

1 Kevin P. Sullivan (#177757)
2 SCHWARTZ HYDE & SULLIVAN, LLP
3 401 "B" Street, Suite 2400
4 San Diego, CA 92101
5 619-696-3500
6 fax 619-696-3555
7 ksullivan@sanlawyers.com

8 Attorneys for Plaintiff
9 LOS ANGELES SMSA LIMITED
10 PARTNERSHIP dba VERIZON WIRELESS

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

15 LOS ANGELES SMSA LIMITED
16 PARTNERSHIP, a California limited
17 partnership dba VERIZON WIRELESS,

18 Plaintiff,

19 v.

20 CITY OF LOS ANGELES,
21 CALIFORNIA,

22 Defendant.

CASE NO. 2:16-cv-04954

**COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTION AND WRIT OF
MANDATE; REQUEST FOR
EXPEDITED REVIEW UNDER
47 U.S.C. § 332(c)(7)(B)(v)**

23 Plaintiff Los Angeles SMSA Limited Partnership, doing business as Verizon
24 Wireless ("Verizon Wireless"), files this Complaint against defendant the City of Los
25 Angeles, California (the "City"), and alleges as follows:

26 **NATURE OF THE ACTION**

27 1. Verizon Wireless challenges the unlawful denial by the City of an
28 application by the company to place, install and construct personal wireless service
facilities located at 2512 South Robertson Boulevard, Los Angeles, California (the
"Application"). The City's denial of Verizon Wireless's application violated
provisions of the federal Telecommunications Act of 1996 because: (1) the denial

1 was not based on substantial evidence, in violation of 47 U.S.C. Section
2 332(c)(7)(B)(iii); (2) the denial had the effect of prohibiting Verizon Wireless from
3 providing personal wireless services, in violation of 47 U.S.C. Section
4 332(c)(7)(B)(i)(II); and (3) the denial constituted unreasonable discrimination against
5 Verizon Wireless, in violation of 47 U.S.C. Section 332(c)(7)(B)(i)(I).

6 2. Wireless communications networks require integrated networks of
7 antennas and supporting radio equipment to function, and to provide reliable service
8 throughout a geographic area. The provision of wireless service is possible only
9 through the installation of multiple antenna facility sites that comprise the wireless
10 network. An insufficient number of facilities impairs consumers' ability to enjoy the
11 benefits of wireless service: consumers may be unable to place calls, calls may be
12 "dropped," signal quality may be poor, and the system may lack the capacity to handle
13 high call volumes and high data demands. Topography can also affect the provision
14 of service; in a hilly or mountainous region, even more facilities may be needed to
15 ensure continuity of service.

16 3. In the federal Telecommunications Act of 1996 ("the 1996 Act"),
17 Congress imposed certain limitations on the traditional zoning authority of state and
18 local governments to regulate the location, construction, and modification of such
19 facilities, referred to as "personal wireless service facilities," and incorporated those
20 limitations into the Communications Act of 1934. *See City of Arlington v. Federal*
21 *Communications Commission*, 569 U.S. ___, 133 S.Ct. 1863, 1866 (2013).

22 4. Among other provisions, the 1996 Act provides that state and local
23 governments retain their traditional zoning authority to regulate "the placement,
24 construction, and modification of personal wireless service facilities," subject to five
25 substantive limitations, codified at 47 U.S.C. Section 332 (c)(7)(B)(i)-(iv). Among
26 these limitations is the requirement that any decision to deny a request to install or
27 modify a personal wireless service facility "shall be in writing and supported by
28

1 substantial evidence contained in a written record.” 47 U.S.C. Section 332
2 (c)(7)(B)(iii).

3 5. A separate provision of the 1996 Act provides that State or local
4 government regulation of the placement, construction, or modification of personal
5 wireless service facilities “shall not prohibit or have the effect of prohibiting the
6 provision of personal wireless services.” 47 U.S.C. Section 332(c)(7)(B)(i)(II).
7 Another provision of the 1996 Act requires that State or local government regulation
8 of the placement, construction, or modification of personal wireless service facilities
9 “shall not unreasonably discriminate among providers of functionally equivalent
10 services.” 47 U.S.C. Section 332(c)(7)(B)(i)(I).

11 6. As described below, the City has violated each of these provisions. As a
12 consequence of the City having violated the 1996 Act, and as an entity adversely
13 affected by the decision of the City, Verizon Wireless seeks (a) a declaration that the
14 City’s denial decision violated the 1996 Act, (b) an injunction precluding the City
15 from refusing to issue all relevant and necessary permits for the wireless
16 telecommunication facilities at the South Robertson Boulevard site as sought in the
17 Application, as well as all other permits and authorizations necessary for the
18 continued operation of Verizon Wireless’s telecommunications facilities at this
19 location, and (c) a writ of mandamus under California law ordering the City to rescind
20 its denial of the Application and instead issue all relevant and necessary permits for
21 the wireless telecommunication facilities at the South Robertson Boulevard site as
22 sought in the Application, as well as all other permits and authorizations necessary for
23 the continued operation of Verizon Wireless’s telecommunications facilities at this
24 location.

25 7. Verizon Wireless also respectfully requests expedited judicial review of
26 these claims as expressly required by Section 332(c)(7)(B)(v) of the 1996 Act,
27 including an expedited schedule for briefing and argument of motions for summary
28 judgment.

1 **PARTIES**

2 8. Plaintiff Los Angeles SMSA Limited Partnership, a California limited
3 partnership doing business as Verizon Wireless, is the local affiliate of a nation-wide
4 provider of wireless telecommunications services.

5 9. Verizon Wireless is a “communications common carrier” and a
6 “telecommunications carrier” that provides “personal wireless services” through the
7 “placement, construction and modification of personal wireless service facilities,” as
8 those terms are defined and used in the 1996 Act and in the rules, regulations, and
9 orders promulgated by the Federal Communications Commission (“FCC”).

10 10. Verizon Wireless is licensed by the FCC to provide interstate and
11 intrastate telecommunications services and personal wireless services via radio
12 communication nationwide, including within the City. Verizon Wireless provides such
13 services via spectrum that it is licensed to use by the FCC.

14 11. Defendant City is a charter city organized under the laws and
15 Constitution of the State of California. In taking the denial action against Verizon
16 Wireless’s application as challenged here, the City acted through, among others, its
17 duly authorized Area Planning Commission for the South Los Angeles community of
18 the City, and certain staff, employees and agents responsible to the City.

19 **JURISDICTION AND VENUE**

20 12. This case arises under the Constitution and laws of the United States,
21 including the Supremacy Clause, U.S. Const. Article VI, Clause 2, and the federal
22 Communications Act, 47 U.S.C. Sections 151, *et seq.*, including the provisions of the
23 1996 Telecommunications Act codified at 47 U.S.C. Section 332(c)(7).

24 13. This Court has subject-matter federal question jurisdiction over this
25 action pursuant to 28 U.S.C. Sections 1331 and 1337. The Court has authority to
26 grant declaratory relief pursuant to 28 U.S.C. Sections 2201 and 2202. The Court has
27 jurisdiction over Verizon Wireless’s state-law writ of mandate claim pursuant to 28
28 U.S.C. § 1367.

1 14. Venue is proper in this Court under 28 U.S.C. Section 1391(b), because
2 the City is located in this District, the claims of Verizon Wireless stated herein arose
3 in this District, and the acts or omissions of the City giving rise to this action occurred
4 in this District.

5 15. A statutory cause of action to challenge a final action on an application
6 for a permit for a wireless service facility is expressly provided for in 47 U.S.C.
7 Section 332(c)(7)(B)(v). Verizon Wireless exhausted all administrative appeal
8 options with the City under the City Municipal Code, and the Area Planning
9 Commission denial decision on the Application was the final action and decision of
10 the City.

11 16. The statute also provides that “the court shall hear and decide such action
12 on an expedited basis.” *Ibid.*

13 **FACTS COMMON TO ALL CAUSES OF ACTION**

14 17. Pursuant to licenses granted to it by the FCC, Verizon Wireless provides
15 telecommunications services, including personal wireless services, within the City. To
16 provide such services, Verizon Wireless must build, operate, maintain, and
17 periodically modify an integrated network of cell towers, antennas, and associated
18 electronic equipment.

19 18. On April 10, 2014, Verizon Wireless filed the Application with the City
20 requesting approval of a conditional use permit (“CUP”) for a stealthed (or concealed)
21 and unmanned wireless communications facility on property owned by Ms. Amy Liu
22 at 2512 South Robertson Boulevard (the “Property”), in the South Los Angeles
23 community of the City of Los Angeles, California.

24 19. The Application constituted a “request for authorization to place,
25 construct or modify personal wireless service facilities,” within the meaning of 47
26 U.S.C. Section 332(c)(7)(B)(ii).

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1 **The City's Improperly Prolonged Review of the Application**

2 20. The Application was filed nearly one and one-half (1 ½) years ago for
3 Verizon Wireless's stealthed (or concealed) and unmanned facility. The proposed
4 facility would consist of antennas concealed as a faux eucalyptus tree installed next to
5 a one-story building on the Property. The faux tree would not exceed 54 feet in
6 height, which complies with the height limit for the zone and would be below a string
7 of sixty-seven (67) foot high large steel electrical poles and associated electrical lines
8 in the area. No variance or exceedence of any City zoning requirements for the
9 applicable zone were therefore sought as part of the Application. Many tall trees also
10 exist in the surrounding area, as well as a number of tall billboards.

11 21. The related equipment and backup generator for Verizon Wireless's
12 antennas was to be concealed inside a 117 square foot enclosure in the parking area of
13 the Property. The total size of Verizon Wireless's proposed equipment enclosure at
14 the site was only a small fraction (about 0.17%) of the 6,800 square foot size of the
15 Property.

16 22. The Application was filed on about November 6, 2014. The City found
17 the application to be complete soon after that.

18 23. After the Application was found to be complete, City Planning
19 Department staff prepared an Initial Study and Checklist under the California
20 Environmental Quality Act ("CEQA") in October 2015 for Verizon Wireless's
21 facilities at the Property. Based on the Initial Study, on October 28, 2015 the City
22 prepared a final Proposed Mitigated Negative Declaration ("MND") under CEQA for
23 the Application. The only mitigation for the Project was that the antennas needed to
24 be screened or concealed, which the MND determined would reduce all potential
25 aesthetic impacts to a level that is less than significant. The Proposed MND completed
26 the required environmental review for the Application.

27 24. Notwithstanding the Application being complete in about November
28 2014, a Zoning Administrator hearing to consider the CUP and MND was not held

1 until December 9, 2015. The long delay in proceeding to a hearing on the Application
2 was due solely to a backlog within the City Planning Department. After the hearing,
3 the Zoning Administrator denied the Project CUP and MND in a written decision
4 dated March 10, 2016.

5 25. Verizon Wireless timely appealed the Zoning Administrator's denial
6 decision on the CUP and MND. An appeal hearing before the City's South Los
7 Angeles Area Planning Commission was scheduled for June 7, 2016. At that appeal
8 hearing the South Los Angeles Area Planning Commission ("Commission") denied
9 the appeal, which had the effect of denying the CUP and MND related to the
10 Application. Discussions by the Area Planning Commissioners at the appeal hearing
11 focused on their concerns about (a) residents' fear of the perceived health effect of
12 radio frequency emissions, (b) alleged aesthetic impacts, (c) a general dislike for
13 wireless communications facilities being located on residential buildings, and (d)
14 alleged alternative locations for the wireless facility, although no specific feasible
15 locations were identified.

16 26. The Commission's denial decision verbally stated on June 7, 2016, was
17 not based on any substantial evidence in the project record, and ignored the detailed
18 materials in the administrative record about the Project's compliance with all City
19 regulations, the safety of the proposed facility, and the integration of the proposed
20 facility into the surrounding area in the least intrusive means.

21 27. The one and one-half (1 ½) years that the City took to make a decision on
22 the Application greatly exceeded the time limits under federal law within which a
23 decision on the Application must have been made. Under the FCC "Shot Clock"
24 rules, the City had only 90 days (or, at most, 150 days) to review, process and act
25 upon the Application. *See FCC Declaratory Ruling*, 24 FCC Rcd 13994 (2009),
26 upheld in *City of Arlington v. Federal Communications Commission*, 668 F.3d 229
27 (5th Cir. 2012). But here the City took about 540 days to act on the Application,
28 which is six (6) times what was lawfully allowed under the Shot Clock rules. Such

1 delay by the City also violated 47 U.S.C. section 332(c)(7)(B)(ii), which requires the
2 City to act on the Application within a reasonable time.

3 **The City's Unlawful Denial of the Application**

4 28. As noted above, the City's Commission held a public hearing to review
5 the Application on June 7, 2016. Before the hearing, Verizon Wireless provided the
6 City and the Commission with many written materials, including numerous
7 photographs, which constituted substantial evidence that (a) the Project was
8 compatible with and aesthetically integrated into the community given the design
9 features of the faux tree that blended with other trees and visual elements in the area,
10 (b) a significant gap in service coverage and capacity existed in the area, and no
11 reasonable or feasible alternative locations for the Project existed, and (c) the Project
12 fully complied with all FCC regulations on health safety and was safe.

13 29. Some residents submitted letters in opposition to the proposed facility
14 before the Zoning Administrator hearing, which letters claimed the screened and
15 visually integrated facilities would somehow be aesthetically incompatible with the
16 area, and alleged the facilities could adversely impact children's and others' health
17 due to radio-frequency ("RF") energy. Other residents appeared at the Commission
18 hearing to oppose the project. Many of the residents cited fears of the alleged dangers
19 of the antennas' RF emissions. Such concerns are expressly preempted by the 1996
20 Act (47 U.S.C. Section 332(c)(7)(B)(iv)), provided the emissions are within FCC
21 limits, as would be the case with the proposed Verizon Wireless facility.

22 30. Commissioners' discussions during the appeal hearing focused on their
23 concerns about (a) residents' fear of the perceived health effect of RF emissions, (b)
24 an alleged "absentee" landlord, (c) supposed concerns about the ability to redevelop
25 the property due to the Project, (d) a general dislike for wireless communications
26 facilities being located near residential properties, (e) alleged aesthetic impacts, and
27 (f) supposed alternative locations for the Project, which were vague as to locations and
28 absent any analysis of feasibility. The Commissioners also heard, but disregarded, the

1 substantial evidence presented by Verizon Wireless’s representatives at the hearing
2 about (a) how several alternative sites to the Property were considered but rejected as
3 infeasible for various reasons, (b) how few, if any, commercial properties existed in
4 the coverage and capacity gap area that were of sufficient height to provide feasible
5 locations for rooftop antenna facilities that could close the gap, (c) the demonstrated
6 significant gap in service coverage and capacity in the area, and (d) how the well-
7 designed faux tree concealed the antennas from views and visually integrated into the
8 surrounding community. Nonetheless, the Commissioners vaguely stated that other
9 locations for the Project would be better, without identifying any supporting evidence
10 for such statements. They also claimed that the facility would be incompatible with
11 the community despite the existence of many bare, unconcealed utility structures and
12 billboards in the area.

13 31. The Commission’s decision, which was verbally stated on June 7, 2016
14 (the “Denial Decision”), was to deny the appeal and to deny the CUP and MND
15 related to the Application on alleged aesthetic concerns and alleged alternative
16 locations for the facility. No substantial evidence to support that Decision was cited
17 or identified during the Commission hearing. The Denial Decision was the final City
18 action regarding the Application, and no further administrative appeal options within
19 the City exist as confirmed with a Senior City Planner and as noted in writing by the
20 City. The Denial Decision therefore started a 30-day limitations period for Verizon
21 Wireless to seek judicial review of the denial. *See* 47 U.S.C. Section 332(c)(7)(B)(v);
22 *T-Mobile South, LLC v. City of Roswell* (2015) 574 U.S. ___, 135 S. Ct. 808, 817 n. 4.

23 32. Written findings and bases for the Commission decision have not been
24 provided to Verizon Wireless at the date of this filing, which is 30 days after the
25 Denial Decision. This violates the requirements stated in *T-Mobile South, LLC v. City*
26 *of Roswell* (2015) 574 U.S. ___, 135 S. Ct. 808, 818 that the reasons and bases of a
27 denial decision must be stated clearly in writing essentially contemporaneously with
28 the decision.

1 FCC notes that the volume of consumer data transmissions utilizing carriers' national
2 mobile networks will increase by almost 800% between 2013 and 2018.

3 37. Also, according to a U.S. Department of Health and Human Services
4 report, as of 2013, forty-one percent (41%) of U.S. homes had only wireless
5 telephones, up from 30% in 2010. Further, a U.S. government report found that lower
6 income adults, Hispanic adults, and African-American adults were more likely than
7 higher income persons and adults of other demographic groups to be living in homes
8 with only wireless telephones. Accordingly, the public interest in the improvement
9 and advancement of wireless networks and wireless service facilities has been
10 irreparably harmed and will continue to be irreparably harmed by the City's unlawful
11 actions. Verizon Wireless's present and future customers, as well as the public at
12 large, are significantly prejudiced by the City's unlawful conduct.

13 38. In addition, wireless service facilities are an important component of
14 emergency response systems and provide a vital alternative to traditional land lines
15 during fires, earthquakes, and other natural disasters. According to the FCC, as of
16 2011, about seventy percent (70%) of all Emergency 911 calls originated from
17 wireless devices, and that percentage will continue to increase. The facilities
18 proposed in the Application are therefore necessary for Verizon Wireless to provide
19 reliable service within the City. The City's unlawful denial of the Application is
20 causing irreparable harm to the public interest in reliable emergency communications.

21 39. In contrast to the immediate and irreparable injury being suffered by
22 Verizon Wireless, its customers, and the public interest, the City will suffer no
23 significant injury if the Court issues the requested injunction and other relief requested
24 herein.

25 **Grounds for Declaratory Relief**

26 40. A present, actual controversy has arisen and now exists between the
27 parties regarding their respective legal rights and duties. Verizon Wireless contends
28 that the City's acts and omissions have violated the 1996 Act because the Denial

1 Decision is not based on substantial evidence, constitutes an unlawful and effective
2 prohibition of Verizon Wireless’s personal wireless services, and constitutes an
3 unreasonable discrimination against Verizon Wireless compared to other carriers.
4 Further, no written City findings or reasons for the Denial Decision were issued
5 essentially contemporaneously with the Decision. Moreover, Verizon Wireless
6 established that it has a significant gap in service coverage and capacity in the area,
7 and that no feasible alternative locations for the Project exist. On information and
8 belief, the City denies such allegations.

9 41. Accordingly, declaratory relief is appropriate and necessary to adjudicate
10 the extent of Verizon Wireless's rights and the City's duties and authority.

11 **Grounds for Writ of Mandate Relief**

12 42. Verizon Wireless contends that the City's acts and omissions have
13 violated California Code of Civil Procedure section 1094.5 because the Denial
14 Decision was in excess of the City’s jurisdiction, did not proceed in a manner required
15 by law, and was not supported by substantial evidence. Further, no written City
16 findings or reasons for the Denial Decision were issued essentially contemporaneously
17 with the Decision. Moreover, Verizon Wireless established that it has a significant
18 gap in service coverage and capacity in the area, and that no feasible alternative
19 locations for the Project exist. On information and belief, the City denies such
20 allegations.

21 43. Accordingly, a writ of mandate is appropriate and necessary to set aside,
22 vacate and rescind the Denial Decision, and to order the City to issue all permits
23 regarding the Application, including the CUP and all related building permits, and to
24 approve the MND.

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FIRST CAUSE OF ACTION
(Violation of 47 U.S.C. Section 332(c)(7)(B)(iii))
(Denial not Based on Substantial Evidence)

44. Verizon Wireless realleges and incorporates herein by reference the allegations of all preceding paragraphs as if set forth in full herein.

45. The City failed to state in writing its reasons for denying the Application “essentially contemporaneously with the denial,” as required by the United States Supreme Court in *T-Mobile South, LLC v. City of Roswell* (2015) 574 U.S. ___, 135 S. Ct. 808, 818.

46. The Denial Decision was not authorized under the City's code and has no factual basis. The purported aesthetic reasons for the denial decision were *post hoc* rationales adopted in anticipation of litigation. Moreover, Verizon Wireless established that it has a significant gap in service coverage and capacity in the area, and that no feasible alternative locations for the Project exist. The City did not identify any specific feasible alternative sites that could sufficiently close the gap in coverage and capacity.

47. Therefore, the Denial Decision was not based on substantial evidence in violation of 47 U.S.C. Section 332(c)(7)(B)(iii).

Accordingly, Verizon Wireless prays for relief as set forth below.

SECOND CAUSE OF ACTION
(Violation of 47 U.S.C. 47 U.S.C. Section 332(c)(7)(B)(i)(II))
(Unlawful Prohibition of Service)

48. Verizon Wireless realleges and incorporates herein by reference the allegations of all preceding paragraphs as if set forth in full herein.

49. Verizon Wireless has a significant gap in service coverage and capacity in the area to be served by the facilities proposed in the Application, and the Denial Decision prevents Verizon Wireless from filling that gap by the least intrusive means. In such cases, if an applicant demonstrates that its facility is the least intrusive means

1 to fill a significant gap in service, federal law overrides the local code and mandates
2 approval, notwithstanding that legitimate zoning grounds for denial may exist. *See*
3 *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009).

4 50. The Denial Decision thus prohibits or has the effect of prohibiting
5 Verizon Wireless from providing personal wireless services in violation of 47 U.S.C.
6 Section 332(c)(7)(B)(i)(II). Further, no written City findings or reasons for the Denial
7 Decision were issued essentially contemporaneously with the Decision.

8 Accordingly, Verizon Wireless prays for relief as set forth below.

9 **THIRD CAUSE OF ACTION**

10 **(Violation of 47 U.S.C. § 332(c)(7)(B)(i)(I))**

11 **Unreasonable Discrimination**

12 51. Verizon Wireless realleges and incorporates herein by reference the
13 allegations of all preceding paragraphs as if set forth in full herein.

14 52. Section 332 of the Act states that “[t]he regulation of the placement,
15 construction, and modification of personal wireless service facilities by any State or
16 local government or instrumentality thereof . . . shall not unreasonably discriminate
17 among providers of functionally equivalent services.” 47 U.S.C. § 332(c)(7)(B).

18 53. The request for the CUP and MND related to the Application for
19 facilities at the Property constitutes a request to place “personal wireless service
20 facilities” within the meaning of Section 332. The City has violated Section
21 332(c)(7)(B)(i)(I) by denying the Application for the CUP and MND. The
22 Commission denied the permit requests made by Verizon Wireless on the purported
23 basis that the proposed facilities would not comply with the City’s regulations and
24 policies concerning wireless facilities, and that they would have unmitigated aesthetic
25 impacts. But no written City findings or reasons for the Denial Decision were issued
26 essentially contemporaneously with the Decision.

27 54. Verizon Wireless is informed and believes that the City has granted
28 permits for other providers of functionally equivalent services in similar

1 circumstances. Verizon Wireless is informed and believes that the City has permitted
2 the construction of new facilities, including faux tree facilities and ground level
3 equipment enclosures that are similarly situated or comparable to the proposed
4 facilities under the Application.

5 55. The Denial Decision therefore unreasonably discriminates among
6 providers of equivalent services and violates 47 U.S.C. § 332(c)(7)(B)(i)(I).

7 Accordingly, Verizon Wireless prays for relief as set forth below.

8 **FOURTH CAUSE OF ACTION**

9 **(Petition for Writ of Mandate Under California Code Civ. Pro. Section 1094.5)**

10 56. Verizon Wireless realleges and incorporates herein by reference the
11 allegations of all preceding paragraphs as if set forth in full herein.

12 57. The Denial Decision on the Application and related CUP and MND
13 constituted a prejudicial abuse of its discretion and failed to proceed in a manner
14 required by law because the Denial Decision is not supported by the findings and is
15 not supported by substantial evidence. The Commission failed to properly and
16 reasonably apply the City's Code in determining that the Application should be
17 denied. Further, no written City findings or reasons for the Denial Decision were
18 issued essentially contemporaneously with the Decision.

19 58. For the reasons cited in this Complaint, the Denial Decision is deficient
20 as a matter of law. The Denial Decision regarding the Application and the related
21 CUP and MND must be set aside, vacated and rescinded, and the CUP and MND must
22 be approved.

23 **REQUEST FOR EXPEDITED REVIEW**

24 59. The 1996 Act states that "Any person adversely affected by any final
25 action or failure to act by a State or local government or any instrumentality thereof
26 that is inconsistent with this subparagraph may, within 30 days after such action or
27 failure to act, commence an action in any court of competent jurisdiction. The court
28 shall hear and decide such action on an expedited basis." 47 U.S.C. § 332(c)(7)(B)(v).

1 8. For an order awarding Verizon Wireless the costs and disbursements
2 incurred in connection with this action pursuant to 28 U.S.C. Section 1920;

3 9. For an order awarding attorneys' fees in accordance with the provisions
4 of California Government Code section 800, and as may be otherwise provided by
5 law; and

6 10. For an order granting such other relief as this Court deems just and
7 proper.


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9 Dated:

SCHWARTZ HYDE & SULLIVAN, LLP

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By 
Kevin P. Sullivan

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Attorneys for Plaintiff LOS ANGELES SMSA
LIMITED PARTNERSHIP dba VERIZON
WIRELESS

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