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6 Attorneys for Defendant HARMONY COMMUNITIES, LLC

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2/18/2020 3:55 PM
FRESNO COUNTY SUPERIOR COURT
By: C. York, Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR COUNTY OF FRESNO**
10

11 GRUPO COMUNITARIO DE SAN MIGUEL
CUEVAS,

12 Plaintiff,

13 v.

14 HARMONY COMMUNITIES, INC.;
15 SHADY LAKES MANUFACTURED
HOUSING COMMUNITY, LLC; KMLM
16 INVESTORS, LLC; DOES 1-10,

17 Defendants.
18

Case No. 19CECG04575

**[PROPOSED] ORDER IN SUPPORT OF
DEFENDANT HARMONY
COMMUNITIES, LLC'S MOTION TO
STRIKE PORTIONS OF PLAINTIFF'S
COMPLAINT**

Date: 4/29/20
Time: 3:30 p.m.
Dept.: 501

The Hon. Jeffrey Y. Hamilton, Dept. 501

Action Filed: 12/19/19

Trial Date: None Set

19
20 TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

21 PLEASE TAKE NOTICE that on April 29, 2020, Defendant Harmony Communities,
22 LLC's Motion to Strike portions of Plaintiff's complaint came on regularly for hearing in Dept.
23 501 of the above-entitled court, the Hon. Jeffrey Y. Hamilton presiding.

24 After consideration of the papers in support of Defendant Harmony Communities, LLC's
25 ("Defendant") Motion to Strike, as well as all documents in opposition and reply thereto, and
26 following oral argument, the Court ruled as follows:

27 ///

28 ///

LEGAL:05528-0338/13863161.1

**[PROPOSED] ORDER IN SUPPORT OF DEFENDANT HARMONY COMMUNITIES, LLC'S MOTION TO
STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT**

1 1. Defendant's Motion to Strike is granted in its entirety. The following language is
2 hereby stricken from plaintiff's Complaint:

3 • "3. Defendant HARMONY COMMUNITIES increased rent by thirty-two
4 percent (32%) almost immediately after SHADY LAKES LLC and KMLM
INVESTORS purchased the park." (Complaint 2:7-8)

5 • "threatening eviction" (Complaint 3:4)

6 • "to evict" (Complaint 3:5)

7 • "eviction" (Complaint 3:8)

8 • "potential evictions" (Complaint 3:13)

9 • "a notice of a thirty-two percent...so they may not increase or collect rent
10 while violations continue." (Complaint 6:21-26)

11 • "to the rental increase or" (Complaint 7:11)

12 • "the rent increase was unreasonably high, and" (Complaint 7:12)

13 "31. plaintiff's members are informed and believe and so allege that HARMONY
14 COMMUNITIES started to evict... due to the significant difficulty of moving
them." (Complaint 31, p. 9:5-12)

15 • "and that the proposed rental increase was unlawful due to the ongoing
nuisance conditions in the Park." (Complaint 9:27-28)

16 • "and the rent increase would remain in effect." (Complaint 10:2)

17 • "(A) the thirty-two percent (32%) rent increase instituted by Defendants
was unlawful and unreasonable" (Complaint 11:8-9)

18 • "(e) any additional rental increases would be unlawful" (Complaint 11:13)

19 • "(a) the 32% rental increase would go into effect as planned" (Complaint
20 11:15-16)

21 • "and eviction notices. Eviction of Plaintiff's members will deprive them of
22 the lawful use and enjoyment of their own home, will endanger their family, and
may result in homelessness that can have lifelong negative impacts." (Complaint
23 11: 25-27)

24 • "Plaintiff's members likely will have to leave them in place if evicted."
(Complaint 12:2)

25 • "and ultimately risking loss of their home and displacement due to an
26 eviction." Complaint 12:10-11)

27 • "and eviction notices" (Complaint 16:3)

28 • "and eviction notices" (Complaint 16:9)

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- "and evictions" (Complaint 16:11)
 - "and beginning to unlawfully evict residents." (Complaint 19:21)
2. Accordingly, plaintiff shall have _____ days leave to amend

IT IS SO ORDERED.

DATED: April __, 2020

THE HON. JEFFREY Y. HAMILTON
JUDGE OF FRESNO COUNTY SUPERIOR
COURT

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PROOF OF SERVICE

I am employed in the County of Fresno, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 7108 North Fresno Street, Suite 250, Fresno, CA 93720-2952.

On February 18, 2020, I served the following document(s) described as **[PROPOSED] ORDER IN SUPPORT OF DEFENDANT HARMONY COMMUNITIES, LLC'S MOTION TO STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I placed true copies of the foregoing document(s) enclosed in sealed envelopes addressed as shown on the Service List. I am "readily familiar" with Wood, Smith, Henning & Berman's practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Fresno, California, on that same day following ordinary business practices.

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

Executed on February 18, 2020, at Fresno, California.



Cathy Walker

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SERVICE LIST
Grupo Comunitario De San Miguel Cuevas v. Harmony Communities, Inc.
Fresno County Superior Court Case No. 19CECG04575

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