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*Attorneys for Plaintiffs Brinah Milstein,
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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

BRINAH MILSTEIN, individually, and as
Trustee of GLORY OF THE SNOW 1031
TRUST, a California trust, and ROY
BANK, an individual,

CASE NO.

COMPLAINT FOR:

**1) INJUNCTIVE RELIEF, OR
ALTERNATIVELY,**

2) JUST COMPENSATION

JURY TRIAL REQUESTED

Plaintiffs,

V.

CITY OF LOS ANGELES, a Municipal Corporation and Charter City, and KAREN BASS, in her official capacity as Mayor of Los Angeles,

Defendants.

Plaintiffs Brinah Milstein, Roy Bank, and Glory of the Snow 1031 Trust (collectively, “Plaintiffs”), by and through their undersigned counsel, bring this

1 Complaint against Defendants the City of Los Angeles, the City Council of the City of
 2 Los Angeles, and Karen Bass, in her official capacity as Mayor of the City of Los
 3 Angeles (collectively, the “City” or “Defendants”), and allege as follows:

4 **PRELIMINARY STATEMENT**

5 1. This case arises from the unconstitutional taking of private single family
 6 residential property by the City of Los Angeles without any public purpose or just
 7 compensation paid to Plaintiffs through the use of the City’s “Historic Cultural
 8 Monument” ordinance.

9 2. The property, 12305 Fifth Helena Drive, Los Angeles, California 90049
 10 (the “Property”), was owned for about six months in 1962 by Marilyn Monroe—she
 11 occasionally occupied a small house that sits on the Property—while traveling
 12 extensively during her brief ownership to her permanent home in New York City and
 13 elsewhere—before she died at the Property in August 1962.

14 3. Not a trace of Ms. Monroe’s short tenure at the house remains at the
 15 Property or in the house—and the house has been substantially altered by successive
 16 owners over more than sixty years and with multiple building permits issued by the
 17 City without any opposition by the City. For more than sixty years, although keenly
 18 aware of the Property’s brief association with Ms. Monroe, the City had taken no
 19 action to designate the house as a historic monument, until Plaintiffs sought to exercise
 20 their rights under lawfully issued City permits to demolish the house in 2023. Over
 21 more than sixty years and after 14 different owners, numerous remodels and more than
 22 two-dozen building permits issued by the City, the City took no action regarding the
 23 house’s now-alleged “historic” or “cultural” status, essentially admitting it was neither
 24 and that no public good would be served by so designating the house or the Property.

25 4. Following Plaintiffs’ legal application for, and the City’s approval and
 26 issuance of legal permits issued in 2023, and at the behest of the City, tour guides, and
 27 special interests, including those that the City colluded with to achieve its
 28 predetermined outcome, the City in June 2024 designated Plaintiffs’ entire Property a

1 “Historic-Cultural Monument.” In doing so, the City has turned the Property into a
2 tourist attraction, attracting (as the City wanted and expected) traffic congestion on the
3 short, narrow dead-end street adjacent to the Property along with numerous trespassers
4 leaping over and onto Property walls to get into the “designated” house (which cannot
5 be seen from the public realm due to the Property wall and landscaping). Indeed,
6 Plaintiffs have had to pay security personnel to police the Property, and attempt to
7 keep the adjacent small street free from tour buses that regularly stop and block the
8 ingress and egress of Plaintiffs and their neighbors from and to this street and their
9 homes which take access off of the small residential street. As recently as November
10 7, 2025, burglars scaled the wall on the Property and broke into the “designated” house
11 apparently searching for memorabilia or other items, whose acts were captured in
12 photographs and video, and which incident is presently under investigation by the
13 LAPD. The City has undertaken no efforts to keep these trespassers off Plaintiffs’
14 property or stem the tide of trespassers, ban tour vans and buses from stopping on and
15 preventing the use of the small street, or otherwise lessen the other expected and
16 intended impacts created by the City designating a “Historic Cultural Monument” that
17 is entirely inaccessible to the public, and cannot even be seen by the public except
18 when the public trespasses on Plaintiffs’ property. The neighbors are also adversely
19 impacted (see *infra*, for exemplars of the photographs documenting the interference
20 with the neighbors and their privacy).

21 5. And though the City has now designated the entire Property (which is
22 comprised of multiple structures, the majority of which did not even exist during Ms.
23 Monroe’s brief ownership and were built decades later, not just the small house) a
24 “Historic-Cultural Monument” over the objections of Plaintiffs and others, the house is
25 neither accessible to the public, nor even viewable from a public street or other public
26 space. The City has deprived Plaintiffs of their intended demolition of the house and
27 the use and enjoyment of their Property without any actual benefit to the public—who
28 cannot access or even see the house without trespassing.

1 6. The City lacked a valid public purpose in taking Plaintiffs' property under
2 the federal Constitution's Takings Clause. Thus, Plaintiffs are entitled to an injunction
3 against the City's continued designation of the Property as a Historic-Cultural
4 Monument and preventing Plaintiffs from demolishing the single-family house on the
5 property solely because the City considers the Property to be a "Historic-Cultural
6 Monument."

7 7. But even if the City argues it had a valid basis for taking the Property,
8 which it did not, the City has indisputably failed to compensate Plaintiffs for their lost
9 use and enjoyment of their Property. Plaintiffs are therefore at least entitled to just
10 compensation under the Takings Clause.

11 8. The City also has precluded Plaintiffs from demolishing the single family
12 house on the Property. Demolition or substantial alterations to the Property can only
13 now, post—"designation," be accomplished through Plaintiffs' compliance with a multi-
14 year legal process, including the preparation of an Environmental Impact Report
15 pursuant to the California Environmental Quality Act, the City's express permission to
16 tear down or alter what the City just ostensibly "protected," and years of likely
17 litigation by any third party challenging any change to the Property, all of which will
18 result in the City's pre-ordained denial of any demolition or substantial alteration.

19 9. Plaintiffs did everything in their power to encourage the City to remove
20 the allegedly historic from the Property and put it on display elsewhere, and thus avoid
21 this and other legal actions, even offering to help pay for that effort, put up a plaque on
22 the wall, and otherwise avoid the losses caused by designation that the Plaintiffs have
23 now suffered. The City ignored all such efforts.

24 10. The City designated the Property, and the Superior Court denied
25 Plaintiffs' writ petition challenging the designation on September 2, 2025, finding the
26 Councilmember who sponsored and pushed for this designation, Traci Park,
27 unquestionably biased, but finding (incorrectly) that the "process" was legislative and
28 not adjudicative. Accordingly, Plaintiffs have exhausted all administrative remedies

1 that may have been available, and the City has effectively locked up the Property in
2 the designation the City voted for and successfully sought to maintain and did
3 maintain through State court proceedings.

4 **THE PARTIES**

5 11. Plaintiff Glory of the Snow 1031 Trust is the owner of the property
6 located at 12305 Fifth Helena Drive in Los Angeles, California 90049.

7 12. Plaintiff Brinah Milstein is the trustee of Glory of the Snow 1031 Trust
8 which owns the property located at 12305 Fifth Helena Drive in Los Angeles,
9 California 90049, and she owns the property immediately adjacent thereto, 12306
10 Sixth Helena Drive, Los Angeles, California 90049. Her domicile is 12306 Sixth
11 Helena Drive, Los Angeles, California 90049.

12 13. Plaintiff Roy Bank is an owner of 12306 Sixth Helena Drive, Los
13 Angeles, California 90049. His domicile also is 12306 Sixth Helena Drive, Los
14 Angeles, California 90049. Mr. Bank and Ms. Milstein are married.

15 14. Defendant City of Los Angeles is a municipal corporation and a charter
16 city organized and existing under its own charter and codes, and under the laws of the
17 State of California. Its headquarters and principal place of business are 200 North
18 Spring Street, Los Angeles, California 90012.

19 15. The City Council is a fifteen member body of duly elected city council
20 members empowered with certain duties and responsibilities with respect to governing
21 the City of Los Angeles.

22 16. Defendant Karen Bass is the Mayor of the City of Los Angeles,
23 California, and empowered with certain duties and responsibilities with respect to
24 governing the City of Los Angeles.

25 **JURISDICTION AND VENUE**

26 17. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. This action
27 arises under 42 U.S.C. § 1983.

28 18. Venue is proper in this District under 28 U.S.C. § 1391(b), because at

1 least one Defendant resides in this District and the property that is the subject of the
2 action is situated within this District.

3 19. The City's decision designating Plaintiffs' property a "Historic-Cultural
4 Monument" constituted a final decision.

5 20. There is no requirement that Plaintiffs seek further administrative relief
6 from the City before bringing suit in this Court.

7 21. In any event, the City's actions have made clear that any further efforts to
8 persuade the City would be futile.

9 22. Plaintiffs face an uncompensated loss of their property rights absent
10 intervention from this Court.

FACTUAL ALLEGATIONS

A. The Property

13 23. Situated at the end of a very short, narrow dead-end residential street in
14 Los Angeles, the Property is approximately 23,222 square feet, and includes a number
15 of deteriorating structures including an approximately 2,300 square foot single-story
16 Spanish-colonial revival single family house, a pool and patio, several detached
17 outbuildings, and a backyard. *See Ex. A at pp. 3-4.* The property's sole claim to fame
18 is that the Property was briefly owned by Marilyn Monroe for about six months before
19 she died in the house on the Property in 1962. Saying that Ms. Monroe "lived" in the
20 house is untrue. While she did own the Property for 157-days, she was not there for
21 nearly that entire time, rather she was traveling and staying in her primary, long-term
22 legal residence in New York City. Indeed, following her death, Ms. Monroe's estate
23 was probated not in California, but in her domicile of New York. New York and
24 California courts agreed her residence was New York. *See Ex. M at p. 10213.*
25 Affidavits and declarations filed after her death confirmed that her residence was New
26 York and that the Property was for her temporary use while filming in Los Angeles,
27 and that she fully intended to go back to her permanent New York residence after her
28 business in California was done, even instructing that her belongings in New York

1 remain and tended to while travelling. *See* Ex. N.

2 24. The house itself also retains no trace of Ms. Monroe. Not a single
 3 element of the house as it exists today reflects Ms. Monroe's brief use of the Property,
 4 not a wall covering, a tile, a light fixture, an appliance, . . . nothing. As indicated in
 5 the last (and only) interview of Ms. Monroe in the house, the reporter noted that Ms.
 6 Monroe appeared to be camping in the house; he described the rooms as "bare and
 7 makeshift as though someone lived there only temporarily."¹ All décor associated
 8 with her brief tenure at the house has long been stripped by a succession of no less
 9 than fourteen owners since her death. And the house and the Property have been
 10 substantially altered including major additions to the house and new outbuildings. The
 11 City has issued over two-dozen building permits allowing major changes to the house
 12 since 1962 with not a single objection that the house or Property was historic. *See* Ex.
 13 A at pp. 16-17 (listing permits granted for remodeling). Although aware of Ms.
 14 Monroe's brief use of the house, the City undertook no actions to designate the house
 15 as historic during the past sixty years, until Plaintiffs sought to exercise their rights
 16 pursuant to demolition and grading permits validly issued by the City.

17 25. The house itself has been unoccupied since late 2019 and is deteriorating,
 18 with large segments of the tile roof missing and leaking, and many elements of the
 19 house in disrepair and non-functional. The official report prepared for the City
 20 included the following picture showing the state of the house and grounds. The
 21 photograph below shows the front, street-facing portion of the house with significant
 22 amounts of tile missing from the roof.

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¹ Richard Meryman, *A Last Long Talk with a Lonely Girl*, LIFE (Aug. 17, 1962).



13 26. Plaintiffs purchased the Property with the intent of demolishing the
14 dilapidated structures on the Property. Ex. A at page 55.

15 27. To accomplish this, concurrent with their acquisition of the Property,
16 Plaintiffs applied to the City for, and were issued, permits to demolish the house and
17 other buildings and grade the Property. Pursuant to City ordinances dealing with any
18 property more than forty-five years old, the permits had been “held” by the City for
19 thirty days prior to issuance to allow for “preservation” and other objections to be
20 made by the City and others for older properties. Pursuant to the City ordinance,
21 assuming there are no preservation objections during the thirty-day period, the permits
22 are released from the “hold.” No objections were made during the thirty-day period
23 and the demolition and grading permits were lawfully issued by the City on
24 September 7, 2023. Plaintiffs incurred tens of thousands of dollars in reliance on the
25 issued permits preparing for the work those permits allowed. And Plaintiffs have now
26 had to incur millions of dollars in expenses to defend their rights in relation to the
27 property.

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1 **B. Defendants' Actions**

2 28. Unfortunately for Plaintiffs, their plans to proceed with the demolition
3 authorized by the City permits were halted by the City, after Plaintiffs had begun to
4 use the validly issued Permits, without any notice or opportunity to be heard by
5 Plaintiffs. The Councilmember representing the area of the City where the Property is
6 located, Traci Park, together with so-called preservationists and self-interested tour
7 operators and City staff set about a process immersed in back-room deals and admitted
8 bias to designate the Property a “Historic-Cultural Monument,” pursuant to Los
9 Angeles Administrative Code §§ 22.171.8–.10, to prevent the house’s demolition. On
10 September 8, 2023, without any notice to Plaintiffs, the City Council approved a
11 motion (“Motion”) introduced by Councilmember Park to initiate the process to
12 review and consider such a historic-monument designation of the Property, dressed as
13 Marilyn Monroe in a press conference preceding the vote, in Council chambers during
14 the motion and vote, and after the vote in a staged TikTok video on the small
15 residential street just outside the Property. Upon the adoption of the Motion by the
16 City Council to initiate the process, the City, again without any notice or opportunity
17 to be heard to Plaintiffs, unilaterally stayed the validly issued demolition and grading
18 permits.

19 29. The City’s process for designating the Property was also—charitably
20 speaking—irregular. It began with Councilmember Park (dressed in attire and with
21 hair and makeup to appear like Marilyn Monroe) holding a press conference and then
22 proceeding into the City Council chambers to introduce a Motion, without notice or an
23 opportunity to be heard by Plaintiffs, for the City Council to approve that very day the
24 initiation of the City process of considering the Property’s historical designation. *See*
25 Ex. A at p. 11. Councilmember Park’s statements at the press conference referenced
26 how the house still exhibited details, including tiles and wood beams, that Ms. Monroe
27 had “hand-picked on her Journeys from around the world” and “reflect[ed] her
28 personal character,” although Councilmember Park had never requested to see the

1 house, had never visited the house, let alone been inside the house, and these claims
 2 were factually not true. The tiles that she installed were removed during a City-
 3 permitted renovation in the 1990s. And, despite the very brief tenure of Ms. Monroe
 4 at the house and that not a single artifact remains at the house relating to Ms. Monroe
 5 living there, Councilmember Park exclaimed, “I can’t imagine any home in the City of
 6 Los Angeles more worthy of this designation.”²

7 30. After the adoption of the Motion by the City Council on September 8,
 8 2023, Councilmember Park proceeded to the street adjacent to the Property, still
 9 dressed as Marilyn Monroe, to make TikTok videos drawing attention to the Property.

10 31. Following the adoption of the Motion, the Historic Monument law
 11 required City officials to inspect and investigate the site and provide an independent,
 12 evidence-based report and recommendation on the proposed designation. *See* L.A.
 13 Admin. Code § 22.171.10(c).

14 32. Instead of following the procedure mandated by Historic Monument law
 15 or any of the pre-qualified and City retained historic preservation consultants, the City
 16 chose to use a biased historic-preservation advocate arranged with the City’s full
 17 knowledge, to be made available for “free” by one of the very parties advocating for
 18 designation of the house, the Los Angeles Conservancy (“Conservancy”), to write the
 19 report.

20 33. Even more appalling, the report preparer was given a plum City job while
 21 preparing the report at the request of the head of the Conservancy. *See, e.g.*, Ex. B,
 22 Conservancy Email (email from the Conservancy’s “Senior Director of Advocacy” to
 23 a City official saying, “we have someone good lined up that will write the
 24 nomination”); Ex. C, Fine 9/12 Email saying “Heather is able to submit a draft
 25 nomination . . . by October 2”; Ex. D, email re head of conservancy arranging job.

27 2 Josh Haskell, *Neighbors Oppose Landmark Status for Marilyn Monroe’s Former*
Home in Brentwood, ABC 7 EYEWITNESS NEWS (Apr. 2, 2024),
 28 <https://abc7.com/marilyn-monroe-former-brentwood-home-could-become-historical-landmark/14607966/>.

1 34. Indeed, the report’s author also is on the Board of another historic
 2 preservation group, Hollywood Heritage, that had publicly advocated for designation
 3 of the Property before and in connection with initiation of the designation process.
 4 *See, e.g.*, Ex. E, Initiation Email (asking the president of the Conservancy whether
 5 there was anything the report’s author could do to further the cause of designating the
 6 Property a Historic-Cultural Monument), proving the City knew of her bias. And
 7 during the drafting of the report on the possible designation, the report writer, who had
 8 been arranged to write the report by the Conservancy, actually sought input from the
 9 president of the Conservancy, the very group advocating for the designation, including
 10 sharing drafts of the “City” report for the Conservancy’s input. Ex. F.

11 35. Unsurprisingly, the report prepared by the Conservancy’s hand-picked and
 12 biased report writer strongly advocated for the Property’s designation. *See generally*
 13 Ex. A. Notably, following the report’s preparation, the report drafter received an email
 14 from the president of the Conservancy, thanking her for “put[ting] together a very
 15 compelling case” for the designation. Ex. G.

16 36. The sole basis for the recommended designation was the house’s
 17 association with Ms. Monroe and her brief residency there. The report found that but
 18 for Ms. Monroe having briefly owned and lived in the house 60 years ago there was no
 19 basis for designation. Aside from that, the report found no other historical,
 20 architectural, or cultural reasons for preserving the house.

21 37. On January 18, 2024, despite widespread opposition from virtually every
 22 community group in the area,³ in reliance on the report prepared by the Conservancy’s
 23 biased report preparer, the City’s Cultural Heritage Commission recommended
 24 designating the Property a Historic-Cultural Monument. *See* Ex. H, CHC Designation.
 25 None of the Commissioners validly addressed the evidentiary requirements for
 26

27 28 ³ *See* Haskell, *supra* note 2 (“Many residents are against the designation and fear it
 will bring more visitors to the neighborhood.”); *see also* Exh. I [letters from
 homeowners associations and neighborhood council].

1 “designation” under the City’s applicable criteria. By way of example only, in an eerie
2 admission, one Commissioner said at the hearing that he felt “moved” in a bedroom he
3 had referred to, when visiting the home, as her “death room.” Ex. O at p. 63. However,
4 he offered no actual relevant evidence to support the designation based on the criteria
5 to which he was supposed to be objectively applying. Notwithstanding all the
6 admitted bias driving designation and obvious errors by the Cultural Heritage
7 Commissioners, and following suit from its earlier approval of the Motion to designate
8 the house, the City Council’s Planning and Land Use Management Committee
9 (comprised of the same Council members who approved the original Motion) rubber-
10 stamped approval of the recommendation to designate the Property. *See* Ex. J at pp. 3-
11 4.

12 38. Throughout the process, Plaintiffs opposed the City’s actions to the best
13 of their ability given that they were regularly not given the legally required notice and
14 an opportunity to be heard. In a letter to the Planning and Land Use Management
15 Committee of the City Council, Plaintiffs explained that designating the Property
16 served no public purpose. *See* Ex. K. Specifically, they explained that the house is not
17 visible from any public thoroughfare and included the below picture.

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15 *Id.* at 2. (the taller gray structure is not the “designated” house but the home on the
16 adjacent lot).

17 39. Any member of the public looking to view the single-story “monument”
18 would instead just see a wall and solid gates, and tall hedges behind that. *See id.*

19 40. Plaintiffs also expressed concern that the designation would turn the
20 house into “a tourist attraction” which would “endanger the safety and peace and quiet
21 of the Banks and the neighborhood community” from both intruders as well as from
22 traffic on a narrow neighborhood street. *Id.*

23 41. As such, because there was no lawful means for the public to access or
24 view the Property and the City had not taken physical possession of the Property to
25 facilitate public access, Plaintiffs asserted that the City had no valid public purpose in
26 perpetually prohibiting the house’s demolition. *Id.*

27 42. Plaintiffs also explained that neighbors and the local homeowners’
28 associations opposed the designation. *Id.* at 1. Plaintiffs likewise highlighted how the

1 Estate of Marilyn Monroe disapproved of the designation—instead favoring relocation
2 of the house to a publicly accessible site (understandably, given there is no lawful
3 public access to the existing site). *Id.* at 1–2. And as Plaintiffs explained,
4 paradoxically, the designation would prevent the house’s relocation and “ensure that
5 the house would remain completely inaccessible to the public—for years to come.” *Id.*
6 at 2.

7 43. Finally, Plaintiffs maintained that the designation would “amount to an
8 unconstitutional taking of the Bank family’s property.” *Id.* at 3.

9 44. Plaintiffs made many efforts to engage with the City to find a solution
10 amenable to everyone. By way of example only, Plaintiffs offered to work with the
11 City to relocate the house to a public property such as a park or another location where
12 the public could visit and enjoy it. *See id.* at 2. The City, however, rebuffed Plaintiffs’
13 overtures and instead charged ahead with designation.

14 45. Despite Plaintiffs’ efforts and the opposition to designating the Property
15 by the Estate of Marilyn Monroe, virtually every local homeowner association in the
16 area, and Plaintiffs, on June 26, 2024, the City Council approved the designation of the
17 entire Property—from property line to property line—despite Ms. Monroe’s brief
18 occupancy of the house, and despite that several structures on the property did not
19 even exist during Ms. Monroe’s brief ownership, and did so without the legally
20 required notice of final vote to owners. *See Ex. L [Final Approval].* And as a result of
21 the City Council’s action approving the designation of the Property as a Historic-
22 Cultural Monument, the City terminated the previously issued demolition permit and
23 grading permit.

24 46. At no point in the more than sixty years prior to Plaintiffs’ purchase of the
25 Property did the City express any interest in designating the Property a Historic-
26 Cultural Monument and preserving elements “unique” to Ms. Monroe (of which none
27 are left) and her short ownership of the Property. In fact, although the City was clearly
28 aware of the existence of the house as the former residence of Ms. Monroe for

1 decades, the City took no action to designate the Property as a Historic-Cultural
2 Monument. On information and belief, prior to the introduction of the Motion by
3 Councilmember Park initiating the Historic-Cultural Monument process, there was no
4 designation on the City's zoning files indicating any potential historic designation and
5 on information and belief Councilmember Park never formed or stated an intention to
6 "protect" the house (which sits squarely in her district) until the City issued its valid
7 demolition and grading permits to Plaintiffs.

8 47. Numerous renovations occurred to the Property in the intervening years
9 between Ms. Monroe's death in 1962 and Plaintiffs' purchase of the Property in 2024,
10 and were issued permits by the City, without a single mention of any historic issues.
11 These included additions to the house and complete renovations of the house's
12 interiors. Thus, there is not a single element of the house existing today that reflects
13 Ms. Monroe's association with it. As the report itself listed, these alterations included
14 an addition to the house and a kitchen remodel in 1976, and an addition of a recreation
15 room in 1980. Ex. A at p. 5; *see also id.* at pp. 16–17, 20 (listing alterations). Not
16 once did the City deny a permit for any of these renovations to "preserve" the
17 Property's ambiance and association with Ms. Monroe.

18 48. And not once during the sixty years following Ms. Monroe's death did the
19 City seek to designate the Property as a Historic-Cultural Monument.

20 **C. Impact of Historic-Cultural Monument Designation**

21 **1. Plaintiffs Cannot Obtain a Permit to Clear the Property.**

22 49. Given the City's designation of the Property as a Historic-Cultural
23 Monument and the now statutory mandated multi-year process for obtaining
24 permission to demolish the now designated Property, and the right of the City to deny
25 any demolition permit and the rights of any third parties to challenge any changes to
26 the Property under the mandated process, Plaintiffs' Property has been taken by the
27 City and they have no actual remedies at law or in equity outside this Court.

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1 50. In particular, when the City designates a property a Historic-Cultural
2 Monument, it prohibits any demolition (or substantial alteration) to the Property absent
3 the City's express permission. Any effort to seek permission to demolish or alter the
4 Property involves a lengthy process, including preparation of an environmental impact
5 report as required by the California Environmental Quality Act, and the City's express
6 approval for any alteration or demolition, and the rights of any third party to challenge
7 such approval if ever granted by the City. Such a process would take years and cost
8 hundreds of thousands of dollars (or millions of dollars) all borne by Plaintiffs. The
9 outcome, based on the City's actions in designating the Property as a Historic Cultural
10 Monument, would result in a predetermined outcome, namely, denial of demolition.

11 51. Attempting to secure a permit to demolish a Property designated by the
12 City as a Historic-Cultural Monument requires enduring a byzantine legal process
13 where, ultimately, the same actors who drove and approved the designation process,
14 namely the City Council member for the area, the City Council, the Mayor, and the
15 Cultural Heritage Commission (appointed by the Mayor), can prevent issuance of the
16 permit altogether. And any third party is given rights to object to any such demolition
17 of the Property and any third party can litigate issues involved in the City's
18 consideration of the request to demolish the Property.

19 52. The statutorily mandated process requires compliance with the Historic-
20 Cultural Monument ordinance to alter or demolish a Historic-Cultural Monument and
21 compliance with the California Environmental Quality Act, all of which will result in a
22 simple inescapable conclusion—no demolition permit will issue. The very City parties
23 that just designated the Property as a Historic-Cultural Monument would have to
24 reverse their decision as to designation after preparation of an environmental impact
25 report. And that reversal by the City would be subject to legal challenge by any third
26 party, resulting in years of litigation. And Plaintiffs would be required to indemnify
27 the City for all its costs in the process including its legal fees.

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1 53. The process to demolish or make major alterations to the Property begins
2 with seeking a demolition or building permit for any alteration from the relevant City
3 permitting agency, *e.g.*, the Department of Building and Safety. Given that the
4 designation of the Property as a Historic-Cultural Monument, any issuance of a
5 demolition permit (or any permit of alteration of the Property) requires a discretionary
6 approval from the City (namely approval by the Cultural Heritage Commission and
7 ultimately the City Council). Given the requirement of a discretionary process to
8 approve any permit consideration of the issuance of the discretionary approval for a
9 permit is first subject to a multi-year process pursuant to the California Environmental
10 Quality Act (“CEQA”) (and preparation of an environmental impact report) before the
11 City can even consider issuing the permit.

12 54. A designated Historic-Cultural Monument is considered a significant
13 “historical resource” under CEQA. *See Comm. to Save the Hollywoodland Specific*
14 *Plan v. City of Los Angeles*, 161 Cal. App. 4th 1168, 1187 (2008) (explaining that any
15 action which “could significantly alter the[] physical composition[]” of a Historic-
16 Cultural Monument triggered the California Environmental Quality Act).

17 55. Hence, the City (which has designated the house as a Historic-Cultural
18 Monument) is required to prepare an environmental impact report (“EIR”) before any
19 permit could issue. *See Cal. Pub. Res. Code § 21082.2(d)* (“If there is substantial
20 evidence . . . that a project may have a significant effect on the environment, an
21 environmental impact report shall be prepared.”); *id.* § 21084.1 (“A project that may
22 cause a substantial adverse change in the significance of an historical resource is a
23 project that may have a significant effect on the environment. . . . Historical resources
24 included in a local register of historical resources . . . are presumed to be historically or
25 culturally significant.”).

26 56. An environmental impact report’s importance in the process to secure a
27 permit to alter or demolish a Historic-Cultural Monument cannot be understated; “the
28 [Environmental Impact Report] is the heart of [the California Environmental Quality

1 Act][,]" serving as an "alarm bell' . . . to alert the public and its responsible officials
 2 to" significant changes before they reach "points of no return." *Cnty. of Inyo v. Yorty*,
 3 32 Cal. App. 3d 795, 810 (1973).

4 57. Environmental Impact Reports study the potential impact of the action
 5 and propose "reasonable alternatives . . . which would feasibly attain most of the basic
 6 objectives of the project but would avoid or substantially lessen any of the significant
 7 effects of the project." *See* Cal. Code Regs. tit. 14, §§ 15126.2, 15126.6. One such
 8 alternative must be the "no project" alternative, which "allow[s] decisionmakers to
 9 compare the impacts of approving the proposed project with the impacts of not
 10 approving the proposed project." *Id.* § 16126.6(e)(1).

11 58. Ultimately, the report must analyze "whether a project may have a
 12 significant effect on the environment based on substantial evidence in light of the
 13 whole record." Cal. Pub. Res. Code § 21082.2(a). Any Environmental Impact Report
 14 prepared here would necessarily conclude that demolishing all or part of a Historic-
 15 Cultural Monument would qualify as a "significant effect" under the California
 16 Environmental Quality Act. *See* Cal. Code Regs. tit. 14, § 15002(g) ("A significant
 17 effect on the environment is defined as a substantial adverse change in the physical
 18 conditions which exist in the area affected by the proposed project."); *id.* §
 19 15064.5(b)(1)–(2) ("Substantial adverse change in the significance of an historical
 20 resource means physical demolition, destruction, relocation, or alteration of the
 21 resource or its immediate surroundings such that the significance of an historical
 22 resource would be materially impaired. [Material impairment occurs when a project]
 23 [d]emolishes or materially alters in an adverse manner those physical characteristics
 24 that account for its inclusion in a local register of historical resources . . . unless the
 25 public agency reviewing the effects of the project establishes by a preponderance of
 26 evidence that the resource is not historically or culturally significant."); *Comm. to Save*
 27 *the Hollywoodland Specific Plan*, 161 Cal. App. at 1187 (concluding that building on
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1 top of a Historic-Cultural Monument “will significantly impact the environment by
 2 altering the historic resource[]”).

3 59. Per the California Environmental Quality Act, “no public agency shall
 4 approve or carry out a project for which an [Environmental Impact Report] has been
 5 certified which identifies one or more significant effects on the environment that
 6 would occur if the project is approved or carried out,” unless certain stringent
 7 conditions are met. Cal. Pub. Res. Code § 21081.

8 60. One of these conditions, which provides agencies a means of balancing
 9 other concerns, would require “find[ing] that specific overriding economic, legal,
 10 social, technological, or other benefits of the project outweigh the significant effects
 11 on the environment.” *Id.* § 21081(b). Specifically, the agency, in this case the City
 12 which had just designated the Property as a Historic-Cultural Monument, would be
 13 required to adopt a “Statement of Overriding Considerations” identifying the “specific
 14 economic, legal, social, technological, or other benefits, including region-wide or
 15 statewide environmental benefits, of a proposed project outweigh the unavoidable
 16 adverse environmental effects,” making “the adverse environmental effects . . .
 17 ‘acceptable.’” Cal. Code Regs. tit. 14, § 15093(a). And the certification of the
 18 environmental impact report and the adoption of a Statement of Overriding
 19 Considerations by the City even if it were achievable in this case would be subject to
 20 challenge by any third party in a multi-year litigation.

21 61. In the context of the designation of the Property as a Historic-Cultural
 22 Monument, the process would begin with an application for a permit for demolition
 23 filed with the Department of Building and Safety. The Department of Building and
 24 Safety is required to then prepare an environmental impact report to consider the
 25 environmental impacts of demolition or significant alteration of the Historic-Cultural
 26 Monument. The Historic Resources Commission, the Office of Historic Resources of
 27 the Planning Department, the Council office and any third parties interested in the
 28 Property all have a right to participate in the process. Given that the demolition would

1 “significantly effect” a Historic-Cultural Monument, the Department of Building and
2 Safety would be required to conclude that the California Environmental Quality Act
3 foreclosed demolition given the monument designation unless a Statement of
4 Overriding Consideration could be adopted by the City. If the environmental impact
5 report is not certified or the Statement of Overriding Consideration is not approved
6 then the only recourse Plaintiffs would have is appealing to the City Council, the same
7 body that acted to designate the property in the first place. *See* Cal. Pub. Res. Code
8 § 21151(c) (requiring appeals of Environmental Impact Report certifications by
9 unelected bodies to the governing elected body); L.A. Mun. Code art. 4, § 197.01
10 (implementing the appeal procedure).

11 62. And even if the Department of Building and Safety acted contrary to the
12 determination of designation by the Cultural Heritage Commission, the Office of
13 Historic Resources of the Planning Department and the City Council and certified the
14 environmental impact report and adopted a Statement of Overriding Consideration
15 finding “specific economic, legal, social, technological, or other benefits” for
16 demolition or alteration of the house and granted the permit, the proponents of the
17 designation would then have an independent right to appeal to the City Council such a
18 determination. *See Vedanta Soc. of S. California v. California Quartet, Ltd.*, 84 Cal.
19 App. 4th 517, 523 (2000) (recognizing the ability of an action’s opponents to initiate
20 an appeal). And the City Council would have a right to hear the matter in any event on
21 its own motion. Hence, either way, the City Council which has just designated the
22 Property as a Historic-Cultural Monument would be left to decide whether to allow for
23 the demolition of the Property under the California Environmental Quality Act and
24 then grant a permit for the demolition.

25 63. The City Council has already heard and rejected (improperly) Plaintiffs’
26 arguments that the Property is not worthy of protection. It still chose to designate the
27 Property a Historic-Cultural Monument. *See* Ex. L. Given that the City Council has
28 only just designated the Property, the Council clearly would not find a “specific

1 economic, legal, social, technological, or other benefit” that would make granting the
 2 demolition permit “acceptable.” Cal. Code Regs. tit. 14, § 15093(a). After hundreds
 3 of thousands of dollars (or more) incurred by Plaintiffs and multiple years of further
 4 process, the City Council would employ the same considerations it used in designating
 5 the Property as a Historic-Cultural Monument to decide whether to allow a demolition
 6 permit to issue, assuring no City approval for a demolition permit.

7 64. The Environmental Impact Report required for any consideration
 8 involved in the issuance of a demolition permit is prepared by the City, the very party
 9 which just designated the Property as a Historic-Cultural Monument. The California
 10 Environmental Quality Act process itself can take anywhere from two-to-four years (or
 11 more) to complete and costs hundreds of thousands of dollars (or more), all required
 12 by the City to be borne by Plaintiffs. And any third party has a right to challenge the
 13 California Environmental Quality Act determination (there is essentially no standing
 14 requirements for a third party to challenge an approval other than having objected at
 15 some point during the process) embroiling the potential issuance of any permit in
 16 litigation for another two-to-four years (or longer) and many hundreds of thousands of
 17 dollars (or more) in legal costs to be borne by Plaintiffs. And Plaintiffs are required to
 18 indemnify the City for all costs, including the City’s legal costs. Under California law,
 19 if a third party prevails in the litigation challenging an approval, Plaintiffs have to pay
 20 their attorney’s fees, but if Plaintiffs prevail the third parties are not required to pay
 21 Plaintiffs’ attorney’s fees. At every level the deck is stacked against Plaintiffs.

22 65. Further, before any action on any requested demolition or alteration
 23 permit can be taken, the permit request is referred to the Cultural Heritage
 24 Commission for its review and recommendation. Specifically, the City’s ordinances
 25 prohibit issuing a “permit for the demolition, substantial alteration or relocation of any
 26 Monument” and otherwise makes it illegal for a monument to “be demolished,
 27 substantially altered or relocated without first referring the matter to the [Cultural
 28 Heritage] Commission,” unless a public-necessity exception applies (not applicable

1 here). L.A. Admin. Code § 22.171.14. In other words, the ability to demolish or
2 “substantially alter” a property requires convincing the same body that saw fit to
3 preserve a property that the property is not worth preserving. *See id.*

4 66. The ordinance itself builds in a strong preference for preservation in
5 establishing standards for the Cultural Heritage Commission’s review. Namely, when
6 an owner seeks a permit for “substantial alterations,” the ordinance directs
7 consideration of “[w]hether the substantial alteration protects and preserves the
8 historic and architectural qualities and the physical characteristics that make the site,
9 building or structure a designated Monument.” *Id.* § 22.171.14(a)(2). If the
10 Commission concludes that the monument warrants continued preservation, it may
11 “object to the proposed demolition, substantial alteration or relocation.” *Id.*
12 § 22.171.15. This sets in motion a formal hearing process before the Commission and
13 suspends issuance of a permit for up to “180 days, during which time the Commission
14 shall take all steps within the scope of its powers and duties as it determines are
15 necessary for the preservation of the Monument to be demolished, altered or
16 relocated.” *Id.* If the Commission believes that “preservation can be satisfactorily
17 completed,” it can request the City Council to grant it an additional 180 days to stay
18 issuance of a permit. *Id.*

19 67. All told, on its own authority, the Commission can further delay a permit
20 for up to six months and, in conjunction with approval from the City Council, the
21 Commission can extend that delay for up to a year. This is after a multi-year
22 Environmental Impact Report process for a new permit. Even if a property owner
23 holds out through that many years-long process, issuance of the permit is destined for
24 failure. The Commission can ultimately recommend that the permitting agency deny
25 the permit. While the Commission’s recommendation is not binding, it could
26 nonetheless persuade the permitting agency—here, the Department of Building and
27 Safety—to deny the permit. *See id.* § 22.171.18 (directing all City agencies to

1 “cooperate with the Commission in carrying out the spirit and intent of this article”
 2 regarding historic preservation).

3 68. And any decision of the Cultural Heritage Commission or the Department
 4 of Building and Safety is subject to review by the City Council.

5 69. Alas, Plaintiffs have no prospect of any reversal of the designation;
 6 therefore the ability to demolish is non-existent.

7 70. The Property’s designation as a Historic-Cultural Monument therefore
 8 forecloses Plaintiffs from any means of obtaining a demolition permit the Property,
 9 and makes it practically impossible to obtain relief through any other avenue, other
 10 than this Court, as described above.

11 **2. The Designation Has Rendered the Property Useless.**

12 71. The designation and its incumbent prohibition of demolition to the
 13 Property has thwarted Plaintiffs’ investment-backed expectations in purchasing the
 14 Property, as evidenced by (among other things) their virtually simultaneous close of
 15 escrow and demolition permit application. As noted, Plaintiffs purchased the Property
 16 with the clear intent of demolishing the dilapidated structures on the Property.

17 72. But the historic designation prevents demolition of the house and clearing
 18 of the Property, and leaves Plaintiffs with a property containing decaying buildings.
 19 The house is not rentable to a third party or useable by Plaintiffs because of its
 20 deteriorated conditions and because the house has become a security risk due to
 21 trespassers seeking access to the Property. The house will continue to deteriorate. And
 22 trying to sell the Property offers Plaintiffs no prospect of recovery given (among other
 23 things) the dilapidated condition of the structures on the Property, the designation’s
 24 restrictions, and the security risks to future residents.

25 73. Plaintiffs purchased the Property for \$8.35 million and have expended an
 26 additional approximately \$30,000 in securing the demolition and grading permits and
 27 hundreds of thousands for necessary added security caused by the designation and to
 28 defend Plaintiffs’ rights and oppose the designation, as well as millions in attorneys’

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1 fees and costs of disputing the designation before the City and the Los Angeles
2 Superior Court.

3 74. In order for Plaintiffs to rent the house, Plaintiffs would be required to, if
4 and only if they could obtain permission from the City to do so, spend hundreds of
5 thousands of dollars, repairing or replacing the roof, fixing multiple leaks, installing
6 heating and air systems, repairing plumbing and eliminating mold, conditions that
7 have persisted from before the designation and through the present day. Plaintiffs
8 could not rent the house given its physical condition without these repairs. In addition,
9 Plaintiffs would be required to disclose to any such prospective renter the repeated
10 events of trespassing, vans and buses blocking ingress and egress, and the similar
11 burdens “designation” has imposed on any “use” of the property by a renter. Plaintiffs
12 also would be at risk of lawsuits from any renter for harms as a result of trespassers.

13 75. Given the Cultural Historic Designation and the unrentable condition of
14 the House and other structures on the Property, the market value of the house is zero,
15 or a negative amount.

16 76. Plaintiffs also must incur other expenses for holding the Property,
17 including property taxes of over \$100,000 annually, insurance and utilities. And,
18 despite the City-imposed encumbrances on the Property that render the Property
19 useless to Plaintiffs, Plaintiffs’ annual costs for a property that is not rentable or
20 useable exceed six figures.

21 77. In purchasing the Property, Plaintiffs intended to demolish the decaying
22 structures on the Property. As explained, the City has granted over two-dozen permits
23 for various remodels and additions that have gutted the house of any trace of Ms.
24 Monroe. Not once did the City indicate concern about the impact of these alterations
25 or express interest in preserving the house or its elements. Thus, with no preservation
26 restriction on the Property at the time of purchase and no indication that the City
27 would place such burdens on the Property, Plaintiffs held an objectively reasonable,
28

1 distinct investment-backed expectation that they could demolish the structures on the
2 Property, including the house, and grade the Property.

3 78. The designation also is not in keeping with the Property's single-family
4 residential zoning. The overall property size is approximately 23,222 square feet. The
5 main-house structure is approximately 2,300 square feet. However, current zoning
6 would permit an approximately 10,000-square-foot house to occupy the parcel. The
7 designation, however, blocks any potential redevelopment efforts. The small house's
8 and outbuildings' positions on the lot foreclose any possibility of developing even a
9 portion of the parcel—hampering any realistic potential at recovering some value.
10 And no mechanism exists for Plaintiffs to transfer or sell their development rights
11 from the Property.

12 3. **The Designation Invites and Encourages Invasion of the**
13 **Property.**

14 79. But the burdens placed on the Plaintiffs extend beyond the destruction of
15 the Property's value. The designation and the publicity surrounding it has turned the
16 Property on a narrow neighborhood street into a tourist attraction.

17 80. The City's designation efforts have incited unwanted visitors to the
18 Property, placing the safety of Plaintiffs, their children, and their neighbors at risk
19 along with any possible tenant of the Property (if the Property were rentable). *See,*
20 *e.g.*, Haskell, *supra* note 3 (quoting a neighbor as saying “it can be very scary
21 sometimes” noting an incident with “two intruders who came in looking for Marilyn
22 Monroe’s site [where] they said where she was murdered”).

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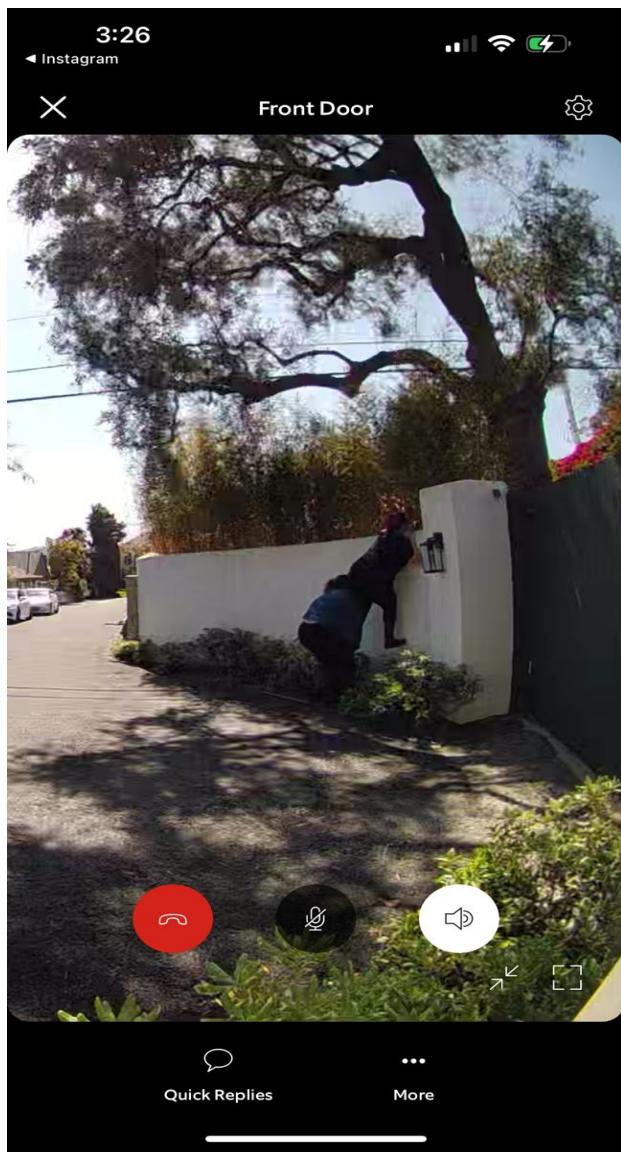
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1 81. Following the designation, numerous people have trespassed and
2 attempted to and *have* burglarized the property, including several people scaling the
3 walls —images of which were captured by Plaintiffs (attached below) and which
4 forced Plaintiffs to call the police. This has happened on multiple occasions, including
5 as recently as November 7, 2025 and has forced Plaintiffs to pay for multiple levels of
6 added security measures at a significant expense. Others have flown drones over the
7 Property or otherwise tried to enter the Property without permission. *See* Ex. K at 2.



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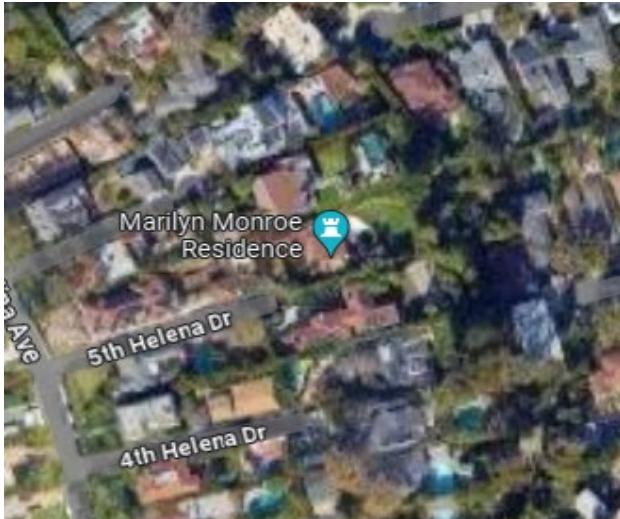
21 82. The designation has generated massive tourism.
22 83. Even Google Maps now has a monument symbol—akin to that of the
23 “Hollywood” sign and other major tourist attractions around Los Angeles—marked on
24 the Property, inviting yet more trespassing.

25

26

27 / / /

28 / / /



84. Meanwhile, the City has done nothing to prevent the Property from transforming into a tourist attraction.

85. Turning private property into a tourist hotspot is plainly a foreseeable result of expressly inviting tourism by officially naming something a “Historic-Cultural Monument” due to the short ownership by Marilyn Monroe. The phrasing itself evokes images of places to be visited and commemorative edifices meant to be viewed by the public. And the Property shares the designation with a list of quite-public buildings, including Grauman’s Chinese Theatre and the Griffith Observatory. Likewise, it is entirely foreseeable that at least some members of the public would be so anxious to view the “monument,” that when met with the view of only a wall and shrubs, they would take trespassing actions to get their look, and often get angry when access is denied. These actions and illegal invasions of Plaintiffs’ property were entirely predictable, were in fact predicted by Councilmember Park and her supporters as part of their campaign to designate the Property, and thus the City knew of and fully expected, indeed encouraged, such unlawful trespassing on Plaintiffs’ Property.

86. As such, not only has the City’s action deprived the Property of any value, but the City caused the public invasion of the Property. So long as the designation remains, the stream of visitors and trespassers will continue. And such

1 designation has caused Plaintiffs to incur the enormous burden and cost of employing
 2 private security forces to attempt to guard against trespassers that the City knowingly
 3 invited and encouraged by this designation.

4 **D. Absence of a Public Purpose**

5 87. In designating a property that the public cannot see or access as a
 6 Historic-Cultural Monument, the City lacked a public purpose.

7 88. The house is not visible from the public realm; it cannot be accessed by
 8 any member of the public. No person can see the house or visit it without trespassing
 9 on the Property. As noted, any member of the public looking to view the single-story
 10 “monument” would instead travel down and likely block a very small residential street,
 11 just see a perimeter wall, a solid gate, and tall hedges. *See* Ex. K. Given the total
 12 visual obstruction of the house, there is no legal means for the public to view it.

13 89. The report itself even conceded that the “an evaluation of eligibility could
 14 not be completed as the subject property is not fully visible from the public right-of-
 15 way.” Ex. A at p. 6.

16 90. Preserving the Property from significant change given its incredibly
 17 limited association with Marilyn Monroe was the purported motivating force behind
 18 the designation. *See* Ex. A at p. 7. No other potential purpose supports the City’s
 19 actions. The Property, for example, was not designated as an ecologically sensitive
 20 area, as a proposed route for a highway, or as part of a pond built up behind a dam.
 21 Nor was it condemned and handed over to private developers to spur economic growth
 22 in a given area.

23 91. All that the City has done is ordered a property to stagnate out of the
 24 public’s sight. In other words, the only thing the designation accomplishes is
 25 preventing Plaintiffs from demolishing or altering a property that the public cannot
 26 enjoy.

27 92. And public enjoyment of the house is now impossible. Any possibility of
 28 relocating the house to a public place is insurmountable; obtaining a relocation permit

1 would require overcoming the same impediments as a demolition permit. *See* LA.
2 Admin. Code. § 22.171.14(b). As such, the City's designation has only stifled, not
3 furthered, a public-preservation interest. And the City had the opportunity to avoid all
4 that when the Plaintiffs proposed such a relocation, and even offered help in doing so,
5 an offer the City rejected.

6 93. Finally, the designation has created public burdens instead of benefits.
7 The designation and resultant public disturbance have created traffic congestion and
8 community nuisance—on a street not meant to handle excessive traffic of tour buses or
9 trespassers, let alone the actual residents of that street and their guests. The street is
10 only about 16-feet across and 200-feet long. Average-sized cars cannot pass each
11 other on the street. This creates problems for residents who rely on the street to enter
12 and exit their properties and even threatens access by emergency vehicles.

13 94. Thus, the designation does not further a public purpose or use.

CLAIMS FOR RELIEF

CLAIM I

(Violation of the Fifth Amendment's Takings Clause; 42 U.S.C. § 1983)

17 95. The foregoing paragraphs are incorporated by reference as if set forth in
18 full herein.

19 96. The Fifth Amendment to the United States Constitution prohibits a taking
20 of private property without a public use. *See Lingle v. Chevron U.S.A. Inc.*, 544 U.S.
21 528, 539 (2005) (“[I]f a government action is found to be impermissible—for instance
22 because it fails to meet the “public use” requirement or is so arbitrary as to violate due
23 process—that is the end of the inquiry. No amount of compensation can authorize such
24 action.”); *Monongahela Navigation Co. v. United States*, 148 U.S. 312, 325 (1893)
25 (“[F]or in this fifth amendment there is stated the exact limitation on the power of the
26 government to take private property for public uses.”).

27 97. As explained, the City has no public purpose in preserving an edifice that
28 the public cannot see or enjoy. Nor is there any artifact left of Ms. Monroe's at the

1 Property to even see if access were available. Yet, the City has still taken Plaintiffs'
2 property.

3 98. By designating the Property a Historic-Cultural Monument, the City has
4 induced members of the public to view the house while trespassing on Plaintiffs'
5 property. This amounts to a physical taking. *See Cedar Point Nursery v. Hassid*, 594
6 U.S. 139, 149–50 (2021) (holding that interference with the property owner's right to
7 exclude amounted to a *per se* taking); *Lingle*, 544 U.S. at 539 (“A permanent physical
8 invasion, however minimal the economic cost it entails, eviscerates the owner's right
9 to exclude others from entering and using her property—perhaps the most fundamental
10 of all property interests.”).

11 99. And it was foreseeable to the City that the designation would “produce
12 intermittent invasions by [visitors] without identifiable end into the future.” *See*
13 *Ideker Farms, Inc. v. United States*, 71 F.4th 964, 979 (Fed. Cir. 2023).

14 100. The designation also effects an improper regulatory taking. By
15 foreclosing the demolition, clearing, and grading of the Property, the designation both
16 vitiates Plaintiffs' clear and announced investment-backed expectations in purchasing
17 the Property and renders the Property worthless. *See Murr v. Wisconsin*, 582 U.S. 383,
18 393 (2017) (recognizing that “when a regulation impedes the use of property without
19 depriving the owner of all economically beneficial use, a taking still may be found
20 based on ‘a complex of factors,’ including (1) the economic impact of the regulation
21 on the claimant, (2) the extent to which the regulation has interfered with distinct
22 investment-backed expectations, and (3) the character of the governmental action.”).

23 101. Here, Plaintiffs desired to clear the Property. Instead, they are now left
24 with a parcel occupied by deteriorating buildings (with no proper roofing or plumbing)
25 that are useless to them and that they cannot tear down. But Plaintiffs must continue
26 to pay costs on the Property, including property taxes, insurance, and utilities. For this
27 reason, the Property is now worthless—in no way did Plaintiffs invest \$8.35 million in
28 the Property to be left with no possibility of renting it to someone, after disclosing the

1 dilapidated nature of the structures and all the trespassing and security breaches. And,
 2 the designation's burden will follow the Property, making it impossible for Plaintiffs
 3 to recover their losses.

4 102. In light of the complete destruction of the property's value, the City-
 5 imposed servitude on the property has created a situation where no buyers would
 6 purchase the property given that they, in effect, cannot make improvements to the
 7 parcel.

8 103. The City, therefore, has engaged in a categorical regulatory taking. *See*
 9 *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1018 (1992) ("[R]egulations that leave
 10 the owner of land without economically beneficial or productive options for its use—
 11 typically, as here, by requiring land to be left substantially in its natural state—carry
 12 with them a heightened risk that private property is being pressed into some form of
 13 public service under the guise of mitigating serious public harm."). The City's
 14 regulation mandating no significant changes to the Property on pain of violating City
 15 ordinances has devastatingly impacted the Property's value. Meanwhile, the
 16 designation leaves Plaintiffs with a worthless parcel. Hence, the City's regulatory
 17 interference with the Property, by itself, sufficiently creates a taking.

18 104. Even if the Property retained some resale value despite the impediments
 19 to a hypothetical future owner's use and enjoyment of it, the designation still created a
 20 taking because its encumbrances have so greatly reduced the Property's value and
 21 destroyed Plaintiffs' objectively reasonable distinct investment-backed expectations
 22 for the Property. *See Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 124-
 23 25 (1978); *see also Del Monte Dunes at Monterey, Ltd. v. City of Monterey*, 95 F.3d
 24 1422, 1432-33 (9th Cir. 1996) (recognizing that even if a property "retained significant
 25 value," the government's action could still create a taking given economic loss), *aff'd*,
 26 526 U.S. 687 (1999).

27 105. And still, the destruction of the Property's value serves no public purpose.
 28 Imposing a regulatory servitude on the Property that prohibits its substantial alteration

1 does nothing to advance public welfare broadly, or allow the public to enjoy the
2 “monument” specifically. *Cf. Penn Cent.*, 438 U.S. at 118-19 (recognizing how the
3 preservation of Grand Central Station served a public purpose).

4 106. In addition, the City's revocation of the previously issued demolition and
5 grading permits, illegally and without due process, is also a taking. By revoking
6 Plaintiffs' right to engage in the demolition, clearing, and grading of the Property, the
7 revocation of the permits both vitiates Plaintiffs' clear and announced investment-
8 backed expectations in purchasing the Property and renders the Property nearly
9 worthless.

10 107. For the foregoing reasons, the City's actions in designating the Property
11 and revoking and preventing the issuance of a demolition permit solely because the
12 Property they later turned into a Historic-Cultural Monument are unlawful and subject
13 to an injunction.

CLAIM II

**(Violation of the Fifth Amendment's Just-Compensation Clause;
42 U.S.C. § 1983)**

17 108. Paragraphs 1 through 106 are incorporated by reference as if set forth in
18 full herein.

19 109. The Fifth Amendment requires the City to pay “just compensation” when
20 it takes private property for public use. U.S. Const. amend. V; *see also Cedar Point*,
21 594 U.S. at 148 (“The government must pay for what it takes.”).

110. Even if the City can articulate some public purpose in designating the
Property as a Historic-Cultural Monument, it has still taken Plaintiffs' property
without just compensation.

25 111. Concluding that the City has a public purpose here would require
26 acknowledging that the designation has “appropriate[d] for the enjoyment of third
27 parties’ the [Plaintiffs’] right to exclude.” *Darby Dev. Co. v. United States*, No. 2022-
28 1929, 2024 WL 3682385, at *13 (Fed. Cir. Aug. 7, 2024) (first alteration in original)

1 (quoting *Cedar Point*, 594 U.S. at 149).

2 112. By effectively creating “government-authorized invasions of property,”
3 the City has undertaken a “physical taking[] requiring just compensation.” *Cedar*
4 *Point*, 594 U.S. at 152.

5 113. And even if the City has not induced a physical invasion of the Property,
6 the designation’s requiring that the Property be left in its current condition renders the
7 Property useless and, hence, entirely diminished its value to zero. *See Lucas*, 505 U.S.
8 at 1018.

9 114. For the foregoing reasons, the City must pay Plaintiffs just compensation
10 in the amount of the present value of their 2023 investment absent designation for the
11 taking of the Property.

12 **PRAYER FOR RELIEF**

13 **WHEREFORE**, Plaintiffs pray this Court issue judgment in their favor against
14 Defendants as follows:

15 a. A declaration pursuant to 28 U.S.C. § 2201 that:
16 i. Defendants have taken the Property without a public purpose in
17 violation of the Fifth Amendment as incorporated through the
18 Fourteenth Amendment to the United States Constitution; or
19 alternatively
20 ii. Defendants have taken the Property from Plaintiffs without
21 providing just compensation as required by the Fifth Amendment
22 as incorporated through the Fourteenth Amendment to the United
23 States Constitution;
24 b. An order permanently enjoining Defendants from prohibiting Plaintiffs’
25 demolishing, grading, or otherwise improving any portion of the Property
26 solely on the basis of Defendants’ designating the Property a Historic-
27 Cultural Monument;

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- 1 c. An order permanently enjoining Defendants from prohibiting Plaintiffs'
- 2 demolishing, grading, or otherwise improving any portion of the Property
- 3 solely on the basis of Defendants' revocation of the demolition permit;
- 4 d. Alternatively, an order directing Defendants to provide Plaintiffs with
- 5 compensation in the amount of the present value of their 2023 investment
- 6 absent designation;
- 7 e. An order pursuant to 42 U.S.C. § 1988(b) and other applicable law
- 8 awarding Plaintiffs their reasonable attorneys' fees and costs of
- 9 prosecuting this action; and
- 10 f. An order awarding Plaintiffs such other further relief as this Court deems
- 11 just and appropriate.

Dated: January 23, 2026

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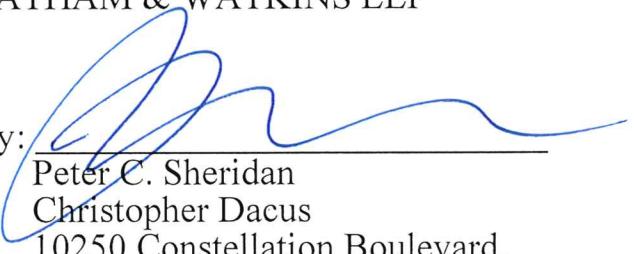
1 **JURY DEMAND**
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3 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby
4 demand a trial by jury.
5

6 Dated: January 23, 2026
7

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