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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION
THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

JEFFREY POWERS, et al,

Plaintiffs,

Case No. LACV22-8357

vs.

DENIS RICHARD MCDONOUGH,

Defendants.

REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS
TRIAL DAY 13
Wednesday, August 28, 2024
8:30 a.m.
LOS ANGELES, CALIFORNIA

TERRI A. HOURIGAN, CSR NO. 3838, CCRR
FEDERAL OFFICIAL COURT REPORTER
350 WEST FIRST STREET, ROOM 4311
LOS ANGELES, CALIFORNIA 90012
(213) 894-2849

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

ROBINS KAPLAN LLP
BY: ROMAN M. SILBERFELD
TOMMY DU
Attorneys at Law
2121 Avenue of the Stars, Suite 2800
Los Angeles, California 90067

PUBLIC COUNSEL
BY: MARK D. ROSENBAUM
AMELIA PIAZZA
AMANDA MANGASER SAVAGE
YI LI
Attorneys at Law
610 South Ardmore Avenue
Los Angeles, California 90005

BROWN GOLDSTEIN and LEVY, LLP
BY: EVE L. HILL
Attorney at Law
120 East Baltimore Street, Suite 2500
Baltimore, Maryland 21202

PUBLIC COUNSEL
BY: AMANDA MANGASER SAVAGE
Attorney at Law
610 South Ardmore Avenue
Los Angeles, California 90005

FOR THE DEFENDANT: DENIS RICHARD MCDONOUGH

US DEPARTMENT OF JUSTICE
CIVIL DIVISION - FEDERAL
PROGRAMS BRANCH
BY: BRAD ROSENBERG
AGBEKO PETTY
JODY LOWENSTEIN
TAYLOR PITZ
CODY TAYLOR KNAPP
CARLOTTA P. WELLS
Attorneys at Law
1100 L. Street, N.W.
Washington D.C. 20005

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APPEARANCES: (CONT.)

FOR THE INTERVENOR:

ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP
BY: ERNEST J. GUADIANA
JUSTIN TRUJILLO
Attorneys at Law
10345 West Olympic Boulevard
Los Angeles, California 90064

ALSO PRESENT: Batina Washington, HUD
Kristin Grotecloss, Veterans Administration
Tobin Dale, Veterans Administration
Keith Harris, Party Representative
Robert Davenport, Counsel
Marcie Vega

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LOS ANGELES, CALIFORNIA; WEDNESDAY, AUGUST 28, 2024

8:30 A.M.

--OOO--

THE COURT: Thank you, counsel, have a seat. I hope all of you had a good evening.

We're back in session, all parties are present, Dr. Braverman has returned, and I think he was your next witness; is that correct?

MR. ROSENBERG: Yes.

THE COURT: Dr. Braverman, if you would come forward. We administered an oath a week ago, the same oath applies.

Do you recall it?

THE WITNESS: Yes, sir.

STEVEN EDWARD BRAVERMAN,

having been previously sworn,

testified as follows:

THE COURT: Have a seat. Counsel, could I give you a little bit of guidance, before we return with Dr. Braverman?

Counsel approached me last night with just some general questions about what the Court's expectations were, and I think I'd like to put that on the record with complete transparency.

First of all, my marshals aren't going to serve a subpoena, that is up to you to serve, but I will enforce the

1 subpoena, once you serve it.

2 Second, I'm hoping folks will come voluntarily.

3 Third, from the little information I got yesterday,
4 Barbara Ferrer, apparently in public health -- not her
5 specifically, but one of her employees put a red tag -- I'm
6 going to call a red tag, on 401 and 402.

7 I repeat, I don't know the gravamen of that situation.

8 But it seems incongruent that 401 and 402 can't be moved
9 into on September 3rd with the permit process proceeding
10 smoothly because of the three landfills and the thousand-foot
11 radiuses that were brought, and yet we have 205, 208, and 209
12 with veterans in it, because what it was described concerning
13 methane, was that it can explode.

14 Now, I don't know the chances of that, let's say it's
15 very small, but Barbara Ferrer may have a very good position.

16 Her position may be, Judge, I can't take that chance,
17 but the information we're getting is what I call middle
18 management, and that is there's conversations going back and
19 forth that aren't part of a record where the VA seems to be in
20 a position of being told by the County that this could take six
21 months to a year, just mitigation, if we have to drill an
22 exploratory -- whatever this is called, it could take two
23 years.

24 Counsel, listen very carefully, I'm going to give you
25 some specific directions, we've got lots of time, and that

1 needs to be put on the record.

2 Those are subtleties going back and forth, and if this
3 is going to be red-tagged and the VA is now under what I call a
4 threat to red tag your entire project, how could you possibly
5 operate?

6 That needs to be put on the record by the County. They
7 need to state that publicly and take that position.

8 Second, there seems to be exceptions to that, so if you
9 are slightly outside the area, and then you go to the County,
10 they grant an exception, that means every developer would have
11 to go to the County if their position is to red tag your whole
12 project.

13 Your developers have to go to the County, one by one, to
14 make certain they have acquiescence. That is a huge and costly
15 delay to you, it's a huge and costly delay to the developers
16 out there.

17 So I'm going to request that Steve Peck come in this
18 afternoon at 1:00. I'm going to request that you call the -- I
19 don't want somebody representing them, now.

20 Who has 401 and 402, is that Century? I've got it in my
21 notes, but it will take me --

22 MR. ROSENBERG: It would be --

23 THE COURT: 401, 402, who is my developer there?

24 MR. ROSENBERG: I'm looking right now.

25 THE COURT: I'd like whoever that is -- and you can

1 look later on, I would like that developer here at 1 o'clock, I
2 think they should be part of this process because they don't
3 know what to do.

4 And, finally, I chose Lindsey Horvath because I thought
5 she was Chairman of the Board.

6 I'm pretty certain she's the supervisorial
7 representative for that district, but I'm not sure.

8 If I have that wrong, you need somebody here from the
9 County with weight, and the reason you do, is because County
10 counsel will end up representing public health, Barbara.

11 So you are going to have an attorney from County counsel
12 who is going to come in here who doesn't understand what's
13 happening, we don't have a decision-maker again.

14 Finally, I'm going to delay your arguments. Last night
15 going over my notes, I'm not going to be slow-walked.

16 I don't know if we'll reach a disposition or not, but I
17 know that I need to get the best answers because it may have
18 some small part of what this decision is about by the Court.

19 So, I'm requesting -- you don't have to do it, but I'm
20 requesting that the developers be contacted in 401 and 402, and
21 I would like to see, instead of a middle person, somebody of
22 Steve Peck's position with U.S. Vets, he's the top concerning
23 his organization.

24 Number 2, I'm going to wait for Barbara Ferrer. If we
25 have her here, then the bureaucracy will roll, and she will

1 contact her persons, because if you don't do it, it will work
2 its way up the chain of command over months or weeks or years,
3 with back and forth and middle management with no
4 decision-making be made.

5 And, finally, I need the County here.

6 Now, I hope that that would help us, at least, know or
7 get better information about what their thoughts are and maybe
8 this could be resolved quickly, maybe it can't, and maybe the
9 best they could give us is a process or procedure that it
10 really is six months to a year or no answer.

11 I need to know that.

12 Because if I get to the second stage, with complete
13 transparency, I'm going to decide, first of all, if there is
14 land available, if I should be even considering those acreages
15 if any expansion is even needed.

16 What is the affirmative defense, what is the burden,
17 which I'm going to hear in just a moment, I hope, again.

18 So this is your order now.

19 One, I want this map with these circles put on a larger
20 map that shows the entire VA outline, including Brentwood
21 School and the baseball diamond, because what I want to be able
22 to trace is those thousand foot circles and see what is
23 available.

24 By way of example, if you look at 1638, you will see
25 that that cuts right through Barrington Park.

1 So put 1638 up for us. I'm sorry, I looked at it last
2 night, put -- 1638, I want to see this, 1638, one of you move
3 your fingers and put this up on Elmo.

4 Expand that so I can see it. Now, turn it this way.

5 If the thousand feet is a legitimate concern, can I use
6 this park?

7 MR. SILBERFELD: Not until this is resolved.

8 THE COURT: Not until this is resolved.

9 Could you imagine if I was going to go into some kind of
10 expansion and I had given direction and injunctive relief that
11 Barrington Park would be used without knowing this?

12 So, first of all, you have to complete that before you
13 leave today.

14 Number 2, I'm going to be left with one VA official,
15 McKenrick, calling another VA official, I forget that person's
16 name -- and thank you for the stipulation.

17 And I would have made a mistake, I would have assumed
18 that that was a UCLA official. It's not. But I was only left
19 with speaker one, and speaker two needed to get a voice
20 identification, if you can recall, in court.

21 Finally, thank you, for the stipulation.

22 Who is the person over at UCLA? Now, we can eventually
23 stipulate to that or we can find that out for this reason.

24 Kuhn is second in charge at the time -- I'm sorry, not
25 Kuhn, McKenrick. I'm sorry, McKenrick is second in charge when

1 this phone call is placed.

2 He apparently, on this tape, is going to call somebody
3 at UCLA. He's not calling Mickey Mouse, he's not calling some
4 middle echelon, he's calling somebody over at UCLA who may be a
5 vice chancellor or somebody with some kind of gravitas, at his
6 level.

7 I'm going to find out who that is.

8 Now, I will leave that to you to ferret that out by
9 stipulation or Mr. McKenrick coming out here, but I will know
10 how high or low this went in the UCLA family and what these
11 discussions were because this was an attempt to cut out veteran
12 input.

13 So you can help me or we'll be here until we get it
14 done.

15 You will not be arguing this case, because I will not be
16 slow-walked by the County until I get responsible people over
17 here.

18 So hopefully they will respond today, hopefully they
19 will respond tomorrow. If they don't, you will not be arguing
20 this case until I give you consent. Understood?

21 So, therefore, I'm trying to be polite, that's not open
22 for discussion, that is a ruling by the Court.

23 I'm trying to say to you, you might get accommodations
24 unless we can get these people here.

25 Now, I've got some more things to say, but I want to get

1 back to you, Dr. Braverman.

2 Counsel?

3 MR. SILBERFELD: Your Honor, I have an update about
4 Barbara Ferrer, if the Court wishes to hear it?

5 So after we had the sidebar last evening,
6 I know Dr. Sherin and Dr. Ferrer are friendly.

7 THE COURT: Oh, that's great.

8 MR. SILBERFELD: So I called Dr. Sherin. He was
9 kind enough -- and counsel knows all this, by the way, he was
10 kind enough to call and text Dr. Ferrer.

11 THE COURT: She's very gracious, by the way. I
12 think she'll come over right away.

13 MR. SILBERFELD: So he put me in touch with her, I
14 spoke to her last night.

15 She is available tomorrow. She is consulting County
16 counsel --

17 THE COURT: Good.

18 MR. SILBERFELD: -- which is something she needs to
19 do internally.

20 THE COURT: I hope she consults the board.

21 MR. SILBERFELD: I expect her to get in touch with
22 me this morning, and I will let everybody know about that.

23 I also have her cell number if the Court wanted to call
24 her.

25 THE COURT: No. I'm not going to enter into this.

1 I'm going to tell you what I want to help get this resolved or
2 at least to know what position we're in, because she's the one
3 who has basically red-tagged, not only 401 and 402, she's
4 red-tagged, I understand, this entire VA area.

5 I don't see how the VA can operate under those
6 circumstances.

7 MR. SILBERFELD: I will keep everybody apprised.

8 THE COURT: And, by the way, I want it on the record
9 now.

10 I want these folks to quit getting middle echelon people
11 up on the stand and start taking responsibility at the top of
12 these pyramids of leadership.

13 And it was sad for me to see Tony in that position over
14 at UCLA when, quite frankly, the chancellor should have been
15 here or the UCLA athletic director. That is sad to witness.

16 Well, first of all, Dr. Braverman, how are you today?

17 THE WITNESS: I'm well. Thank you.

18 THE COURT: It's good to see you.

19 THE WITNESS: How are you?

20 THE COURT: Well, I'm doing fine, thank you.

21 Counsel?

22 MR. ROSENBERG: Before we start the questioning and
23 just following up on the Court's order, and we know it's a
24 Court order, and we appreciate that.

25 Just to be clear, what our plan was going to be before

1 we came in, we had decided not to call Mr. Peck, but we are in
2 the process of reaching out already, and if we are able to
3 bring somebody in, I anticipate it would be someone other than
4 Mr. Peck, but still from the principal developer's group at a
5 comparable level.

6 THE COURT: I'm most interested in 401 and 402. I
7 don't know who that developer is. They're the first ones that
8 are immediately affected in terms of their financing.

9 MR. ROSENBERG: Then that's not going to be the
10 person we were anticipating, so we're going to figure that out
11 and we will get started on that.

12 THE COURT: These developers have a huge stake in
13 terms of this kind of delay.

14 I mean, how do they operate if this is delayed a year or
15 two? What is their expectation for the future in terms of
16 these projects? How do they gather money?

17 So, Dr. Braverman, I'm sorry, that's taken too long, my
18 apologies.

19 You've been sitting here patiently.

20 Counsel?

21 DIRECT EXAMINATION

22 BY MR. ROSENBERG:

23 Q Dr. Braverman, perhaps we can start with one of Judge
24 Carter's questions and see if we can clarify for the Court, you
25 know, the issue of who was being discussed at UCLA on the tape

1 recording that we have now heard a few times.

2 And you are familiar with the tape-recording about which
3 I'm asking?

4 A Yes.

5 Q Okay. Do you have an answer to the Court's question as to
6 who the UCLA official was that was going to be contacted by VA?

7 A I can get that information very quickly by reviewing my
8 notes, but it was the person who was Tony DeFrancesco's
9 predecessor, and I'm just forgetting his name at the moment,
10 who was the liaison between the VA and UCLA.

11 I can get his name, I just have to look at an old e-mail
12 to remind myself.

13 Also, to correct misperception, this was not a phone
14 call meeting, it was an in-person meeting of the VA
15 communications staff.

16 THE COURT: I'm going to short-circuit this. I'm
17 going to want that name. It's not going to stop there, because
18 that liaison doesn't operate with a million dollar or
19 \$200 million ball field and make that decision, that goes
20 someplace else in the UCLA administration.

21 So once we get that name, counsel are going to reach out
22 and either get a stipulation from that person about who he or
23 she contacted or that person will be in here, okay?

24 Now, do you want to step down and get your notes for a
25 moment and get that for me?

1 THE WITNESS: I don't have my computer with me
2 immediately to access that, but I can try to find it.

3 THE COURT: Okay.

4 (Pause in the proceedings.)

5 THE COURT: And, informally, Barbara understands the
6 issue that is confronting us?

7 MR. SILBERFELD: I provided the two letters when I
8 spoke to her, and I explained what the issue was.

9 THE COURT: Yeah. And, by the way, I don't know if
10 it's necessary that she's been subpoenaed. She's very polite,
11 she's very courteous, she will probably just come over without
12 the subpoena.

13 And if you need a subpoena, I will enforce that
14 subpoena, but I don't think I have to, knowing her. She's a
15 tremendous public servant, I think she will just come over, but
16 I think she's going to have County counsel with her and I think
17 the Board of Supervisors is going to be very interested as
18 well.

19 Somebody at Tony's level or whoever this person is, that
20 was a predecessor contacted by McKenrick or whomever, passed
21 that on to somebody.

22 I want to see this chain. I'm going to develop that and
23 you are either going to do that for me or we're going to take
24 the long route.

25 I want to know how high up this went in the UCLA family.

1 Dr. Braverman was very candid and honest, he knew about
2 this before, the Court appreciates that kind of honesty. I can
3 work with that.

4 What I can't work with is this shadow, this curtain.

5 And I can't stand seeing these middle honest, ethical
6 people doing a good job put up as 30(b)(6) witnesses and again
7 forced to answer these tough questions that they've had to ask,
8 Is this lease for the benefit of the veterans or not, and
9 Tony's in the position of saying no.

10 Now, you can imagine when he goes back to that employer,
11 what that employer is thinking.

12 This should have been the chancellor or this should have
13 been the athletic director. We don't lay out our good
14 employees like that.

15 So if one of you wants to get busy, it will save time.
16 You understand what I need, I need a larger map to try to look
17 at a thousand foot --

18 MR. ROSENBERG: Actually, I have a question. When
19 you say "larger," there's two ways to -- I just want to make
20 sure we give the Court what it wants.

21 THE COURT: I want an overlay --

22 MR. ROSENBERG: The whole campus?

23 THE COURT: -- of the whole campus.

24 MR. ROSENBERG: Does the Court want a physically
25 larger exhibit?

1 That's -- we just want to make sure we provide the Court
2 with what it wants, a blowup, in other words.

3 THE COURT: Take page 1 on Exhibit 1 of page 135 or
4 something like it.

5 This is sewage, I gather. That gives me an overlay of
6 the entire campus, south and north, right?

7 MR. ROSENBERG: Okay.

8 THE COURT: Then take these thousand foot and lay it
9 into my larger view of the entire campus so I can see what is
10 left.

11 MR. ROSENBERG: Understood.

12 MR. SILBERFELD: What's inside and outside.

13 THE COURT: Number 2, that tape from speaker one and
14 speaker two, we're not leaving until I have those names of
15 speaker one and speaker two, so we're sitting here today until
16 that comes up.

17 MR. ROSENBERG: Judge Carter, Dr. Braverman is
18 checking into it, but while he awaits a response, perhaps we
19 can start with his testimony?

20 THE COURT: Why don't we. Thank you.
21 Dr. Braverman, thank you for your courtesy, why don't you
22 retake the stand.

23 We will get a response and then we'll get that on the
24 record.

25 THE WITNESS: Unfortunately, my e-mails that are two

1 years old can't be accessed on my phone.

2 THE COURT: But you will have to remain with us
3 until we have that.

4 THE WITNESS: Yes. I have the other names, I just
5 don't have the UCLA.

6 THE COURT: Sure.

7 REDIRECT EXAMINATION

8 (Federal defendants' redirect examination)

9 BY MR. ROSENBERG:

10 Q Good morning, Dr. Braverman, thanks for being with us
11 again.

12 It's been a little while since you were on the witness
13 stand, so I would like to start by asking you, have you
14 reviewed the testimony at trial of Mr. Johnson, Mr. Soboroff,
15 and Dr. Sherin?

16 A Yes.

17 Q Do you have any -- let's start with high level thoughts,
18 about their testimony, particularly regarding the provision of
19 temporary housing on the West LA Campus?

20 A I think the two concerns that I have is that the timeline
21 seems optimistic under the rules that we have in regards to
22 consideration of the need for environmental studies, the need
23 for utility infrastructure, assessment, and completion, and,
24 you know, how we, in the government, have to operate for
25 getting contracts through and requests for bids and then

1 granting contracts and then the execution.

2 Q Okay. Do you recall there being testimony about the
3 provision of temporary housing on the -- what we will call the
4 South Campus?

5 A Yes. The biggest challenge with the identified locations
6 in the South Campus is that the vast majority of them are going
7 to be taken up by the construction requirements and laydown
8 associated with the critical care tower construction and the
9 Century utility plant construction.

10 Q Why don't we start -- I'd like to show you a document that
11 has been, I believe, previously admitted, and this will be
12 Exhibit 230.

13 THE COURT: Thank you very much, I appreciate it.

14 BY MR. ROSENBERG:

15 Q And do you have an understanding of what this document is?

16 A Yes.

17 Q What is your understanding?

18 A These were locations that were identified as potential
19 locations for temporary housing.

20 Q By plaintiffs' experts?

21 A Yes.

22 Q And, again, I would like to focus primarily on the South
23 Campus, which is the portion of the West LA Campus south of
24 Wilshire Boulevard.

25 Do you see on the map there are parcels identified as

1 parcels 1, 2, 3, and 4?

2 A Yes.

3 Q Those are all on the South Campus?

4 A Yes.

5 Q And you generally don't believe that those would be good
6 locations for temporary housing?

7 A Correct.

8 Q And the primary reason for that, is it because of the
9 construction that will be taking place on the South Campus?

10 A Yes.

11 Q Let's get into that a little bit.

12 I'd like to show you another exhibit which has -- I
13 don't -- has not been admitted yet and that would be
14 Exhibit 1074.

15 THE COURT: Thank you very much, I appreciate it.

16 BY MR. ROSENBERG:

17 Q Why don't you take a moment to flip through this document
18 and then we're going to talk about it.

19 Do you recognize this document, Dr. Braverman?

20 A Yes.

21 Q What is it?

22 A So this is kind of construction laydown plan, if you will,
23 for the phases of where there will be requirements for the
24 various construction -- or the aspects of the construction for
25 the construction of those two buildings where there will be

1 necessity for construction equipment, for parking, for
2 construction vehicles, where the, you know, tunnels and digging
3 and construction safety zones will be.

4 MR. ROSENBERG: Move to admit Exhibit 1074.

5 THE COURT: Received.

6 (Exhibit 1074 received into evidence.)

7 BY MR. ROSENBERG:

8 Q Have you seen this document before?

9 A Yes.

10 Q Where did you see it?

11 A Well, it was put together by the GLA team, it was also
12 part of my declaration.

13 Q This was your declaration support of the defendant's
14 motion for summary judgment?

15 A Yes.

16 Q So, this document appears to walk -- there's a series of
17 slides, you know. If I were to flip through the document, it's
18 1074 pages 2, 3, 4, 5, 6, 7, 8, 9, and 10.

19 Are those basically snapshots in time chronicling the
20 construction activities that will be taking place on the South
21 Campus as part of the construction of the new medical tower?

22 A Yes. So we're in an approximately six-year period of
23 time, I say "approximately" because that doesn't include, you
24 know, construction delays and other sort of things.

25 Q I'm actually hoping maybe the most efficient way to do

1 this is have you walk us through these slides and maybe it
2 makes sense to start with the first slide.

3 What are -- the first slide, which is on page 1074-002,
4 it says on the lower right-hand corner, Phase 1, Contractor
5 Mobilization/Make Ready.

6 And then there are a series of paragraphs that
7 correspond to particular numbers, like 1A, 1B, 1C, and then
8 those numbers correspond to particular locations on the map.

9 Can you just explain for us and the Court what this
10 slide is showing with the different numbers and the different
11 colors on the maps, such as pink?

12 A Yes. So the easiest way to look at this without getting
13 into the very finite detail is to identify the structures and
14 locations on the map itself.

15 They identify where construction will take place, where
16 the buildings will be going that are being constructed, and the
17 locations that will be necessary for use in association with
18 the construction sites.

19 To the right, in the blue lettering, each of those
20 little paragraphs or sentences correspond to a location on the
21 diagram that identifies what change will be taking place during
22 that particular phase.

23 So, for example, in Phase 1, if you look very -- to the
24 right of the location on the map, that is 1A, and that
25 corresponds to the initial setup of removing the solar panels,

1 grading that parking lot for potential construction use, and,
2 you know, getting ready to do utility work in that particular
3 area.

4 That's the location for the central utility plant that
5 will be constructed there.

6 1B, similarly, is, you know, dismantling those solar
7 panels in the parking lot in that area known as Lot 2, which is
8 where the new hospital facility is going to be, and so on for
9 each of these locations.

10 One of the changes is identified in the Phase 1 dot
11 letter associated with the particular location on the diagram.
12 And there are multiple phases in these slides which go through
13 each of the next several steps anywhere from three to
14 six months later, depending upon the pace of that particular
15 phase of the construction.

16 MR. ROSENBERG: I'm going to ask Noah, because some
17 of the print on this is pretty small.

18 Can you blow up the blue writing -- sorry, all the way
19 on the right underneath where it says "symbol legend."

20 Can you blow that up?

21 BY MR. ROSENBERG:

22 Q All right. So I have asked my colleague to blow up the
23 legend for the map because I fear that I probably cannot find
24 -- I know that I cannot read it without it being blown up.

25 But this is the legend for the map, and I discussed pink

1 areas and you will see there are series of colored blocks with
2 descriptions to the right and the fifth block down is a pink
3 block with blue dash marks around it that says, Limit of Work,
4 Active Work Area.

5 So if you look at the map on the left, there are pink
6 areas surrounded by blue dashes.

7 Does that represent active work areas during the phase
8 of construction that is reflected on page 2 of this exhibit?

9 A Yes. For each of those locations.

10 Q And just, in particular, there are -- if you look at
11 Exhibit 2 -- I'm going to ask that we leave this exhibit up on
12 the screen for a moment, but if you look at Exhibit 230 for a
13 moment, at least at this initial phase of construction are some
14 of the areas where plaintiffs have proposed temporary housing
15 active work areas during this phase?

16 A In this phase, from the ones that were on the south part
17 of the campus, everything except part of Parking Lot 6 and part
18 of Lot F are active locations in Phase 1.

19 As you get into further phases, they become active
20 locations as well.

21 Q I guess I was thinking specifically, if you look at --

22 A So all of the others are covered.

23 Q Parcel 2, for example, is a proposed location for
24 temporary housing?

25 THE COURT: Just one moment.

1 THE WITNESS: Parcel 2 equates to lot C.

2 MR. ROSENBERG: Yes.

3 THE WITNESS: And, yes. So right away, that is a
4 location where there will be construction laydown activities
5 and parking.

6 BY MR. ROSENBERG:

7 Q But on this phase, at least, another proposed location is
8 lot 6, which is the lot that is inside the circular road. That
9 is not, itself, an active construction site during this phase?

10 A The inside portion -- the outside to the west, lot A and
11 B, are there.

12 Those are -- you know, those are the solar panel
13 locations. Those are going to be active sites right from the
14 beginning.

15 Lot 6 won't be. But, later, you will see a slide where
16 it gets bifurcated by construction location activities.

17 Q And even in this phase, it's adjacent to an active
18 worksite?

19 A Yes.

20 Q Tell me, what is lot 6 used for?

21 A Lot 6 is the primary parking lot for ambulatory veterans.

22 And what I mean by "ambulatory veterans" are those who
23 don't need handicap spaces and those who walk to their
24 outpatient appointments, either in that building 304 area,
25 building 402, 401 area, and also the main hospital, building

1 500.

2 So those are always full of, essentially, patients, but
3 it is also -- to the south part of lot 6 is also employee
4 parking as well.

5 Q And just so the record is clear, B 500, Building 500, that
6 is the current main hospital?

7 A That is the primary hospital, yes.

8 So the -- part of the challenge is that as you see in 1A
9 and 1B, those are primarily employee parking lots at the
10 moment, those are going to be closed down.

11 And that B 608 location, which is the yellow location,
12 just to the south, inside the circle, inside Dowlen, that's
13 where the parking garage is being built in order to, I guess,
14 replace the employee parking lots that are being closed.

15 Q And not -- I fear I'm kind of simple in the way I approach
16 some of these things, but the VA hospital is a pretty large
17 hospital, isn't it?

18 A Yes.

19 Q And do a lot of its patients, you know, drive in for
20 services?

21 A Yes. The vast majority of patients drive in for services.
22 So parking is a very important aspect of what we're doing.

23 Part of that area where the parking garage is going
24 right now is the area that is being used for valet parking,
25 which we have to take up some of the parking area that was

1 being displaced by the Metro station that is going into that
2 lot 42 area on the north part of the circle.

3 Q It is, in some ways, perhaps a literal example of the
4 traffic jam game I referenced early.

5 I still need to bring that in as a demonstrative.

6 Let's flip to the next slide, which is 1074-003.

7 And on this one, at least, I see one change, but you can
8 correct me if I'm wrong, and that is to lot F, which is towards
9 the bottom of the slide.

10 Do you see that?

11 A I'm sorry. Could you repeat the question?

12 Q I see that lot F is now --

13 A Yes.

14 Q -- pink and surrounded by blue dashes, which means that
15 would become an active construction site?

16 A Yes.

17 Q And does -- what is lot F?

18 A Lot F is Safe Park. That is the Safe Park location.

19 So that would become a staging area for the
20 construction.

21 Q And do you understand that that corresponds with parcel 3
22 on Exhibit 230, which is one of the locations that plaintiffs
23 have proposed?

24 A Yes.

25 Q By the way, while we're talking about Safe Park?

1 THE COURT: I'm sorry. Would you match up lot C,
2 just so I'm not -- is that parcel 2?

3 THE WITNESS: Yes.

4 THE COURT: Just a moment.

5 And would you match up -- just so I'm not having to
6 go back -- lot A and B?

7 THE WITNESS: Lot A and B would be the left outside
8 circle portion of parcel 1.

9 THE COURT: Which would include --

10 THE WITNESS: Lot 6.

11 THE COURT: -- lot 6.

12 THE WITNESS: Yes.

13 THE COURT: So A and B as well as lot 6 should match
14 up to parcel 1.

15 Parcel 3 should be lot F.

16 And parcel C should be lot -- I'm sorry. Lot C should
17 be parcel 2, correct?

18 THE WITNESS: Lot 6 would be part of -- I'm sorry,
19 parcel 2 is lot C, correct.

20 THE COURT: Lot F should be parcel 3.

21 THE WITNESS: Correct.

22 THE COURT: Lot A and B on this map but also lot
23 6 --

24 THE WITNESS: Are part of parcel 1.

25 THE COURT: Parcel 1, okay. Thank you.

1 BY MR. ROSENBERG:

2 Q I think I was asking you about Safe Park, and it took me a
3 while to avoid confusing SafetyPark at the top of the campus
4 with Safe Park on the South Campus.

5 Can you just remind us, what is Safe Park?

6 A Safe Park is the location that we have for veterans who
7 bring in their cars in the evening overnight and stay in their
8 cars.

9 So we have a number of veterans that use that on a daily
10 basis, anywhere from 6 to 15 or 20, many of whom use that
11 because it allows, also, for anonymity.

12 So they can come in -- they may or may not want their
13 community to know that they are, you know, staying in their
14 vehicles.

15 In fact, some are employees that we do know do that out
16 of choice and, in some cases, out of a lack of other
17 opportunity.

18 So that is an important piece of the overall, I guess I
19 would say, options that we have for veterans who are
20 experiencing homelessness.

21 THE COURT: Could you ask how we're going to
22 accommodate those folks during the construction?

23 BY MR. ROSENBERG:

24 Q That was actually my next question.

25 A So we're committing to finding another location. We

1 haven't done that yet, but we are committed to finding another
2 location.

3 THE COURT: Where?

4 THE WITNESS: One of the -- I don't have a specific
5 answer for you today, Your Honor.

6 THE COURT: I'm very patient with that.

7 THE WITNESS: I'm sorry?

8 THE COURT: I'm very patient with that. I'm going
9 to want to know where, what your recommendation is and your
10 opinion.

11 THE WITNESS: Okay. I --

12 THE COURT: If you need all day, that is fine.

13 THE WITNESS: No. I can give you an opinion. An
14 opinion for that would be a location from the SafetyPark
15 parking lot that we have on the north part of the area in
16 Brentwood.

17 THE COURT: Which lot?

18 THE WITNESS: That's not on this map.

19 THE COURT: I know -- they should have a bigger map
20 for you. They're going to put up a different map in just a
21 moment and show you.

22 THE WITNESS: Right. And I can show you where --

23 THE COURT: No. They are going to put it up. Put
24 up that map for a second.

25 THE WITNESS: But that would be my recommendation

1 would be to use that location as part of it.

2 THE COURT: Okay. I want that map up on the screen,
3 Counsel.

4 Now, we have a problem, you know, about a landfill.

5 Did you know about the landfill?

6 THE WITNESS: Well, this would not require any kind
7 of construction for a Safe Park opportunity.

8 It's just driving your car into a parking lot.

9 THE COURT: No problem with methane then?

10 THE WITNESS: No, sir.

11 THE COURT: Now, I was told by a witness
12 yesterday -- I don't know how dramatic this is -- that in a
13 construction -- well, strike that.

14 That an ignition of some kind could cause an explosion
15 from methane.

16 THE WITNESS: Well, it's already an existing, in-use
17 parking lot.

18 So I guess, you know, we're not closing the parking lot.

19 THE COURT: I'm going to put a tough question to
20 myself is if we have construction going on within 1,000 feet
21 right now of 401 and 402, and some ignition could supposedly
22 set off, this methane, that we have a red tag from the City on,
23 then -- and that overlaps part of the safety -- I get --

24 MR. ROSENBERG: Safety.

25 THE COURT: Safety, which is why I need counsel to

1 blow up 1638, which I looked at at 11 o'clock last night. You
2 see that that ring overlaps?

3 Can you match it up with that blue section?

4 THE WITNESS: Yes, Your Honor. And my incredulity
5 about this whole landfill issue is I share that with you.

6 THE COURT: Well, it's not going to be my problem.
7 Actually, it's going to be all of yours.

8 THE WITNESS: But the point I was making here would
9 there be no construction requirement.

10 It's basically -- and that's why that would be a choice.

11 THE COURT: That lot would be open as a possibility.

12 THE WITNESS: As a possibility, absolutely.

13 THE COURT: So I have to worry more -- or counsel
14 has to worry more about construction right now in this
15 thousand-foot radius down by 401 and 402.

16 THE WITNESS: Yes. But as a replacement for the
17 Safe Park, that would not be an issue.

18 THE COURT: Thank you, Counsel.

19 How about the parking lot above that right on the other
20 side of the post office to the north?

21 THE WITNESS: They are both operated as part of
22 this.

23 So either -- either of those -- whatever makes sense in
24 terms of which is least used, I would say, from the daily
25 parking aspect.

1 THE COURT: Any other recommendations?

2 THE WITNESS: I think that those, to me, seem the
3 best area that would have the least otherwise impact on the
4 parking that our veterans and employees use.

5 THE COURT: Okay.

6 Any other recommendations besides those two parking
7 lots?

8 THE WITNESS: For Safe Park, no. That would be my
9 primary recommendation.

10 THE COURT: Thank you very much. Now, you are not
11 held to that. You can change that opinion later on. I'm just
12 trying to get an idea of where people are going to go.

13 BY MR. ROSENBERG:

14 Q And just to be clear, so that we're on the same page,
15 Dr. Braverman, these are your opinions as to where Safe Park
16 should move, but VA has not yet entered -- has not yet made a
17 formal decision about where that operation will go?

18 A That's correct. And by that, that would be the local
19 leadership team.

20 Q Thank you.

21 I am going to -- there are several slides where -- that
22 show construction taking place, but I'm going to suggest that
23 we turn to slide -- let me -- while we're on Safe Park, let me
24 ask one more question.

25 If you would look to the right of lot F on the map that

1 is currently in front of you -- although it appears on other
2 maps as well. This is 1074-003.

3 To the right of that is a gray block that says Edison
4 Station.

5 Do you know what that is?

6 A Yes. So that is a power station, kind of a transformer
7 that is currently in use to bring in the power from outside
8 into to the campus.

9 Q And do you know what is -- it's going to be to the right
10 on the map, but it would be immediately to the east of Edison
11 Station.

12 Do you know what is there?

13 A 410 highway.

14 Q The 405?

15 A 405. I'm sorry. 405. Yes. The 405 freeway. I'm in
16 California, sorry. I have to get it right.

17 Q And I fear that I've been in LA so long, I've gone native,
18 and I started referring to the freeways with a definitive
19 article.

20 So the 405 freeway is immediately to the east of the
21 Safe Park location?

22 A Yes.

23 THE COURT: We call that freeway safe parking also
24 because it doesn't move, but I'm just joking with you.

25 Counsel.

1 THE WITNESS: Understand. Understand.

2 BY MR. ROSENBERG:

3 Q All right. Let's turn to slide page 1074-006.

4 Does this slide represent another phase of construction
5 of the critical care tower and related facilities on the South
6 Campus?

7 A Yes. And the key parts of this slide -- and perhaps you
8 can make it a little bigger.

9 Now, here you see the blue diagrams, Building 600, and
10 the main, big, rectangular building, that is critical care
11 tower.

12 Building 602, that is the CUP, the central utility
13 plant. So you actually see where those buildings will be.

14 You can also see that the pink area has now expanded to
15 have a -- kind of a rectangular -- well, I wouldn't say a
16 rectangular, I would probably say more of a horizontal line
17 area that extends across to the west and bifurcates the parking
18 areas there on parking lot 6.

19 That would likely result in the need for road closure of
20 that section there from the west of the parking garage.

21 THE COURT: Show me. Just trace it.

22 THE WITNESS: So this would be closed, this road
23 here.

24 THE COURT: Temporarily.

25 THE WITNESS: So temporarily closed. And then -- so

1 this is all kind of construction connectivity here. But Dowlen
2 will be closed in that area.

3 This parking lot would likely have to close because of a
4 lack of connectivity. We would continue with parking lot 6 for
5 veteran parking.

6 THE COURT: Soboroff or Johnson, one of them -- I
7 have to check my notes -- had the idea of, from their
8 perspective, of closing off that road. They got immediately
9 pushback from the Court because I saw that ring road as a --
10 not a necessity. Why would we close that off?

11 But we're going to close that off temporarily during
12 construction.

13 What is our alternate route? And how vital is that road
14 to us in terms of making a complete circle around the South
15 Campus?

16 THE WITNESS: So the route would get closed just
17 south of where the helicopter pad is.

18 So that is the extension that you see. Right here is
19 the -- whoops. That's the helicopter pad. I didn't know I
20 could draw in green on the picture.

21 And then -- so that connects -- you know, you would go
22 northeast into the -- you would just have to come around to the
23 emergency entrance.

24 THE COURT: So your idea is this would be
25 permanently closed if the Court takes lot 6, I'm going to call

1 A and B, and then the other two lots that I can't see.

2 THE WITNESS: Yes. It would not -- well, closing
3 the north would cut off the ease for the helicopter pad and
4 ambulance services to get over to that side.

5 Cutting off a small section to the south temporarily
6 would be an inconvenience, but it would not be, you know, a
7 deal breaker for the temporary closure.

8 THE COURT: Temporary closure but certainly not
9 permanent.

10 THE WITNESS: Yes, sir.

11 BY MR. ROSENBERG:

12 Q And just to be clear, from this map, it appears that the
13 active work area as marked by the pink and the blue hashes
14 bisects lot 6?

15 A Yes. And it would be a great inconvenience for anybody
16 who is trying to live in that area, based on the noise and the
17 congestion and all of the other kinds of issues that come with
18 construction, and that would be, you know, exacerbated by
19 somebody who may have mental health or traumatic brain injury
20 challenges where noise and inconvenience, you know, stresses
21 and otherwise challenging mental health situation.

22 Q I was going to walk you through another couple of slides,
23 and I still will do that.

24 But let's pause there, because I think that's a pretty
25 important point.

1 Do you think it's a good idea to put temporary housing
2 next to an active construction site?

3 A No.

4 Q Can you explain in a little bit in more detail --

5 A Well, I think --

6 Q -- why not?

7 A -- as I just mentioned, one of the big issues is the
8 noise.

9 We already have complaints from veterans on the north
10 part of the campus that, you know, the construction starts too
11 early. It's not supposed to start before 7:00 a.m. Sometimes
12 the construction teams don't abide by those rules.

13 That causes people to awaken sooner than they would
14 like.

15 That can raise irritability certainly for anybody who is
16 disabled with mental health or traumatic brain injury
17 conditions.

18 And it's -- even for people who don't have those
19 diagnoses, it can be quite disconcerting to have challenges
20 with sleep and challenges with just the noise that is coming
21 through into your room during the day and making it difficult
22 to do your work and concentrate on activities.

23 So I think that would be a real challenge during the
24 time that the construction is ongoing.

25 The expected time frame for the construction is mid 2025

1 to 2030, in the best case scenario.

2 Q And how -- I'm just curious. How does the scope of
3 construction on the South Campus compare to construction
4 projects that are taking place on the North Campus?

5 A Well, it's much more compressed. It's a smaller area, a
6 huge amount of construction. This is going to require a lot of
7 work to coordinate the phasing, the closures. You can imagine
8 the vehicle traffic that is going to be occurring on Dowlen --
9 that is the circle drive, if you will -- you know, all day
10 long, the interference with the ability for veterans even to
11 get to the hospital and to the various clinics because of that
12 construction traffic.

13 We already experienced some of that just for the Metro
14 station, which is really confined to the Bonsall Road area
15 between Dowlen and Wilshire, which is -- you know, where you
16 see on the top of this particular graph where it says lot 42
17 and the Metro station.

18 What is not shown on this map is this area, I guess, to
19 the left of Bonsall that is walled off because of, you know,
20 one of the Metro construction sites.

21 So even that, by itself, causes periodic disruption. So
22 it's going to be 1,000-fold increase in the disruptions to the
23 whole south part of the campus.

24 Q And lots A and B on the left side of this map, which is
25 the west side of this map, are those staging areas, if you

1 know?

2 A I'm sorry, which lots?

3 Q Lots A and B above --

4 A Yes.

5 Q -- and below the green circle?

6 A Those are designated as staging and parking areas for the
7 contract personnel.

8 Q So, again, I'm just trying to understand, does that mean
9 that there will be -- would you anticipate that there would be
10 construction workers and construction materials moving from
11 those staging areas to active construction sites that are on
12 the east end of the South Campus, such as the new critical care
13 tower?

14 A Yes.

15 Q And could that potentially be through or around parking
16 lot 6?

17 A Yes.

18 Q And just to be clear, at least on this slide --

19 THE COURT: What -- you just said potentially --

20 THE WITNESS: Well, I think -- I think -- I don't
21 know what the traffic patterns are going to be for the trucks,
22 so that's why I said potentially.

23 THE COURT: Okay.

24 BY MR. ROSENBERG:

25 Q And while we're on Slide 6, is lot C in the southwest

1 corner of the campus still an active work area?

2 A Lot C?

3 Q The southwest?

4 A Yes. I'm sorry. Yeah. The south. I was going too far
5 west.

6 There is a blank space, yeah. South, lot C, is still
7 going to be an active site.

8 Q As is lot F?

9 A Yes. All of the areas in pink will continue to be active
10 construction areas, even around the Fisher House.

11 THE COURT: Why can't lots A and B be used during
12 the construction?

13 THE WITNESS: They are going -- they will be
14 locations for the trailers, the construction parking areas, and
15 potentially for actual laydown of piping and equipment and that
16 sort of thing.

17 MR. ROSENBERG: Can we turn to the next slide?

18 THE COURT: What is lot 42 going to be used for
19 again?

20 THE WITNESS: Lot 42 is reopening as a parking lot
21 for -- that is a handicap parking lot for the hospital.

22 THE COURT: Thank you.

23 THE WITNESS: And that is just partially reopened
24 last month.

25 THE COURT: Thank you.

1 BY MR. ROSENBERG:

2 Q Dr. Braverman, we're now looking at Slide 1074-007.

3 This would be the next phase planned for the
4 construction; is that right?

5 A Yes.

6 Q All right. I'd like to draw your attention to the portion
7 of the map in the lower left-hand corner.

8 It is labeled on this map 6-F.

9 Do you see that?

10 A Yes.

11 Q And there is a key that corresponds with it under the
12 Phase 6 construction heading on the right side.

13 And that says 6-F, demolish temporary parking lot and
14 build detention basin.

15 A Yes.

16 Q Do you know what that is?

17 A Well, a detention basin is, basically, I guess you could
18 think of it as a flood zone or, you know, a way to capture all
19 of the runoff and other sort of things that is being generated
20 as a result of the construction in terms of the changes of
21 sewage and everything else.

22 So, that is the location that has been chosen for that
23 area.

24 THE COURT: Can you show me that one more time?

25 THE WITNESS: Yeah. This is where lot -- it was

1 lot -- previously marked as lot C.

2 So 6-F that we have identified as previously being a
3 construction laydown site, that is then going to be demolished
4 and turned into this detention basin.

5 THE COURT: Just a moment. It's going to be a lot
6 for while. We are going to pave that, it said?

7 THE WITNESS: No. It's -- that is already the area
8 that is being used for the construction laydown and parking, as
9 we were talking about before, that corresponds to parcel 2.

10 At this phase, in the latter phase of the construction,
11 after the buildings have been erected, then the next phase for
12 that particular location is to demolish the temporary parking
13 lot --

14 THE COURT: Okay.

15 THE WITNESS: -- and build it into this detention
16 basin.

17 THE COURT: I must have misstated something.

18 Temporary or not, this is, at some point, going
19 to be turned into a parking lot?

20 THE WITNESS: So it was originally going to be
21 turned into a temporary parking lot for the construction site.
22 It's still a green space at the moment.

23 That becomes a temporary parking lot and laydown site
24 for construction.

25 And then that temporary parking lot in this Phase 6 goes

1 away for the building of the detention basin. So that is that
2 parcel 2.

3 THE COURT: At some point, this is going to be a
4 parking lot, temporary or not. It's going to get paved.

5 THE WITNESS: Yes.

6 THE COURT: Yes. And is that --

7 THE WITNESS: For use during construction.

8 THE COURT: -- for use during the construction?

9 THE WITNESS: Yes. And then it will be torn up to
10 be turned into the detention basin.

11 THE COURT: And what is a detention basin?

12 THE WITNESS: My understanding is that that is, you
13 know, the area where, you know -- you know what, I don't want
14 to -- I don't want to make a mistake here and say that I know
15 everything about a detention basin, so I will hold on that.

16 THE COURT: Just a moment.

17 Are you going to preserve some of those trees?
18 That lot has some absolutely beautiful opportunities, whether
19 it remains in its present condition or in the future, if it was
20 temporary housing, to keep some just magnificent trees. Are
21 you aware of that?

22 THE WITNESS: I don't know the answer specifically
23 to those trees.

24 THE COURT: Well, then don't answer. Are we going
25 to knock those trees down with this parking lot?

1 THE WITNESS: I don't know, but one of the things
2 that we generally have to do on this south part of the campus
3 is when we do relocate trees we have to identify those which
4 are considered to be historic preservation trees.

5 That was one of the issues with the Metro construction
6 where we had to transplant palm trees that were considered to
7 be historic palm trees over into another area so that when the
8 Metro construction area is resolved, then we would transplant
9 back those palm trees.

10 To my understanding it's really only the palms that were
11 considered to be historic, but I don't know specifically about
12 the trees you're describing, as to whether they have been
13 evaluated for that or not.

14 THE COURT: Okay.

15 BY MR. ROSENBERG:

16 Q I don't know if this map will show it, but can you point
17 out on this map -- if you know -- where the palm trees were
18 transferred from and to?

19 A So on this map, yes.

20 There were trees -- I guess if you look just to the west
21 -- on this particular map if you look just to the west of
22 Dowlen -- I'm sorry, Bonsall, which is the road that connects
23 the circle to Wilshire on the north, if you would see where Lot
24 42 is and you go to the left, there's an area there where
25 there's currently Metro construction.

1 And then another area to the -- yeah, if you take that
2 circle and move it, like, an inch to the left and up to the
3 left of Bonsall -- so I guess I can draw it.

4 So this area is a current construction area.

5 This area is a current construction area for Metro and,
6 in fact, that Metro construction area corresponds to parcel 4.

7 The palm trees that were in those areas then got
8 relocated to an area over here in that circle.

9 They were transplanted to that area, and then eventually
10 when the left and right Metro construction sites are completed
11 and replaced back into their original, I guess, landscaping
12 area in 2027, then the palm trees are supposed to be
13 transplanted back into their original locations per the
14 historical society requirements.

15 This is -- I think the stuff on the left, the two
16 circles, are probably compressed a little bit to the left, but
17 I just gave you the general idea there.

18 Q And just generally speaking, is that the type -- is that
19 an example of the type of process VA has to go through when
20 engaging in major construction activities on the campus, moving
21 palm trees, for example?

22 A Yes. And these are, I guess, old palm trees, so they were
23 designated as historical sites, if you will, or part of the
24 historical site.

25 Even when -- one of the challenges with this whole

1 campus is that even if a particular building isn't considered
2 historical in and of itself, the demolition of a certain number
3 of buildings and other sorts of things could change the overall
4 tenor of the campus, and, you know, that has to go through the
5 historical society as well, through SHPO.

6 Q I'm just curious, if you know, I'm curious at that point
7 how are the palm trees doing, did they survive the transplant?

8 A I think we lost one but the others are all doing well.

9 Q Let me ask you to turn -- you could probably flip to the
10 last page of this exhibit, which is 1074-010.

11 This presumably would reflect the final project, this is
12 the last slide, and there are no active construction zones on
13 this slide.

14 So would this reflect the final project once it's
15 completed?

16 A Yes.

17 Q And Lot F, which is where Safe Park is currently located
18 appears to be back to being a parking lot?

19 A Correct.

20 Q But the area in the southwest portion of the campus, which
21 was parcel 2 on Exhibit 230, still appears to be a detention
22 basin.

23 So is that -- is it your understanding that that is then
24 a permanent feature of this project?

25 A Yes.

1 Q Do you understand whether Mr. Soboroff, as part of his
2 testimony, proposed installing temporary housing where that
3 detention basin is located?

4 A Yes.

5 Q Do you have any views on whether temporary housing would
6 be compatible with a detention basin?

7 A I would think it not to be compatible, but I don't have
8 specifics on that, because I don't know what that basin will
9 look like, to be honest with you.

10 But it seems incompatible.

11 Q And throughout this construction, this 10-slide, 10-phase
12 construction process, does VA have to ensure adequate parking
13 for the veterans that it serves?

14 A Yes.

15 Q What about the idea, I believe plaintiffs' experts have
16 testified to this, but if not, somebody will object.

17 What about the idea of locating temporary housing near
18 the critical care tower.

19 Do you think that is a significant benefit for veterans
20 who might be housed in temporary housing?

21 THE COURT: Discarding the construction issues?

22 MR. ROSENBERG: Right. Separate and apart from the
23 construction, just generally.

24 THE COURT: Thank you.

25 THE WITNESS: So my preference is that temporary

1 housing would be primarily located on the north part of the
2 campus in some other locations that are available there.

3 THE COURT: Okay.

4 THE WITNESS: I believe that there is more value in
5 being closer to the community of other residents there in that
6 area than the necessity to be, you know, directly nearby, you
7 know, the medical facility.

8 THE COURT: Doctor, let me assume hypothetically,
9 and I'm not making a finding that I took your wisdom concerning
10 this over a planner, developer, Soboroff, or Johnson, where
11 would you put them?

12 THE WITNESS: I would put them on the north part of
13 the campus.

14 THE COURT: Show me.

15 THE WITNESS: I think that the -- the reason is is
16 that there is more benefit to that community.

17 THE COURT: Let's assume -- Doctor, just one moment.
18 Let's assume, hypothetically, to save time that I took your
19 wisdom.

20 THE WITNESS: Sure.

21 THE COURT: Where?

22 THE WITNESS: So I think there are some locations
23 that could be used for temporary housing.

24 THE COURT: Where?

25 THE WITNESS: We previously evaluated some of these

1 locations.

2 THE COURT: Where?

3 THE WITNESS: A couple are in, of course, the
4 circled landfill zone.

5 THE COURT: Just a moment. Let's slow way down now.

6 MR. ROSENBERG: If I can make a suggestion that
7 might aid the Court?

8 THE COURT: No, that's fine. Where?

9 THE WITNESS: What I was going to maybe -- maybe
10 there's another I think exhibit that we used in a prior
11 testimony that identified some locations.

12 THE COURT: Is that that older map kind of...

13 THE WITNESS: It was one that was part of the white
14 paper where we were talking about temporary housing.

15 THE COURT: Why don't you have counsel help you with
16 that, something you are comfortable with.

17 MR. ROSENBERG: We're pulling that up right now.

18 THE WITNESS: Yes, this is the paper, Exhibit 56.

19 THE COURT: Now, Doctor, as you are testifying one
20 of the arguments that the plaintiff has made in their papers to
21 the Court is we'll go find 750 apartments in the area.

22 Now, hold on. With UCLA students in the area,
23 apartments might be difficult to find.

24 If there is an expansion the Court needs to come up with
25 a reasonable number, but also a reasonable location.

1 It may be the VA's position that there just isn't land
2 concerning either temporary housing or permanent supportive
3 housing.

4 If that's the position, that's fine.

5 So I don't want you to be put in a box, in case counsel
6 is going to eventually argue that there is no land available.

7 So why don't you step off the bench for just a moment
8 and go talk to counsel, because I don't want you in disarray.
9 In other words, I don't want the Court asking you questions
10 where they may have an opposite position.

11 Their position, so far, has been we don't have land
12 available for temporary or permanent.

13 So I don't want to ask questions of this --

14 MR. ROSENBERG: Maybe we take a brief recess?

15 THE COURT: Take a recess, yeah.

16 By the way, I probably won't ask those questions if you
17 decide not to, but I would expect they're coming from the
18 plaintiff anyway, so, we'll see you in 15 minutes.

19 THE WITNESS: I have the information you were
20 requesting as well. I have the UCLA information.

21 THE COURT: Oh, come on back. Probably saves you
22 getting out of here sometime today.

23 I'm just joking.

24 THE WITNESS: My 2 o'clock appointment appreciates
25 that.

1 THE COURT: Oh, you'll be there, I'm sure.

2 Now, we need to coordinate, Doctor, your
3 availability with the Barbara Ferrer or whoever is coming from
4 the County, so we're kind of waiting for that input and I'm
5 hearing so far it's going to be tomorrow, not today, but that
6 is tentatively.

7 And also I don't need the developers here until they're
8 here. So I'm trying to coordinate all that based upon Ferrer
9 and the County giving us some time, so we're trying not to
10 inconvenience you.

11 And while you're getting that name, do you have
12 authority to make a decision on behalf of the VA in your
13 present position if you are dealing with, let's say, the County
14 and the Board of Supervisors and this issue over this thousand
15 feet?

16 Do you speak, effectively, for McDonough and the VA out
17 here?

18 You see, I don't know what they're going to say, but I
19 know you are kind of in a box right now with this thousand feet
20 red tag.

21 THE WITNESS: Yes.

22 THE COURT: Can you make a phone call to McDonough
23 if you want to? He may not answer, by the way, but can you
24 pick up the phone and get authority and have a discussion with
25 him?

1 THE WITNESS: I probably could. I'm not sure what
2 kinds of decisions --

3 THE COURT: I'm going to tell you exactly what's
4 going to happen.

5 You're going to be here by order of the Court when the
6 board appears.

7 You are the VA's representative, you are the highest
8 official I can deal with at the present time.

9 So whether you know what you're doing or not, you're
10 here, and you are going to be present when the County Board of
11 Supervisors, probably and the public health and you are
12 probably going to hear about this thousand foot whatever, and
13 what they're going to do with it and how they explain putting a
14 red tag on 401 and 402, but why 205, 208, 209 have veterans
15 still living in it. And if this is flammable and subject to an
16 explosion, why do we have veterans out there?

17 THE WITNESS: Yes, sir.

18 THE COURT: I want all that on the record, I want it
19 transparent.

20 So if they are pushing behind the scenes and some middle
21 echelon person is telling you folks over at the VA, by the way,
22 we put a red tag on the whole area, I want that on the record.
23 Okay. Not just some subtle conversation.

24 Number 2, if they are saying to you and the VA, well,
25 you know, it might take six months for this or a year for that

1 in Phase 1, I want that on the record to know exactly what you
2 are being threatened with or told.

3 Because right now it appears you are being told you
4 can't do construction within a thousand feet and they also took
5 the position that it was the campus, and one of your developers
6 had to go individually, I think it's Steve Peck, to basically
7 beg or educate the County that they were outside the
8 thousand-foot radius.

9 Does that mean each developer has to do that?

10 So unless I have McDonough here, you are here and you
11 are the authority of the VA, and you are not going to designate
12 anybody. Understood?

13 THE WITNESS: Yes.

14 THE COURT: Okay. That's it.

15 Who is our person over at UCLA?

16 THE WITNESS: So the individual who was
17 communicating with the VA is named Nicholas, N-I-C-H-O-L-A-S,
18 Entrikin, E-N-T-R-I-K-I-N.

19 THE COURT: Just a minute. Nicholas.

20 THE WITNESS: Entrikin.

21 THE COURT: I'm going to spell that back, E-N --

22 THE WITNESS: T as in --

23 THE COURT: No, let me do it. Make me do it.

24 E-N-T-R-I-K-I-N, Entrikin. Okay.

25 THE WITNESS: Yep.

1 And he was the liaison to the chancellor for UCLA/VA
2 communication. He has retired.

3 THE COURT: So Mr. Entrikin is retired?

4 THE WITNESS: That's right, he was replaced by Tony,
5 who you met earlier.

6 THE COURT: Yes. Very nice person. Now, just a
7 moment.

8 Now, Entrikin is the liaison to the chancellor -- I'm
9 going to repeat this back to you, at UCLA/VA communication.
10 That is not Tony, is it?

11 THE WITNESS: Yeah. I think he -- their titles
12 vary, so I don't have a specific title at the moment.

13 THE COURT: But you wouldn't know their structure, I
14 don't expect you to know that.

15 What I don't want to do is waste counsels' time because
16 I would truly like them to be able to get home by Friday, but
17 the way this is going, I'm not too certain.

18 So Mr. Nicholas Entrikin is retired. We don't know if
19 he's in the area, so if we called him we don't know what he
20 would say, but I will be transparent to both counsel and you.
21 This doesn't make sense that an interim person like Tony, or
22 Mr. Entrikin before gets this information from the VA, from Mr.
23 McKenrick about basically shutting out the veterans and
24 worrying about a FOIA request and it doesn't go higher.

25 Because we're dealing with a huge and expensive baseball

1 park and people in Tony's position don't make those kind of
2 decisions.

3 Now, sir, please step down. We'll have a 15-minute
4 recess.

5 And, counsel, I suggest you get busy on that. Somehow
6 I'm going to find out that information.

7 (Morning recess.)

8 THE COURT: So we're on the record.

9 Counsel, we have an update?

10 MR. SILBERFELD: We have an update about Dr. Ferrer,
11 breaking news.

12 Dr. Ferrer, I spoke to her just now.

13 THE COURT: That's very gracious.

14 MR. SILBERFELD: She is in contact with counsel, she
15 was talking to her counsel, as we spoke, she will be here
16 tomorrow morning at 10:30.

17 THE COURT: At 10:30?

18 MR. SILBERFELD: Without apparent need for a
19 subpoena.

20 THE COURT: We don't have to do that.

21 MR. ROSENBERG: Right.

22 THE COURT: We have, though, tomorrow, Karlen,
23 Thursday 9 o'clock.

24 We've got the auditor/controller in here on the audit
25 that the City is undergoing, we've got the City in here, we've

1 got the County in here, we may have Walsh in here, I kind of
2 told everybody about that tomorrow.

3 I can't interrupt, so I would suggest 11 o'clock.

4 MR. SILBERFELD: That will be fine.

5 THE COURT: I will try to finish before then, but
6 I'm not quite certain what is going to be forthcoming from the
7 auditor.

8 MR. SILBERFELD: She told me 10:30 and thereafter,
9 so if we push it to 11, I'm sure that will be fine.

10 THE COURT: Terri, I'm going to need some capability
11 to go through lunch, so you have a lunch break, so I need the
12 CourtSmart set up also with -- we'll work it out.

13 We'll work it out.

14 MR. SILBERFELD: With that commitment from
15 Dr. Ferrer, I don't really know what the Court expects from the
16 County.

17 THE COURT: I don't either. In fact, this is both
18 your problem, so I don't know whether it makes a difference in
19 my decision or not, but if my property options, if I find in
20 any way for you in terms of any increase, I've got to know what
21 those options are so I'm responsible about that.

22 MR. SILBERFELD: Right.

23 THE COURT: I don't know what's left, that's why I'm
24 asking about this thousand feet, what about Brentwood, what the
25 UCLA, what the oil, Bridgeland, what about the parking lots,

1 what about none of them, they may be all off the board and I
2 don't know what the VA's position is yet. I don't know if
3 they're going to take the position that they have no land
4 available for temporary or PSH, I have no idea. Because of all
5 of those options, here we are.

6 All right. Sir, I'm going to order you back tomorrow at
7 11 o'clock, that's not optional. Understood?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Counsel?

10 BY MR. ROSENBERG:

11 Q Let me turn back, I know we're jumping back and forth on
12 topics, but you just provided some information about the
13 contact at UCLA, going back to the tape issue.

14 And during the break, you had an opportunity to review
15 the transcript that plaintiffs have prepared regarding that
16 tape, I think there's a clarification you want to provide?

17 A Yes. So the person that Mack McKenrick was mentioning he
18 was going to call from UCLA, that was Tony DeFrancesco, who has
19 already testified here.

20 Nick Entrikin was the professor emeritus liaison to the
21 vice chancellor for the Veterans Affairs, that was the person
22 who was negotiating the lease with us.

23 THE COURT: Who is that person?

24 THE WITNESS: Nick Entrikin, the person I mentioned
25 earlier to.

1 THE COURT: He's just a professor?

2 THE WITNESS: He was a professor emeritus liaison to
3 Vice Chancellor for veterans affairs, the one you spelled out
4 for me.

5 THE COURT: And who's the Vice Chancellor for
6 veterans affairs, is that Tony?

7 THE WITNESS: No, I'm sorry, he was the liaison for
8 veterans affairs to the Vice Chancellor. I didn't say that --

9 THE COURT: Who's the Vice Chancellor?

10 THE WITNESS: I don't know who the Vice Chancellor
11 was, we worked through Tony -- I mean through Nick. Gosh, now
12 I'm getting confused. So we worked through Nick for the lease
13 modification.

14 THE COURT: Let's stop for a moment so we're both
15 not confused. We have Nick and he is a professor emeritus but
16 he is also the liaison to the vice chancellor of?

17 THE WITNESS: UCLA.

18 THE COURT: Of somebody, right? And what I'm trying
19 to find -- and by the way, for the record, you've been very
20 candid, I really appreciate that. I can work with anybody who
21 is credible. Okay?

22 What I can't work with is the shadows. I can't work
23 with people who front other people. I'm going to eventually
24 find out how high this went in UCLA. That may take me a little
25 while, but I don't believe that Nick, our professor emeritus,

1 had any decision-making ability concerning a magnificent
2 stadium like UCLA's baseball, do you?

3 You don't have to answer that. So we're eventually
4 going to be there until we find that out, the hard way or easy
5 way.

6 How, how do I find out -- counsel, you can help me,
7 because you're here until we find that out. Do I get Nick in
8 here, is he even available? Does he then tell me who the Vice
9 Chancellor is, do I subpoena him?

10 How do we shortcut this so you folks can go home within
11 your lifetime and mine? Why don't you think about that for a
12 while. I will find that out eventually.

13 And my supposition is at this kind of level this doesn't
14 stop with Nick, the professor emeritus, this goes into the
15 higher echelons at UCLA someplace.

16 THE COURT: Counsel, now, I think we just move on
17 from this subject and we should all wrestle with how we're
18 going to find that out, and hopefully we won't impact next
19 week.

20 BY MR. ROSENBERG:

21 Q So I just have one more question for you as part of the
22 evidence that the Government would like to present regarding
23 temporary housing, and maybe you can tie this together.

24 We have had a lengthy discussion about proposals for
25 temporary housing in the South Campus, and you have discussed

1 the numerous challenges with locating temporary housing on the
2 South Campus both in terms of the construction site and the
3 negative impacts that the construction on South Campus would
4 have on any veterans living in temporary housing.

5 Can you just explain generally why, to the extent
6 temporary housing is built -- and I know the VA has examined
7 this issue in the past, why there is a preference for building
8 any temporary housing on the North Campus?

9 A Yes. So we believe that there is a gap in the continuum
10 of housing, if you will, where there are veterans who don't
11 need that initial low barrier to entry capability like we have
12 with CTRS, but would benefit from being housed in a secure
13 environment, while they continue their process in acquiring
14 permanent housing.

15 And there isn't a great option for that in our
16 continuum. The transitional approaches that we have are
17 usually treatment oriented, like Grant and Per Diem programs or
18 the domiciliary, but we don't have a lot of opportunities for
19 people who would benefit by being on the campus and nearby
20 medical facilities to be in that temporary process where they
21 could be housed and still be on their path for permanent
22 housing.

23 MR. ROSENBERG: If I could confer with my
24 colleagues?

25 THE COURT: Certainly.

1 MR. ROSENBERG: Thank you for coming in today,
2 Dr. Braverman. The Government doesn't have any further
3 questions.

4 THE COURT: Okay. Once again, for the record for
5 Bridgeland, we haven't called on you, but let the record
6 reflect you have been here on all occasions so that your client
7 doesn't think you are not here.

8 I have always expected you would speak up if you want
9 cross-examination at any time.

10 So far are you satisfied from my record, is there
11 anybody else you would like to call back at this point?

12 MR. GUADIANA: No, Your Honor.

13 THE COURT: Any questions you have with this
14 gentleman?

15 MR. GUADIANA: No.

16 THE COURT: I just want to occasionally check in
17 with you, but it's good to have you.

18 Counsel?

19 FURTHER DIRECT EXAMINATION

20 (Further Direct Examination by plaintiff's)

21 BY MR. SILBERFELD:

22 Q Dr. Braverman, good morning.

23 It seems to me as I listen to both the testimony of
24 Soboroff and Johnson and you and others from the VA that we
25 sort of had ships passing in the night here and I think I

1 understand why.

2 You were first deposed in this case on the 14th of
3 March.

4 Do you remember that?

5 A Yes.

6 Q And the topics about what is going to happen in the South
7 Lawn area didn't come up in that deposition broadly speaking,
8 correct?

9 A I don't remember, but I believe you.

10 Q Okay. Then, about two weeks later on the 1st of April,
11 the expert reports from Soboroff and Johnson were submitted and
12 you were made aware of that, not that day but soon thereafter,
13 right?

14 A Yes.

15 Q And then you were deposed a second time on April the 29th,
16 and in that deposition the concerns about what happens on the
17 South Lawn -- South Campus area, that really wasn't the subject
18 of that deposition either?

19 A Well, I didn't see those reports from the expert
20 declarations until that second deposition. That was given to
21 me there on the table.

22 Q All right. No criticism, this is just ships passing.

23 A Sure.

24 Q And then the exhibit, which is 1074 that we've just looked
25 at, that was submitted by you in support of a declaration you

1 filed in connection with a summary judgment motion and that was
2 on May the 28th, right?

3 A Yes.

4 Q Okay. So it was May the 28th for the first time that the
5 concerns about putting temporary housing on the South Campus,
6 really gelled, meaning you understood what the plaintiffs were
7 asking for, and you on behalf of the Government were responding
8 to that.

9 Is that a fair assessment of it?

10 A Yes.

11 Q Exhibit 1074, is a series of phasing pages, correct?

12 A Yes.

13 Q And I looked at them and I couldn't see dates for the
14 phases; is that accurate?

15 A Yes.

16 Q Okay. In your declaration, you submitted in support of
17 the summary judgment motion on due burden, at page 4, Lines 6
18 and 7, you described these phases and these plans as beginning
19 in late 2025.

20 Do you remember that, sir?

21 A Yes.

22 Q Okay. So Phase 1, which is on Exhibit 1074-002, that
23 would be a phase that occurs roughly in late 2025?

24 A Yes. The second half of 2025.

25 Q If there are no delays between now and then?

1 A Yes.

2 Q So I'm not suggesting this is a good idea or a workable
3 idea, because I don't know. But at least we have a window of
4 time, do we not, between now and late 2025 where the areas in
5 the South Campus aren't yet being utilized as described in
6 these various phased diagrams; is that true?

7 A No. I would say, no.

8 Q Please explain.

9 A Yeah, the reason why I would say no, we're talking about
10 executing this within a year. And so the period of time --

11 Q When you say "this," what do you mean?

12 A Executing -- starting that phase one of the lay-down plan
13 within a year from now. It's already -- it's already August
14 of 2024.

15 And I don't see any likelihood of being able to use any
16 of these locations that will be taken up by the construction
17 plan within a year that would allow for housing of any
18 significant period before which they would have to be removed
19 and -- you know, after all of the expenditure and the work in
20 order to try to do something and then lose it months later.

21 Q Sure.

22 A The other -- the other piece is that -- I believe that it
23 would be inappropriate to believe that the people living in
24 temporary housing are only going to be there for three to
25 six months. There are many people that are likely to be there

1 up to a year or even as much as the, kind of, two-year
2 perceived maximum for those housing units because of how long
3 it takes for folks to get permanent housing, if they are
4 waiting for particular units.

5 And one of the things that we saw with CTRS, for
6 example, is that even people who may have had opportunities for
7 housing at other locations stayed there longer than we would
8 have expected because they were waiting for openings in the
9 facilities and enhanced use lease buildings that were on
10 campus.

11 So to build something that is going to be -- it's going
12 to take a year or more to execute and then only be available
13 for six months is not going to be a very pragmatic solution.

14 Q And that was something that was first known to us from and
15 after the time we got your declaration in late May, correct?

16 A I guess that is correct.

17 Q Okay. And so your point is, I gather, that if we spent
18 the next year preparing for housing on the South Campus,
19 temporary housing, that by the time we get to a year from now,
20 that area is not available to us? That is the point, isn't it?

21 A Yes.

22 Q All right. Putting aside whether it's a good idea or bad
23 idea with regard to noise and traffic and so forth --

24 A Yes.

25 Q -- it's just not going to work is what you are saying?

1 A Yes.

2 Q But there are areas on the North Campus where it could
3 work, right?

4 A I believe so.

5 Q And there are some very large areas of both the North and
6 the South Campus all of which are going to have an issue or
7 more to consider that are very large swaths of land that might
8 be considered for temporary supportive housing, right?

9 A I'm not sure what your definitions of large are, but there
10 is land that could be utilized for temporary housing.

11 Q Sure. Let me give you an example.

12 I know everyone, in a perfect world, would like to
13 maintain the park area along the South Lawn, south of Wilshire
14 Boulevard. That is a huge area with historic buildings. I
15 think there are some historic buildings there. That's where
16 your home is. I hate to put something in front of your house.
17 But that is a very large area.

18 That could be an area worthy of consideration. Would
19 you agree?

20 A Okay. So we may be mixing areas here. When they talk
21 about the south lawn or the Great Lawn, they are talking about
22 the area kind of where the intersection of Wilshire and San
23 Vicente is.

24 THE COURT: Watch out. I'm not going to laser you.
25 I promise you.

1 MR. SILBERFELD: Maybe we need to change the
2 battery, Your Honor.

3 THE COURT: There we go.

4 THE WITNESS: Okay. So you are talking about where
5 that ten -- that block ten is?

6 THE COURT: Counsel, is that correct?

7 MR. SILBERFELD: I can't see what the Court is
8 pointing to. Exactly.

9 THE WITNESS: Okay. I understand where that area
10 is.

11 MR. SILBERFELD: I call that the South Lawn.

12 THE COURT: Turn that over again. Can you see that?

13 MR. ROSENBERG: Yes.

14 BY MR. SILBERFELD:

15 Q I was talking about the South Lawn area there.

16 Again, I'm sure there are issues. I'm sure there
17 are issues about trees. I'm actually more focused on people.

18 Is that an area, because of its size alone, that is
19 worthy of consideration?

20 A Yes. I think that that is an area that could be
21 considered and evaluated under any number of criteria.

22 Q And all of my questions will adopt that answer, meaning,
23 are they worthy of being considered and evaluated. All right?

24 A Yes.

25 Q I want to move from the South Lawn to the Great Lawn,

1 which is that area --

2 THE COURT: Hold on, Counsel. I don't want to hurt
3 either one of you. Okay?

4 Yeah.

5 BY MR. SILBERFELD:

6 Q Right. The area along the north side of Wilshire,
7 wrapping around San Vicente, that is a large area. Is that
8 worthy of consideration and evaluation for the placement of
9 some temporary housing?

10 A Yes.

11 Q If we otherwise eliminate the South Lawn, South Campus,
12 with the exception of the lawn area, is there anywhere else on
13 the South Campus, in your view, that is not going to get in the
14 way of planned construction?

15 A No.

16 Q So we have to keep moving on the North Campus, right?

17 Our experts have focused on the columbarium area, which
18 is a very large, six-plus-acre parking lot that is under the
19 administration of the Cemetery Administration, which is part of
20 VA.

21 Do you know the area I'm talking about?

22 A Yes.

23 THE COURT: Just a moment. Let's make sure we're
24 all tracking the same place. Right here.

25 MR. SILBERFELD: Well, it is actually north of here.

1 It's actually behind the legend.

2 THE COURT: The stadium is here?

3 MR. SILBERFELD: The stadium is here.

4 THE COURT: And this is that huge area right in back
5 of it?

6 MR. SILBERFELD: It's this area back here.

7 THE COURT: It's a parking lot right now, isn't it?

8 MR. SILBERFELD: Yes.

9 THE COURT: Yeah.

10 BY MR. SILBERFELD:

11 Q I know that that's considered expansion space for the
12 columbarium Phase 2 and 3, correct?

13 A Yes.

14 Q Phase 2 is not really intended to come online for at least
15 a decade. Is that your understanding?

16 A I don't know their timeline.

17 Q All right. So you don't know about Phase 3 either?

18 A Correct.

19 MR. SILBERFELD: All right. Fair enough.

20 THE COURT: Just a moment. Is that under your
21 jurisdiction, sir?

22 THE WITNESS: No.

23 THE COURT: That's under the what I call cemetery?

24 THE WITNESS: Yes. So we've ceded that land --

25 THE COURT: All under the VA.

1 THE WITNESS: Yes.

2 THE COURT: And all under McDonough?

3 THE WITNESS: Yes.

4 THE COURT: So we have a division in your
5 responsibility. But if the Secretary was here, he would have
6 authority over what I call cemetery, wouldn't he?

7 THE WITNESS: Yes.

8 THE COURT: All right.

9 BY MR. SILBERFELD:

10 Q And that is a lot of about six acres. And then the area,
11 Dr. Braverman, that is marked number 4 here is a narrow but
12 long strip that is called Veterans Garden, right?

13 THE COURT: Show me again, Counsel.

14 MR. SILBERFELD: Four.

15 THE COURT: Oh, I'm sorry. Got it.

16 BY MR. SILBERFELD:

17 Q It's this whole area?

18 A Yes.

19 Q And that is an area that was proposed both by Soboroff and
20 Johnson on the one hand and as part of Exhibit 56 on the other?

21 A Yes.

22 Q So when the VA -- and just to remind the Court, when the
23 VA wanted to put up, I think it was, 43 or 46 temporary modular
24 units, and the funding expired for that, and it never happened,
25 but, nevertheless, as part of that exercise, you all

1 considered, I think it was, seven or eight sites. And this was
2 one of them?

3 A Yes. And the funding -- it wasn't that the funding
4 expired. It was that the authority to use funding expired.

5 Q This had to do with COVID --

6 A Yes.

7 Q -- funding, as I recall?

8 A Yes.

9 Q Okay. But this is an area where, maybe for the first time
10 in the case, the plaintiffs' side and the VA agree that this is
11 an area that might be suitable for temporary housing?

12 A Yes.

13 Q Okay.

14 THE COURT: Show me the golf course, just so I -- is
15 it the gray area?

16 MR. SILBERFELD: The golf course is here.

17 THE COURT: The gray area. Okay.

18 THE WITNESS: Number 2.

19 THE COURT: I'm oriented. Thank you.

20 MR. SILBERFELD: It is gray. Yeah.

21 THE COURT: I've got it.

22 BY MR. SILBERFELD:

23 Q One other big plot of land I want to ask you about is on
24 the North Campus. This large parking lot right in front of the
25 Administration Building. Basically, between the chapel and the

1 theater. Do you know the area I'm speaking of?

2 A Yes.

3 Q Again, is that an area worthy of being considered and
4 evaluated, in your view?

5 A If you are just talking about considered and evaluated,
6 then it would be hard to argue that a parking lot shouldn't be
7 considered and evaluated. But there is a challenge, of course,
8 as we have discussed before with parking on the North Campus
9 already.

10 The same would be true of parking lot 16, which
11 is one of the areas that has been identified. And we
12 identified parking lot 16 in our Number 56 exhibit. That's --
13 it's just to the, I guess, northwest of -- right. That's
14 correct.

15 Q That's about an acre, acre and a half maybe? I think you
16 have the document.

17 A I don't. Yeah, I don't. Thank you.

18 Yeah. It's 1.7 acres.

19 THE COURT: You said 4.7?

20 THE WITNESS: 1.7. 1.66 acres.

21 BY MR. SILBERFELD:

22 Q Parking lot 16 is an area that the plaintiffs' experts
23 considered for temporary supportive housing and, according to
24 Exhibit 56, so did the VA?

25 A Yes.

1 Q All right.

2 A But not parking lot seven, mostly because of the need for
3 parking.

4 Q Right. I was just asking about big open space.

5 And not even Soboroff and Johnson considered this
6 parking lot seven as an option at a time when they thought
7 housing could be placed on the South Campus. Okay?

8 What about parking lot 18, which is quite large. Is
9 that something worthy of consideration?

10 THE COURT: What is the parking lot labeled?

11 MR. SILBERFELD: 18, Your Honor.

12 THE COURT: H, like heck?

13 MR. SILBERFELD: 1-8.

14 THE COURT: 1-8.

15 MR. SILBERFELD: 18.

16 THE COURT: 18. I'm sorry. My apologies.

17 MR. SILBERFELD: That's all right.

18 BY MR. SILBERFELD:

19 Q Parking lot 18 looks like a pretty good-size piece of
20 ground. Is that something you think worthy of consideration
21 and evaluation for temporary housing?

22 A The -- my answer would be the same for all of the parking
23 locations.

24 Q Parking is tight. It's hard to find sufficient space.
25 Maybe something has to be done, right?

1 A Yes.

2 Q Okay. To accommodate housing if we put it there?

3 THE COURT: Any idea about the size of that lot?

4 THE WITNESS: I don't have that information.

5 THE COURT: I'm going to guess two acres, roughly.

6 If the other one was 1 point --

7 MR. SILBERFELD: Yeah. Looks -- if this one is 1.7,
8 that is probably --

9 THE COURT: Probably over two, but let me just say
10 two acres.

11 MR. SILBERFELD: Let's just say two.

12 BY MR. SILBERFELD:

13 Q I want to come back to UCLA, the stadium area. You are
14 familiar with this, aren't you, Doctor?

15 A Yes.

16 Q Parking lot 15 is the dedicated parking lot pursuant to
17 the UCLA lease, right?

18 A Yes.

19 Q If we could rate one and take that parking lot and put
20 temporary housing there, is that an area you would say is
21 worthy of consideration and evaluation?

22 A Well, my answer would be the same as any of the parking
23 lot locations. That is a smaller lot, though. I don't even
24 know if that is a full acre.

25 Q Okay. And parking lot number six here -- well, that is

1 designated by a six, but it's parking lot 29 -- on the legend,
2 I'm not sure what the six actually means, but it's parking lot
3 29, which is just south of the recycling center and north of
4 the existing columbarium, is that an area worth considering and
5 evaluating?

6 THE COURT: We understand that is not under your
7 authority. It's under the cemetery, correct?

8 THE WITNESS: I believe that is part of the
9 columbarium.

10 MR. SILBERFELD: Okay.

11 THE COURT: The gardens?

12 THE WITNESS: I would say no because that requires
13 parking for the columbarium and adjacent cemetery.

14 THE COURT: But if I wanted to go to a UCLA baseball
15 game and I didn't have parking lot number six or Lot 29 -- I'm
16 confusing the designation -- but, regardless, I could park in
17 the columbarium, couldn't I, and simply walk over to the
18 stadium?

19 THE WITNESS: I don't think so.

20 THE COURT: Is there a fence there?

21 THE WITNESS: Yeah. I believe there is. And --

22 THE COURT: So I might have to walk all the way out
23 a couple hundred feet to the street and walk over to the
24 baseball park? At the worst, I would probably be walking,
25 what, a quarter of a mile?

1 THE WITNESS: Yes. I don't know the full answer to
2 that. I don't want to make something up.

3 THE COURT: We were out there. It's about a quarter
4 of a mile.

5 BY MR. SILBERFELD:

6 Q And other than those open parking lots, Dr. Braverman, is
7 there any other large open space on the North Campus for
8 evaluation and consideration of the possibility of --

9 THE COURT: I'm sorry. These maps are deficient.
10 It doesn't show -- north of the post office on Barrington, it
11 doesn't show the -- in other words, you have got the post
12 office. You don't have the parking lot north of it. You don't
13 have the Brentwood School property.

14 MR. SILBERFELD: Right.

15 THE COURT: We need different maps, frankly.

16 MR. SILBERFELD: Yes.

17 THE WITNESS: So on the VA campus, then there is the
18 baseball fields south of Brentwood. That was --

19 THE COURT: Show me.

20 As you walk into the Brentwood School, there is an
21 acre. And it's leased to the Brentwood School.

22 THE WITNESS: Yes. And that's --

23 So it would roughly be in this area. So that's
24 that -- kind of the baseball field here. Barrington Park is up
25 here and the -- you know, the two parking lots for SafetyPark.

1 So there is a field right here that would be appropriate that
2 is a little over an acre. There is the --

3 THE COURT: That is just outside of the Brentwood
4 School.

5 THE WITNESS: Yes. Yes, Your Honor.

6 And then Barrington Park itself and potentially
7 the SafetyPark lots, like any other parking lots, would be
8 locations.

9 And those were outlined in our 56 exhibit.

10 Then, you know, while -- you know, if you are evaluating
11 locations, then we would also evaluate, you know, the sides of
12 the golf course and potentially Japanese Gardens. But all of
13 those would have, you know, certain pros and cons.

14 MR. SILBERFELD: Right.

15 THE COURT: But those are locations that are
16 potentially available.

17 MR. SILBERFELD: Right. And these were all outlined
18 in Exhibit 56.

19 THE WITNESS: Yes. Some would require additional
20 environmental studies and utility assessments.

21 THE COURT: I need 56. Somebody has got to help me
22 with the morass of documents.

23 MR. SILBERFELD: This is already in evidence, Your
24 Honor.

25 THE COURT: It may be in evidence, but I need it in

1 front of me.

2 No. I want counsel -- they'll give it to me.

3 MR. SILBERFELD: Here. You can have that one. It
4 doesn't have any markings on it.

5 BY MR. SILBERFELD:

6 Q So just to, sort of, rewind the tape just a bit about
7 Exhibit 56 -- and I think Mr. Kuhn testified about this maybe
8 more than you, or you did as well.

9 There was a point at which consideration was given to
10 putting temporary housing modular units on the North Campus,
11 right?

12 A Yes.

13 Q And the funding for that -- or the authority to use the
14 funding ran out, and it wasn't ever done?

15 A Yes.

16 Q And it was about 46 units?

17 A 43, I think.

18 Q 43. Fair enough.

19 A Yes.

20 Q But in that exercise, Exhibit 56 was created, which
21 involved considerations of possible locations?

22 A Yes.

23 Q All right. And, again, all of these locations would
24 require study and evaluation, but they were at least considered
25 by VA to be available as possible sites.

1 A Yes.

2 Q Fair?

3 A Yes.

4 Q Okay. So the first one, which appears at -- first of all,
5 on page 3 of Exhibit 56, there is a summary of all of the
6 properties that were considered, right?

7 A Yes.

8 Q And those included portions of the golf course?

9 A Yes.

10 Q The Japanese Garden?

11 A Yes.

12 Q The Veterans Garden?

13 A Yes.

14 Q The baseball field, which is Brentwood's baseball field
15 south of the fenced area?

16 A It's part of their leasehold, yes.

17 Q Yes. A portion of the Great Lawn?

18 A Yes.

19 Q That is the area just north of Wilshire and San Vicente?

20 A Yes.

21 Q Parking lot 16, which is one that the plaintiffs and VA
22 agree about?

23 A Yes.

24 Q The southeast corner of the North Campus. We haven't
25 talked about that, but we will.

1 And then, lastly, adjacent to CTRS.

2 A Yes.

3 Q Okay. So let's talk about those briefly, to the extent we
4 haven't already.

5 The first area -- well, it is kind of shown on this map.

6 On page 4 of Exhibit 56, option number one -- and these
7 weren't options in order of preference, were they?

8 A No.

9 Q They were just listed?

10 A Yes.

11 Q Okay. Option number one was Veterans Barrington Park,
12 which is the city-owned park that comprises two baseball
13 fields. Right?

14 A Yes.

15 Q And the red box there that is on the screen --

16 A It's not city owned.

17 Q Sorry. City operated?

18 A City operated. Thank you.

19 Q It's veteran owned?

20 A Yes.

21 Q Okay. The red box utilizes 1.4 acres of what is about 9
22 acres total, right?

23 A I'm not sure how large the entire park is.

24 THE COURT: Just assume it's nine acres.

25 THE WITNESS: The part that is in the red is

1 1.44 acres. And I think that was identified mostly because
2 that was the size of the modular units that we were identifying
3 as the need.

4 BY MR. SILBERFELD:

5 Q And the thought was that if you took 1.44 acres of that
6 location, you could put 43 units in there?

7 A Yes.

8 Q All together?

9 A Yes.

10 Q So every one of these site options was, sort of, sized to
11 fit roughly 43 units, give or take?

12 A No. I think there are some other sizes that are bigger,
13 like the Veterans Garden and the Great Lawn. But what we tried
14 to identify was to make sure that the sites were large enough
15 to be able to do that.

16 Q Better way to --

17 A The one that was maybe the smallest and most constrained
18 would be that baseball/softball field that was on the Brentwood
19 leasehold. That was only 1.05 or so acres, 06.

20 Q Yeah.

21 THE COURT: Just a moment. Depends upon which
22 baseball or softball field on Brentwood. You have got seven
23 acres, and it interchanges between being called a baseball and
24 a softball field that is above the track. You have also got
25 another baseball field or I'm going to call it field walking in

1 outside the Brentwood premises. And then you've got another --
2 when I counted between the VA and Brentwood, I'm counting
3 baseball fields or softball fields. And we can quibble about
4 that. But I will count them for you later on.

5 THE WITNESS: So the one that I was referring to was
6 the one on the south part that was outside of their primary
7 campus.

8 THE COURT: Okay. Fair enough. When you walk in,
9 it's just before the gate.

10 THE WITNESS: Yes.

11 THE COURT: Okay. I got it.

12 BY MR. SILBERFELD:

13 Q But option number one here was intended to depict roughly
14 an acre and a half of the city-operated VA land up on
15 Barrington for the placement of roughly 43 units?

16 A Yes.

17 Q The next one was option number two that involved two
18 portions, roughly an acre and a half each, of the golf course.
19 Right?

20 A Yes.

21 Q If those options were exercised, would that affect golf
22 course play?

23 A Yes.

24 Q It would take out holes?

25 A Yes.

1 Q Okay.

2 THE COURT: Just a moment. Just a minute.

3 Thank you.

4 BY MR. SILBERFELD:

5 Q You understand that golf course means a lot to the
6 veterans, right?

7 A Yes.

8 Q Okay. So that wouldn't be an ideal place to put housing,
9 would it?

10 A Yeah. I'm not advocating for any particular location.
11 You asked about whether they were considered.

12 Q I know.

13 A Yes.

14 Q But?

15 A Yes, that would be -- that would take away some of the
16 communal activities that are available for veterans.

17 Q Right.

18 Okay. Option number three was the Japanese
19 Garden. And that is depicted inside the red border there?

20 A Yes.

21 Q About an acre and a quarter?

22 A Yes.

23 Q Would that have been sufficient for roughly 43 of the
24 modular units?

25 A Likely. Yes.

1 Q Okay. Option number four -- we have already discussed
2 this. This is the seven-acre parcel that is the Veterans
3 Garden that runs north to south, basically from the bottom of
4 the golf course down to Jackie Robinson Stadium. Right?

5 A Yes.

6 Q Option number five --

7 THE COURT: And that is 7 acres, isn't it, Counsel?

8 MR. SILBERFELD: 7.1. Yes, Your Honor.

9 THE COURT: And so, roughly, what would that
10 accommodate?

11 THE WITNESS: 30 units per acre is 210.

12 THE COURT: Just a moment. I want to see if the
13 witness agrees with you.

14 THE WITNESS: Well, I don't know how well you can
15 compact everything together to be able to make that assumption,
16 but it's close to what could work.

17 BY MR. SILBERFELD:

18 Q All right. If it was 20 units per acre it would be
19 140 units, so somewhere between 140 and 210?

20 A If the whole area was utilized that math makes sense.

21 THE COURT: I'm assuming that that is single story,
22 because Soboroff thinks single story is fine, Johnson thinks
23 double story is fine, so I will consider that single story for
24 a moment.

25 THE WITNESS: Yes.

1 THE COURT: If it would be two, that would be 280 to
2 420?

3 THE WITNESS: Right.

4 BY MR. SILBERFELD:

5 Q Option Number 5 that was considered by VA is also an area
6 where there seems to be agreement between the development
7 experts on the plaintiffs' side and the VA.

8 This is that baseball field that is part of the
9 Brentwood leasehold, but outside the fence?

10 A Yes.

11 Q And, unfortunately, this is an area that is clearly within
12 that landfill zone, as we understand it right now?

13 A Yes.

14 Q But that -- when this work was done by VA, this was an
15 area that was thought to at least be a possible site for
16 temporary supportive housing of the kind described in
17 Exhibit 56?

18 A Yes. It might have to be modified from the plan we had
19 because it required a little bit more than an acre.

20 THE COURT: One of the things that you might -- from
21 the VA's perspective, if you are involved in any discussion
22 with the County tomorrow outside my presence, is just ask the
23 question that if, in fact, they are going to lift now or
24 eventually, this thousand feet, that you're not in a situation
25 where we believe the thousand feet is in that entire area,

1 because they might come back and say, Look, we need to take
2 some drilling samples or some samples and we take it on this
3 thousand foot radius, and we have no methane, but over here, we
4 don't know so we're going to continue to red tag you over
5 there. So if you get in that kind of discussion and -- well, I
6 will leave that to you.

7 Just be careful about the representations made so then
8 in the future you are not building or I'm not even considering
9 -- enough.

10 Okay. Counsel?

11 BY MR. SILBERFELD:

12 Q The next option that was considered is part of Exhibit 56,
13 Dr. Braverman was the Great Lawn that's depicted here on the
14 screen --

15 THE COURT: Option 6?

16 MR. SILBERFELD: Yes.

17 BY MR. SILBERFELD:

18 Q And just for orientation purposes, this is the area along
19 Wilshire and San Vicente?

20 A Yes.

21 Q That lovely park area?

22 A Yes.

23 Q It's basically to the south and slightly to the west of
24 where the tiny shelters are?

25 A Yes.

1 Q And we walked that last week.

2 That is about -- according to this diagram about four
3 acres?

4 A Yes.

5 THE COURT: So how many units. Single story?

6 MR. SILBERFELD: Four acres at 30 an acre is 120.

7 THE COURT: Or if it's double, 240.

8 MR. SILBERFELD: 240.

9 BY MR. SILBERFELD:

10 Q Option Number 7 is parking lot 16, we won't spend any time
11 on it. We've already talked about parking lot 16, it's on the
12 western side of the property basically just above the area
13 where the CTRS is?

14 A Yes.

15 Q Okay. And that's about 1.6 acres, roughly an acre and a
16 half?

17 A Yes.

18 THE COURT: So approximately --

19 THE WITNESS: 1.66 acres.

20 MR. SILBERFELD: If it's an acre and a half it would
21 be 45.

22 THE COURT: 45. Or double, 90.

23 MR. SILBERFELD: Double 90, right.

24 BY MR. SILBERFELD:

25 Q And an area, Dr. Braverman, we haven't talked about yet,

1 which was an area not considered by Soboroff and Johnson, is
2 the southeast corner of the North Campus and that is the area
3 on this map that is the green area where my finger is running
4 now.

5 Do you see that, sir?

6 A Yes.

7 THE COURT: Show me where the chapel is in relation
8 to that.

9 MR. SILBERFELD: The chapel is Number 20, I believe.

10 THE COURT: So just across from that open green
11 area. Is this the chapel.

12 THE WITNESS: Yes.

13 BY MR. SILBERFELD:

14 Q So the chapel is 20, the theater is 226, parking lot 7 is
15 between it, and what we're talking about is the area -- if
16 Bonsall is running north/south here roughly, it's the area
17 east --

18 A Yes.

19 Q -- of Bonsall between the freeway on-ramp -- not the
20 freeway, but the on-ramp, and Bonsall and north of Wilshire?

21 A Yes. It's a big hill.

22 THE COURT: Is that within 500 feet of that freeway?

23 THE WITNESS: Of the off-ramp.

24 THE COURT: Of the off-ramp, but not the freeway?

25 THE WITNESS: The freeway is adjacent to the

1 off-ramp.

2 BY MR. SILBERFELD:

3 Q And this is an area, Dr. Braverman, of about 1.8 acres?

4 A Yes.

5 Q So we round it up to 2, roughly, or round it down, either
6 way, we could put some temporary housing there, but we'd have
7 to deal with the topography?

8 A Yeah, I don't know how much is actual usable. Yes.

9 Q Okay. Other than these areas, are there any other
10 locations that you are aware of that could be considered and
11 evaluated as a place to put temporary housing on the North
12 Campus?

13 A Yes. There was just one more that was in this document,
14 that also was just on the other side of CTRS from the Great
15 Lawn area --

16 Q Oh, did I skip one?

17 A -- on the north park.

18 Q What did I skip?

19 A Number 9 adjacent to CTRS. So another one-plus acre
20 location that is probably exactly where that Number 7 is on the
21 map.

22 Q So on this map, we have the rose garden and where is CTRS
23 in relation to the rose garden?

24 THE COURT: Use that laser and point to it.

25 THE WITNESS: Sure. So CTRS is in this area.

1 BY MR. SILBERFELD:

2 Q Right.

3 A So your Great Lawn slot of the four acres is down here and
4 this is an additional acre where this Number 7 is, just south
5 of parking lot 7.

6 So it would be this area right here.

7 Q Then parking lot 7 looks like it's --

8 A Or parking lot 7. I'm sorry?

9 Q Parking lot 17 looks like --

10 A That's the small one, that's where we originally started
11 the CTRS with the tents.

12 Q That area adjacent to CTRS about an acre?

13 A A little more than an acre.

14 Q So 30 single stories, maybe we get 30 units in there?

15 A Probably about 40 unit modular, 43-unit we were evaluating
16 would fit in there.

17 Q Could fit in there?

18 A Potentially, yes.

19 Q Other than that, are you aware of any other areas on the
20 North Campus, whether it's shown on this map or not, that may
21 be suitable for temporary supportive housing, sir?

22 A Well, I don't think we included the actual SafetyPark
23 parking lots. But that's similar to the Barrington Park
24 location. So those would be the only areas that I would --

25 THE COURT: Both lots or one?

1 THE WITNESS: Yes.

2 THE COURT: So that's about total, counsel, three
3 acres between the two, 3.5?

4 MR. SILBERFELD: I think it's more than that total.

5 THE COURT: Help me, so I don't have to look back
6 quickly, in my notes.

7 THE WITNESS: Of course, that's also the area where
8 I earlier said would be a location --

9 THE COURT: Just a moment, Doctor, thank you. I
10 want to get the acreage first. I may be wrong, maybe it's as
11 much as seven.

12 MR. SILBERFELD: I thought it was more like five,
13 but I'm working from memory.

14 THE COURT: We're not going to guess. I've got 12
15 attorneys here. I've got it in my notes, counsel, but I would
16 rather get a stipulation.

17 MR. ROSENBERG: We think it's in the stipulation we
18 filed, I'm just trying to find that on my computer.

19 THE COURT: It is.

20 MR. SILBERFELD: It appears to be roughly a 4-acre
21 parcel between the two lots, Your Honor.

22 THE COURT: 4.63? No, that is the Brentwood School.

23 MR. ROSENBERG: I don't have my computer up and
24 running, but I'm looking at a draft of stipulation we filed, I
25 don't think it changed and it was --

1 THE COURT: 2.23 and 1.63.

2 MR. SILBERFELD: Roughly four.

3 THE COURT: Just a minute. So about four acres, so
4 at best about 120 single, 240 double.

5 BY MR. SILBERFELD:

6 Q Last question, Dr. Braverman.

7 A And I just mention that in the spirit of looking at
8 parking lots.

9 Q Yeah, that's fine.

10 Anything else that you considered part of VA
11 land, whether leased or not, that might be suitable for the
12 placement of temporary housing as far as you know?

13 A No.

14 MR. SILBERFELD: That's all of the questions. Thank
15 you, Your Honor.

16 THE COURT: Okay. Counsel?

17 Did you check with your team on the plaintiffs'
18 side, are you satisfied?

19 MR. SILBERFELD: I'm satisfied, thanks.

20 THE COURT: All right.

21 FURTHER DIRECT EXAMINATION

22 (Federal defendants further direct examination)

23 BY MR. ROSENBERG:

24 Q I only have a question or two just to clarify and make
25 sure we're all on the same page.

1 Do you recall being asked about the -- what my colleague
2 referred to as the South Lawn on the South Campus?

3 A Yes.

4 THE COURT: Just point to that again with the laser.
5 I know where it is, but make sure we're all on the same page.
6 Thank you.

7 BY MR. ROSENBERG:

8 Q And you also testified earlier when we were speaking about
9 the construction that will be taking place on the South Campus,
10 do you recall that?

11 A Yes.

12 Q Is the South Lawn on the South Campus near the
13 construction sites on the South Campus?

14 A Right now the primary construction site is where it's near
15 the Metro, which is ongoing through 2027.

16 Q Due to the construction taking place on the South Campus,
17 do you believe that the South Lawn would be an appropriate site
18 for temporary housing?

19 A I would prefer -- well, I think that that would be
20 obstacles due to the construction.

21 Q Okay. And you also testified earlier about services that
22 are provided by VA and others on the North Campus.

23 Would there be an impediment to any individuals residing
24 in temporary housing on the South Lawn of the South Campus
25 being able to take advantage of the services on the North

1 Campus?

2 A I think it would be more difficult than if they are
3 co-located on the North Campus.

4 Q Generally you really think any temporary housing on the
5 South Campus would be a bad idea; is that fair?

6 A From a medical perspective and a community perspective I
7 think it would be better to utilize the North Campus.

8 Q And just going back to the Exhibit 56, you don't need to
9 look at that, I just have one or two quick questions.

10 You were asked a series of questions about different
11 sites the VA had evaluated in this exhibit and I believe you
12 were asked questions about whether particular sites are worthy
13 of consideration and evaluation.

14 Can you unpack for us what type of evaluation VA would
15 actually need to undertake before it could move forward with a
16 particular site?

17 A So there are a variety of factors.

18 One includes whether or not there was already a
19 completed environmental assessment, and there are a few sites
20 on here where that is the case.

21 Ironically, those include the sites that are now under
22 the landfill circles.

23 There are -- so whatever requirement might be done with
24 that versus another California Environmental Assessment, all of
25 them would have to undergo at least a SHPO consultation, the

1 historical society, to make sure that any changes aren't
2 considered to be, you know, permanently altering the
3 environment.

4 I would suspect that unless you are tearing down
5 buildings or you are moving trees, that putting temporary
6 housing won't be a problem there, but could be in the -- if you
7 are having to demolish stuff.

8 The next one would be the utility capacity and
9 capability, whether there would have to be construction
10 projects to connect utilities to those particular areas.

11 THE COURT: Once again the South Lawn?

12 THE WITNESS: No, this would be -- this is the same
13 criteria for any of the locations.

14 THE COURT: Any of the locations.

15 THE WITNESS: So we would go true that assessment.

16 The South Lawn absolutely would need -- well, no, I
17 would just say that these are categories that we would review.

18 THE COURT: So generally speaking?

19 THE WITNESS: Yes, sir. I'm not saying what's good
20 or bad about them, just the categories.

21 And then whether they are impactful because of its
22 current use and what would be taken away from that, for
23 example, the discussion about the golf course.

24 Whether there was other secondary use designated for it.
25 There are some areas, for example, with Veterans Garden that I

1 understand were going to be used for construction lay-down for
2 the renovation of Building 210 that's getting ready to get
3 started. So that would be an assessment location.

4 Whether there's good egress or ingress to the area, so
5 can you easily get in and out and do you need new road
6 construction associated with that.

7 And then the topography and practicality of building
8 housing in a particular location.

9 THE COURT: Once again, you used 210, is that Steve
10 Peck's U.S. Vets?

11 THE WITNESS: It's part of their principal
12 development, yes.

13 THE COURT: And this is the one --

14 THE WITNESS: This is the one that we did the
15 groundbreaking and just got the dispensation that it was
16 outside the thousand-foot circle.

17 THE COURT: That's what I was going to ask, I
18 appreciate that.

19 THE WITNESS: But the Veteran Garden is right behind
20 that building.

21 THE COURT: Just a moment. So right now you've got
22 dispensation through Peck and U.S. Vets and your able efforts.
23 Does that mean that almost any unit now outside that thousand
24 feet that you'd have to go back to the County and get the same
25 single dispensation or do you believe that if it's outside the

1 thousand feet you can just continue to develop? Because I --

2 THE WITNESS: Yes.

3 THE COURT: -- have heard from another witness
4 they've red tagged or they've made the inference, according to
5 another witness, that you are supposed to stop construction.

6 THE WITNESS: No, I think that the original mistake
7 was thinking that that building was within the thousand feet,
8 so we had to provide information --

9 THE COURT: Not my question.

10 THE WITNESS: Okay. So I believe if it's outside
11 the thousand feet we may proceed.

12 THE COURT: You believe that?

13 THE WITNESS: Yes.

14 THE COURT: What happens if we're getting different
15 information from a different witness?

16 In other words, what I want to do is get that on the
17 record. I want to tie down the County that you don't have to
18 go back or the developer does on each -- and until I get that,
19 that's why you are all coming back tomorrow.

20 Because I've got different testimony -- hold on -- from
21 a different witness, that she's basically being told, stop the
22 projects, including outside the thousand feet and that on this
23 occasion Peck or somebody went and got a consent to go forward.
24 And I need this to be transparent and I need this to be on the
25 record. So you'll be back tomorrow.

1 THE WITNESS: I understand.

2 THE COURT: Counsel?

3 BY MR. ROSENBERG:

4 Q Let me ask one more question on the housing and then I do
5 want to circle back to the questions that Judge Carter had.

6 The Exhibit 56 lays out for each of the proposed sites
7 some of the advantages and disadvantages from VA's perspective
8 of those sites; is that right?

9 A Yes.

10 Q And if I look at the first page of this exhibit, this was
11 last modified it appears on March 29th, 2023?

12 A Yes.

13 Q So, you know, presumably some information in this, you
14 know, if VA were to go forward pursuant to a Court order or
15 otherwise, would need to be updated?

16 A Yes. We'd have to individually reassess all of those
17 locations.

18 Q All right. Let me actually ask a couple of foundational
19 questions going to the Court's questions about the landfill
20 issue.

21 Your current role -- remind me, what is your current
22 role? It's director of VISN 22?

23 A Network director for VISN 22.

24 Q So what is your level of awareness in that role of what we
25 have come to call the landfill issue?

1 A Well, I get the reports from the GLA team, you know, from
2 Rob Merchant the director, from John Kuhn, Chelsea Black as to
3 what the situation is and, you know, I'm also in the position
4 to relay some of that information higher if we need assistance
5 from higher headquarters to address that.

6 But right now it's primarily the local team that is
7 managing the, you know, concerns associated with the landfill.

8 Q So have you been looped in on some of the developments
9 relating to the landfill issue?

10 A Yes.

11 Q Have you been directly involved in trying to resolve the
12 landfill issue?

13 A No. The local team is doing that.

14 THE COURT: Who is that, who's our local team?

15 THE WITNESS: That would be Chelsea, John and Rob
16 Merchant.

17 THE COURT: I want you to have them here tomorrow
18 also.

19 Counsel?

20 MR. ROSENBERG: That's all I have, Your Honor.

21 THE COURT: Excellent.

22 MR. SILBERFELD: Nothing further.

23 THE COURT: There is one piece of property that I'm
24 fascinated by and that's this nine to 13 acres that this map
25 doesn't adequately show. So I need another map put up in order

1 to show the disagreement I have with Soboroff over this park
2 area.

3 Can you put up some map that shows this?

4 And he's a former parks commissioner, so I expect him to
5 be supportive parks, but I'm going to kiddingly call it the
6 gopher park.

7 When you walk across that park, and I assume you
8 haven't, that's not habitable for anybody playing any type of
9 outfield for that park unless they want to break a leg, and I'm
10 not joking. So if that's the quality of our city parks, I'm
11 really concerned. And I invite you to walk across -- in fact,
12 if we go any further I will have Mr. Soboroff walk across it.

13 Now, up until two days ago, with this drama involved
14 this thousand feet around the landfill, I thought that that
15 park was in play, but I'm going to hope for the best and that
16 is that at some point there is an accommodation reached through
17 either monitoring or some remediation or consent that you open
18 up 401 and 402 and be optimistic that the thousand foot radius
19 is lifted.

20 Part of that thousand foot is in what I'm going to call
21 this Barrington Park.

22 Okay. But a good part of that park is still available,
23 even if I draw a radius, which I tried to last night, and it's
24 much more than the Exhibit 56.

25 THE WITNESS: It's more than the 1.4, yes.

1 THE COURT: Just a moment.

2 Option 1, if you could put that up. I want 56, I want
3 page 4, Option 1. I think it's page 4. No, it's page 2, I'm
4 sorry, from memory.

5 It seems ridiculous that we're taking the outside field
6 and considering that because there is nothing left of the
7 baseball park from my memory.

8 So just a moment we have considered 1.4 acres and then
9 you see an infield. This makes no sense to me.

10 If we're going to take 1.4 acres, why aren't we just
11 taking that entire park because that infield is absolutely
12 worthless. So I'm going to expand that and I'm going to
13 guesstimate that there is about -- I want you to push back, by
14 the way, okay?

15 My guesstimate is that there is about two and a half --
16 maybe 2 and a half acres, just to be conservative. Is there
17 any reason why we're not taking that entire baseball diamond?

18 THE WITNESS: No.

19 THE COURT: Have you seen the condition of this
20 park?

21 THE WITNESS: Yes.

22 THE COURT: What's your description of the condition
23 so I'm not testifying? Especially outfield.

24 THE WITNESS: I don't believe it's been
25 appropriately kept up by the City.

1 THE COURT: Well, that's a gentle way of saying it.
2 I can't imagine anyone playing outfield and not getting hurt
3 out there.

4 Now, this park does not seem to be within that thousand
5 foot radius, and I have to check that because I have asked
6 counsel to get me a better diagram, so I have these thousand
7 feet that -- there we go, thank you.

8 What exhibit is this?

9 MR. DU: 1638.

10 THE COURT: Can you help me, I really appreciate
11 that, blow that up just a little bit.

12 Now, it depends upon which landfill I'm dealing with so
13 I may be absolutely unable if I decided to expand.

14 THE WITNESS: So I believe the whole park is under
15 one of those circles and that's part of the problem.

16 THE COURT: I think you are absolutely right. Last
17 night I was looking at the lower circle.

18 THE WITNESS: Yes.

19 THE COURT: Thank you. And, hypothetically, so is
20 that -- not hypothetically, so is that lower parking lot.

21 THE WITNESS: Yes, all of it is.

22 THE COURT: Okay. So we have an upper parking lot.

23 Now I would expect along that street, when we talked
24 about utilities and sewers, right across the street on
25 Barrington there are a number of apartments. I would think

1 they've got pretty a good sewer line, et cetera, to hook up,
2 wouldn't you?

3 In other words, we'd just have to run a line, basically,
4 we're not developing into the wilderness with sewer, power,
5 electricity, I mean, we've got utilities all around this.

6 THE WITNESS: I think any of the locations that we
7 have identified could get connected. The question is just what
8 the requirement and construction, you know, project would be in
9 order to do that.

10 THE COURT: Okay. I'm assuming that about the UCLA
11 baseball field, the Brentwood School must have good utility
12 connection, Barrington Park, and all of these other places that
13 you have listed. We shouldn't have too much problem hooking
14 up, should we, to infrastructure? Because we spent
15 \$100 million already putting infrastructure in.

16 THE WITNESS: I can't speak to what the specific
17 construction requirements would be, but it would -- anything of
18 that sort is doable for, you know, the appropriate price.

19 THE COURT: Well, I've got 100 million invested
20 already, I'm pretty sure where those lines have gone now after
21 the last couple of weeks, but I don't know if they are in the
22 Veterans Park area; I don't think they are.

23 THE WITNESS: So it's not. That hasn't crossed the
24 Arroyo yet, so everything is east of the Arroyo so there would
25 have to be another process to figure that out.

1 THE COURT: That's why I raised it. I'm assuming
2 there are good utilities going up Barrington. I'm assuming
3 that there's good utilities over at UCLA baseball field, power,
4 lots of lights.

5 THE WITNESS: I would make the same assumption.

6 THE COURT: I'm assuming there's pretty good
7 utilities over at Brentwood School with the swimming pool and
8 lights. So I don't see that as much of an obstacle.

9 All right. If you had the choice, hypothetically,
10 between single story and double story what would your
11 preference be as an expert concerning, you know, people with
12 mental trauma and people in temporary housing?

13 THE WITNESS: I think that it would be okay to use
14 two- story housing for, you know, kind of prefab modular units,
15 especially if we're making sure that the able-bodied personnel
16 are the ones that are in the second story. I don't see that as
17 a limiter in and of itself.

18 THE COURT: What size? Let's say we wanted to get
19 rid of the tiny homes out there, which was an interim attempt
20 and a good faith attempt, but it's been represented 388 feet,
21 they somewhat rounded that off to 400 feet, is that acceptable
22 for a temporary?

23 THE WITNESS: I would -- I would believe that would
24 be acceptable.

25 THE COURT: We're trying not to keep folks there, we

1 want them to move through hopefully to permanent supportive
2 housing or become self-reliant.

3 THE WITNESS: That is the size of a large hotel
4 room, so to speak.

5 THE COURT: So let's hope for the best and plan for
6 the worst. Okay?

7 400 feet acceptable?

8 THE WITNESS: I would say yes.

9 THE COURT: If you had your choice -- and I think I
10 heard that you would prefer North Campus, but I want to make
11 certain. I got in a discussion with Soboroff and Johnson. And
12 it was about, you know, how close that would be to the
13 hospital. And that may be an absolutely wrong discussion on my
14 part -- or their part.

15 And I think there was an assumption flowing out of that
16 that a traumatized person going through temporary housing might
17 be better off closer to the hospital.

18 I'm hearing that you have the opposite opinion. And, by
19 the way, this carries great weight with the Court. You are
20 expert in terms of trauma. The other folks are builders.

21 Would you prefer those folks to be on the North Campus?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Okay. Okay.

24 The last question I have concerns Document 2303.

25 And, Counsel, you can put that up. And turn to page --

1 or the last page concerning recommendation.

2 So it's recommendation 23-03. And I don't know what
3 exhibit number it is. It was just handed to me.

4 MR. DU: 242, Your Honor.

5 THE COURT: 242. Would you put that up for a
6 moment?

7 Not with you or your organization, but maybe with you
8 and your organization, I find usually a lack of central
9 authority. Whether I'm dealing with the City or the County,
10 until it gets to the mayor's level or, literally, to the Board
11 of Supervisors, there is different levels and different
12 bureaucracies, sometimes clashing. I call it bumper car
13 bureaucracy. But that is just being facetious on my part.

14 That doesn't mean people aren't well intentioned. And
15 what I'm concerned about are the recommendations that were made
16 by a committee that is a federal committee that you rely upon
17 or -- and there were three recommendations. And, therefore,
18 when I'm asking you questions, I'm never quite certain what
19 your authority is because now I know it's not cemetery, for
20 instance.

21 Recommendation one, the Secretary of Veterans Affairs
22 identify one VA office to lead transformation of the North
23 Campus consistent with the operative master plan and empower
24 that office with the authority to request, prioritize, and
25 implement projects through VA's regular budget process.

1 I understand that that wasn't accepted as a
2 recommendation; is that correct?

3 THE WITNESS: Yes.

4 THE COURT: Why?

5 THE WITNESS: We already have that authority to be
6 able to identify what may be necessary to move forward with the
7 master plan.

8 THE COURT: And who does that authority lie with?

9 THE WITNESS: The requests would go through the --

10 THE COURT: No, no. Just a moment. I'm not
11 interested in -- I'm interested in the ultimate decision-maker,
12 the person who makes this call. Is it McDonough? Is it you?
13 Who is it?

14 I don't care about your recommendation. Somebody,
15 ultimately, has to decide between competing interests and
16 different bureaucracies or between BLM, Treasury, whatever. In
17 your situation, who is it?

18 I think it's the Secretary, but --

19 THE WITNESS: Ultimately, you know, everything --
20 the budget for VA gets approved by the Secretary. So --

21 THE COURT: No, no. This involves the
22 transformation of the North Campus and the operative master
23 plan.

24 THE WITNESS: And the Secretary signs off on the
25 master plan.

1 THE COURT: So it ultimately lies with the
2 Secretary?

3 THE WITNESS: Yes.

4 THE COURT: Do you have the decision to make that --
5 do you have his authorization to make decisions, working with
6 this Court, if we get to this second stage, injunctive relief?

7 THE WITNESS: He will likely provide someone with
8 that authority. I previously had settlement authority when we
9 were having settlement discussions.

10 THE COURT: Okay. I understood that through Judge
11 Birotte, by the way, but I didn't know how far that extended.

12 THE WITNESS: Yes.

13 THE COURT: Recommend the Secretary of Veterans
14 Affairs instruct appropriate office that identify the capital
15 needs for implementation of a town center area and worker
16 enterprise zone report to those -- or report those to the
17 VCOEB, and include those in the next SCIP, S-C-I-P, which is
18 recommendation 23-03 B. Was that adopted?

19 THE WITNESS: I don't know.

20 THE COURT: Recommendation 23-03 C. The Secretary
21 of Veterans Affairs instruct the appropriate office that it
22 identify whether legislative changes will be needed in order to
23 accomplish appropriations for the town center and worker
24 enterprise zone and report those to the VCOEB.

25 And let me tell you my concern.

1 I don't know what is reaching Congress or how hard -- or
2 how appropriate it is, even, for the VA to approach Congress.
3 I don't know if that is simply McDonough going to them or
4 designating somebody to walk over to a staffer's office. Was
5 this recommendation accepted?

6 THE WITNESS: I don't know the specifics of this.

7 THE COURT: Okay. Fair enough. Fair enough.

8 Sir, I want to thank you very much. We will be back at
9 11 o'clock tomorrow. You may step down.

10 THE WITNESS: Thank you.

11 THE COURT: Now, Counsel, do you have any other
12 witnesses today?

13 MR. ROSENBERG: No.

14 THE COURT: Thank you very much, sir.

15 MR. SILBERFELD: No other witnesses, Your Honor. We
16 have a revised transcript of that UCLA --

17 THE COURT: Could I see it? I would like to read it
18 for just a moment.

19 MR. SILBERFELD: I'm sorry?

20 THE COURT: Could I see it? I would like to read
21 it.

22 Thank you so much.

23 You filed that with the Court. You can give it an
24 exhibit number.

25 THE COURTROOM DEPUTY: Judge, is this received?

1 THE COURT: Yeah. We will get an exhibit. What is
2 it?

3 THE COURTROOM DEPUTY: 247. Is that received?

4 THE COURT: Received.

5 (Exhibit 247 received into evidence.)

6 MR. SILBERFELD: Your Honor, I was going to make a
7 suggestion to avoid confusion. It was previously -- the one
8 with the speaker identifications only was 231. And I was going
9 to suggest we withdraw Exhibit 231 and replace it with 247,
10 which is the one that contains the names.

11 THE COURT: Would that be acceptable to both
12 parties?

13 MR. ROSENBERG: Yes.

14 THE COURT: You know what, just for confusion -- in
15 case we get to the appellate court -- I'm going to leave 231 in
16 place. I'm just going to adopt 247. That way, they can see
17 the way it originally came to the Court. 247. That way, we're
18 not excising.

19 Now, let me read this for just a moment. And why don't
20 you two work on this map that I need with the overlay of the
21 thousand foot radius.

22 Okay, Counsel. I'm going to read the first part of
23 page 2 from McKenrick. It's on line 16.

24 "So in exchange for us not raising issues about them
25 doing it..." --

1 Now I'm assuming that he's talking about UCLA. I'm
2 assuming McKenrick is saying in that first portion, "In
3 exchange for us not raising issues with UCLA doing it" --
4 referring to this park -- "and that, you know, trying to say
5 no, we want to amend the lease and, no, you can't. We
6 acquiesced to it. And in exchange got overflow parking back,
7 which is important for us for construction."

8 What do you think he's talking about? What overflow
9 parking up here are they getting back?

10 Is that the parking lot which is parking lot number --
11 just a moment. Just a minute. Is that the --

12 MR. ROSENBERG: Dr. Braverman testified to this
13 during his testimony.

14 THE COURT: No. I know he did. That doesn't mean I
15 absorbed it.

16 Now, just a minute.

17 Is that parking lot number six? And there was some
18 confusion. You also referred to it as lot 29.

19 MR. ROSENBERG: Dr. Braverman can provide the answer
20 to that.

21 THE COURT: So, Doctor, just come on back up for a
22 moment. There was some confusion because when you testified, I
23 wrote down that parking lot 6, and then lot 29 was tossed in
24 was the lot that was being referred to. And I'm not certain
25 because, thus far, I haven't forced McKenrick to come in but --

1 And I don't want you interpreting this but --

2 THE WITNESS: Sure. So lot 29 is that area where
3 there is number 6 on the map.

4 THE COURT: Show me.

5 THE WITNESS: This area here. So that was
6 originally VA's parking, VHA, that was given to the NCA. So we
7 lost that opportunity to use it as overflow parking.

8 THE COURT: So the end result is lot 29 is also lot
9 6.

10 THE WITNESS: Yes. And they were already -- they
11 became off the books with the columbarium. So now, based on
12 the lease, GLA VA, VHA was required to identify for each game
13 500 slots somewhere on the campus.

14 That could have been any of the various parking lots
15 that we had. That could have been parking lot 18, parking lot
16 7, any number of parking lots. We had to come up with 500
17 slots.

18 So part of the justification, good or bad, for that
19 lease was to take away that requirement because we essentially
20 didn't have a good location to use to provide, ad hoc, 500
21 parking spaces.

22 THE COURT: Now, Mr. --

23 Counsel -- this is not directed at you, Doctor.

24 Counsel, on page 3, line 7, McKenrick says: "That being
25 said, there is a FOIA request out there. And the response to

1 the FOIA request is going out in a week or two. And the FOIA
2 requester is a UCLA news media guy."

3 So, obviously, there is some concern about FOIA. And --
4 There is no date on this call.

5 And it's been inferred and argued that the veterans on
6 Veteran Row were being excluded from the VA property, whatever
7 that means -- and this is not directed at you -- at the same
8 time that this property may be available.

9 I don't know that because I don't have a date on this.

10 I, obviously, know it's occurring before the
11 construction begins.

12 So it must be before what date, because I don't know the
13 date of the construction on this Branca Field.

14 When did that construction start?

15 All right. Doctor, thank you, sir. We don't mean to
16 keep you up there. I appreciate it.

17 So for my record, I'm not looking for the exact
18 date. I'm looking for an approximate time that this call had
19 to occur prior to. And it could be a day or it could be
20 months.

21 MR. ROSENBAUM: Your Honor, I'm informed that the
22 date is January 2021, maybe around the third week.

23 THE COURT: All right. Now, how do I --

24 MR. ROSENBAUM: Dr. Braverman confirms that.

25 THE COURT: Dr. Braverman, is that correct?

1 THE WITNESS: Yes.

2 THE COURT: All right. Thank you very much.

3 All right. The last portion is -- there was confusion
4 on my part, certainly not the witness or your part.

5 They are going to call over to Tony from UCLA, their
6 veteran spokesperson, and talk to him today about where we're
7 at with it and what we're doing and how this will likely get
8 out faster than we want.

9 I have a hard time believing that this was left at
10 Tony's level on a field of this expense and a concern over a
11 FOIA and news.

12 How do I find that out without keeping you any longer or
13 inconveniencing you? Because I will find that out. Do I call
14 Tony back and ask him who he talked to?

15 MR. ROSENBAUM: I think so.

16 THE COURT: I think so.

17 And I think that that is the question that was
18 neglected when he was there because I didn't pick that concern
19 up until the night or two nights later going over my notes each
20 night.

21 I hate to have him back because he was so candid and
22 credible and put himself in a very difficult position
23 professionally and --

24 MR. SILBERFELD: Your Honor, if I may, I think the
25 transcript may answer this question.

1 THE COURT: Help me.

2 MR. SILBERFELD: This is on day 10. Page 76.

3 THE COURT: Okay.

4 MR. SILBERFELD: This is a colloquy between the
5 Court and Mr. DeFrancesco. This is the Court asking
6 Mr. DeFrancesco about that conversation.

7 THE COURT: Okay.

8 MR. SILBERFELD: And the Court says:

9 "What else can you recall about this conversation, if
10 anything?"

11 And the witness answers: "From what I recall, it was
12 very, sort of, operational in terms of next steps and what
13 announcements were going out. And working with the athletics
14 department, we were -- we wanted the announcement to be, you
15 know, on our behalf, you know, special in terms of being able
16 to acknowledge the Branca family for the gift."

17 THE COURT: Okay.

18 MR. SILBERFELD: "But also for the opportunity of
19 the new infield being built and, you know, also trying to
20 incorporate that there would be opportunities for recreational
21 uses when it wasn't in use by the players."

22 And the Court says: "I'm going to refocus for a moment
23 and ask directly."

24 The Court says: "It's going to be argued to me that
25 there is a constant theme that the veterans are being left out

1 of discussions in the UCLA baseball field. It may be argued in
2 other areas as well. Was there any discussion from Mr.
3 McKenrick to you once again in this conversation that we don't
4 have about a concern about the press getting out with this
5 story or a FOIA request or cutting out the veterans, for want
6 of a better word? And think about that for a while. Don't
7 answer immediately."

8 The tape is played at this point.

9 THE COURT: Here is what I'm looking for. I
10 neglected or may have neglected asking who did he convey this
11 information to?

12 MR. SILBERFELD: Isn't it in here?

13 THE COURT: Keep reading. Just read it silently for
14 a moment. See if you can find it.

15 MR. SILBERFELD: Let me do that.

16 THE COURT: Yeah.

17 In other words, I have got McKenrick talking to Tony. I
18 may have neglected -- what I realized, looking at my notes, and
19 I couldn't find if I had asked or he had responded to who else
20 he talked to at UCLA, because I just don't believe that it
21 stops at his level.

22 Especially dealing with a multimillion-dollar baseball
23 project and a field of this size, let alone naming rights.

24 MR. SILBERFELD: Just reviewing the transcript,
25 without reading it and belaboring this record anymore, it

1 appears that what Mr. DeFrancesco answered to the Court was
2 that he spoke to somebody with the athletics department but
3 didn't identify a person.

4 THE COURT: That's because I wasn't wise enough to
5 follow up until I looked at my notes. I hate to bring him
6 back, but he's coming back. I want to know -- and I think it
7 will save you some time and maybe get you on the plane on
8 Friday night if I can find that out also. Okay?

9 So, unfortunately, when do you want to have him back?
10 We have to place a call over there.

11 MR. SILBERFELD: We can reach out. We can reach
12 out.

13 THE COURT: Do you want to do it tomorrow so he's
14 not inconvenienced? I imagine he's under a little bit of
15 pressure but --

16 Okay. Now, how are we doing with our map?

17 We're sitting here until we do it so --

18 MR. ROSENBERG: Judge Carter, we have a draft of the
19 map. And -- well, I'm wondering if I can approach and show it
20 to you to make sure that before we finalize it it's what the
21 Court would like.

22 THE COURT: Then I trust you both. We can do it --
23 we can get it to me in final form later on. We don't have to
24 keep you for that. But if I can see the draft. In other
25 words, all I want is a complete overlay of all of the VA

1 property and those circles within it. Okay?

2 Thanks, Brad.

3 Excellent.

4 MR. ROSENBERG: All right.

5 THE COURT: Let me just say excellent. Thank you
6 very much.

7 Instead of me keeping it, then, why don't we just have
8 you draft that for -- put that in final form and give that to
9 me tomorrow, okay.

10 What else have I asked that I may have forgotten of
11 counsel?

12 It's time to free our counsel.

13 Counsel, would you like to be freed and go do something
14 productive?

15 MR. ROSENBERG: We would. I just want to make sure
16 that we're tracking what the Court wants before we reconvene, I
17 believe, tomorrow at 11.

18 THE COURT: 11.

19 MR. ROSENBERG: We're working on the map that we
20 just showed to the Court.

21 THE COURT: And the draft is acceptable.

22 MR. ROSENBERG: Great.

23 Barbara Ferrer will come tomorrow at 11. You want Dr.
24 Braverman back as well as Ms. Black and Mr. Merchant?

25 THE COURT: Yes, because I don't want him in the

1 position of having to state he doesn't know.

2 MR. ROSENBERG: As well as the developer
3 representatives for Buildings 401 and 402?

4 THE COURT: Uh-huh.

5 MR. ROSENBERG: Is there anything else that we're
6 missing?

7 THE COURT: And, remember, I'm leaving this to you
8 both. This is the VA's -- a real problem for you going
9 forward, and I just was stunned with the initial answer I got,
10 and that is that this might take couple days to a couple years.

11 Then I heard clearly, regardless of what Dr. Braverman
12 said, that they had threatened the VA with a stop order on the
13 entire campus, that Peck had to go over on behalf of U.S. vets
14 and literally show them it was outside the thousand foot
15 radius, which then raised the question, in my mind, does each
16 developer have to do that? And the incongruity of stopping
17 veterans going into 401 and 402, which may be entirely
18 appropriate. That is for our decision.

19 But, at the same time, having veterans already in 205,
20 208, and 209, which is within that same radius, let alone
21 construction equipment, because that can cause combustibility
22 and an explosion with methane.

23 And what I have a feeling about is that this is going
24 back and forth at a much lower level than the decision-maker.
25 And I'm not even sure that Ferrer was aware of this. I'm not

1 even certain that the County Board of Supervisors is aware of
2 this. I'm not even certain that McDonough is aware of this.
3 I'm not even certain that Braverman was aware of this until
4 recently. All of you became aware of it because you are on the
5 front line.

6 So I don't know if a resolution will be reached or not,
7 nor do I care. But when I'm writing an opinion, it puts the
8 Court in an interesting position because if it's available,
9 that is a good thing. We want it available, if it's safe.

10 But if it's not available, I need to know that. Or we
11 don't have an answer, Judge, which leaves me in a -- writing a
12 factual situation that says we can't get an answer to whether
13 it's a few days or a few years.

14 And I think our developers have the right to be here and
15 hear this also in 401 and 402 because they have got money on
16 the line with these tax credits and trying to get people in.
17 It's going to be very harmful to them.

18 So those are my absolutely transparent thoughts. Beyond
19 that, I leave that to the two of you, okay? Because I think
20 it's in all of our self-interest, if we can, safely to get the
21 veterans into 401 and 402. And it's in our self-interest, I
22 think, to have some clarity about whether there is a tag or
23 not.

24 And I really don't like the informality of the
25 conversation taking place because if the County is taking that

1 position, they should put this on the record. And then you
2 have the chance as the VA to come back at the highest levels
3 and get McDonough or Braverman or whoever involved and try to
4 reason that out.

5 But right now, you have got middle management talking to
6 each other with threats going back and forth and restrictions
7 on you that you can't resolve. It could take forever, frankly.

8 So we're not going to argue this matter until we have
9 those people in. And we may not get a satisfactory answer.
10 But at least we'll get some answer. Fair enough?

11 Okay. Now, if there is nothing else, I want to thank
12 you for your courtesy. And we will see you tomorrow at 11
13 o'clock, okay?

14 (The proceedings concluded at 11:38 a.m.)

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