
18 containing the actual cost information requested by the Court, as described
19 below.

20 The District undertook repair work on Friday, February 12 and
21 Saturday, February 13, 2016. Two employees, a glazier and skilled
22 maintenance worker spent a total of 15 hours each (12 hours of which were at
23 overtime rates) to complete the work. The total cost for this time, as broken
24 down in the invoices attached as Exhibit A to the Supplemental Maez
25 Declaration, is \$1,427.82. In addition, the District’s employees utilized
26 \$105.52 worth of materials to complete these repairs. Suppl. Maez Decl. at ¶ 5
27 and Ex. B.

1 Ramboll Environ has since completed its confirmatory sampling
2 activities, including preparation of the report documenting those activities.
3 Ramboll Environ's invoices are attached as Exhibits C-E to the Maez
4 declaration, and reflect a total cost of \$11,360.14.

5 Thus, the total actual cost of the previously estimated expenditures was
6 \$12,893.48, bringing the total actual costs incurred by the District to remedy
7 the damage caused by Plaintiffs' sampling activities to \$57,749.38, as set forth
8 below:

Item	Cost
Ramboll Environ Inspection Costs (ECF No. 109-2 at ¶ 20, Ex. C)	\$44,662.00
2015 Repair Costs (ECF No. 109-1 at ¶ 5)	\$193.90
Feb. 2016 District Labor (Supp. Maez Decl. at Ex. A)	\$1,427.82
Feb. 2016 Materials Costs (Supp. Maez Decl. at ¶ 5, Ex. B)	\$105.52
Ramboll Environ Post-Repair Activities (Supp. Maez Decl. at ¶ 9, Exs. C-E)	\$11,360.14
Total:	\$57,749.38

9
10
11
12
13
14
15
16
17 Dated: March 10, 2016

PILLSBURY WINTHROP SHAW
PITTMAN LLP

By: /s/ Mark E. Elliott

Mark E. Elliott

*Attorneys for Defendants Sandra
Lyon, et al.*