

Reply to: 2566 Overland Avenue, Suite 730
Los Angeles, CA 90064
(424) 370-0250

November 6, 2023

All Members
Encino Oaks Homeowners Association

Re: Updated Escrow Litigation Disclosure

Dear Members:

As you know, our law firm is general counsel to the Encino Oaks Homeowners Association. This letter provides a litigation disclosure update for escrow and/or refinancing purposes only. The following are pending legal actions involving the Association.

DePeralta Lawsuit

On August 24, 2023, Plaintiffs, owners Shelly DePeralta and Stacey DePeralta, sued ADCO Roofing, Inc., Philadelphia Indemnity Insurance Company, and the Association, in an action entitled *DePeralta v. ADCO, et al.*, in the Superior Court of California, County of Los Angeles, Case No. 23VECV03713 (“DePeralta Lawsuit”). In their complaint, Plaintiffs alleged the following causes of action: (1) Breach of Contract; (2) Breach of Fiduciary Duty; (3) Negligence against the HOA; (4) Negligence against the Contractor; (5) Breach of Express Warranty; (6) Breach of Implied Warranty; (7) Negligence Per Se; (8) Unfair Business Practices Business and Professions Code 17200; and (9) Recovery on Surety Bond. This lawsuit has not yet been served on the Association. The matter is currently scheduled for a Case Management Conference on December 27, 2023.

Solomina Lawsuit

On April 14, 2023, Plaintiff, resident Tamara Solomina, sued PMP Management, and the Association, in an action entitled *Tamara Solomina v. PMP Management, et al.*, in the Superior Court of California, County of Los Angeles, Case No. 23VECV01620 (“Solomina Lawsuit”). In her complaint, Plaintiff alleged the following causes of action: (1) Negligence; (2) Statutory Breach of Implied Warranty of Habitability; and (3) Tortious Breach of Implied Warranty of Habitability. Plaintiff dismissed the second and third causes of action as to the Association and PMP, and the only cause of action pending against the Association and PMP is Negligence. Plaintiff added the unit owner to the suit, alleging the second and third causes of action against them. Nick Meerson, Esq. of Adams | Stirling, PLC is handling defense of this matter, which is currently scheduled for a Case Management Conference on December 6, 2023.

Peterson Lawsuit

On June 20, 2022, Plaintiff, owner Laura Peterson, sued the Association, PMP Management, and Citiguard, Inc., in an action entitled *Laura Peterson v. PMP Management, et al.* in the Superior Court of California, County of Los Angeles, Case No. 22STCV20048 (“Peterson Lawsuit”). In a form complaint for personal injury, Plaintiff alleged the following causes of action: (1) General Negligence, and (2) Premises Liability. The Association submitted defense of the Peterson Lawsuit to its insurance carrier, which has assigned the case to Marla G. Ness, Esq. of Law Offices of Karen M. Johnson. This matter is currently scheduled for a Final Status Conference on April 11, 2024, and Jury Trial on April 26, 2024.

Board Petition

On May 15, 2018, then-Director Bitia O’Donnell in her capacity as President of the Association’s Board of Directors filed an *ex parte* court petition pursuant to Corporations Code §7225 in an action entitled *O’Donnell v. Encino Oaks Homeowners Assn.*, in the Superior Court of California, County of Los Angeles, Case No. LS030162 (“Board Petition”). The objective of the Board Petition was to have a provisional director appointed in order to break the deadlock among the 4-person Board. A provisional fifth director was appointed and has since been released by the Court. The Association continues to conduct its business to advantage even though it continues to face challenges. At the latest hearing, held on July 13, 2023, to remove a director from the Board, the presiding judge, Honorable Huey Cotton, advised this matter will remain open and a further Status Conference was scheduled for January 17, 2024.

The Board will keep the membership informed of pending legal actions as appropriate and as needed. Other than discussing the information in this letter, please do not ask the Board questions regarding these matters as it may compromise the Association’s interests. Other than the above, we are not aware of any other ongoing litigation or claims where the Association is a named party.

If you are in the process of selling your home or refinancing your mortgage or other loans encumbering your property, you may provide a copy of this disclosure letter to prospective purchasers, listing agents and brokers, and escrow and financial institutions, etc., as appropriate. Should you have questions or need additional information, please contact the Association’s management company PMP, through their Division Vice President, Roger Crumrine (rcrumrine@pmpmanage.com).

Thank you.

Very truly yours,



Farah Nourmand, Esq.
ADAMS | STIRLING
Professional Law Corporation