

Letters to the Editor

Tenant Attorneys Using Bogus Jury Trials

Dear AOA:

Tenant attorneys are using bogus jury trials in simple nonpayment of rent cases. I've recently (Feb. 2010) been involved in a tenant eviction - I'm the landlord here. I treat all my tenants fairly and ethically and never make exceptions.

As I always do, I give three day notices to all my tenants when their rent is not paid in a timely manner. In this case, the three day notice was issued properly and the tenant did not pay after the notice period was over so I proceeded as I always do to evict. We filed as normal and that was that, or so I thought. This is where my nightmare really began. You see, my tenant, in this case, was under L.A.'s Draconian rent control and to boot, had been in this particular apartment for 19 years, making him a very low-paying "rent controlled" tenant. My intention was not to remove "low-paying" rent controlled tenants, quite the contrary; just a month before, I had evicted a tenant from the same building who was paying a market rate rent for the same reason.

What I soon found out was this tenant had become a "Protected Class". Anyway, he got free legal aid, first by the L.A. Legal Aid society and then he switched to an "eviction defense" company - this is where the DIRTY TRICKS began.

First of all, we were notified of the change of representation by the attorneys informing our attorneys. Then we were told that if we did not drop the case, the tenant's attorneys would ask for a JURY TRIAL. Now, mind you, this was A CLEAR CUT CASE of NON-PAYMENT. The tenant's attorneys told us that a jury trial would cost upwards of \$30,000 in fees and that even then we would be bombarded with "Discovery" etc. that would bankrupt us. In other words, we were being blackmailed and extorted. Nonetheless, we ignored this "scare tactic" and proceeded to court.

Well, a week before the trial, we found out that our tenant had been told by his attorneys to file a BOGUS complaint to the L.A. Housing Department about conditions in his apartment. Conditions that we had no idea existed ... and in fact they didn't exist at all. They were bogus and trumped up.

That was only the beginning.... The night before it was supposedly due, we were hit with 16 pages of single spaced "Discovery" questions that these same attorneys said were mailed three weeks prior. Naturally, they weren't mailed - it was a fabrication and a lie. What these attorneys were trying to do was to force a dismissal on the grounds that we didn't provide "Discovery" as requested. Instead of falling prey to these unscrupulous tactics, we spent a marathon, sleepless evening doing Discovery for these lying attorneys. Still undaunted we proceeded to court.

What we found were lying, cheating and unethical attorneys who said that they had no problem abusing the legal system in the quest of preserving what they considered a "public" asset. My PRIVATE PROPERTY- a low income, rent-controlled apartment. In the end, we succumbed and dropped the case because we simply didn't have the resources to fight the case even though we knew and they knew that we had an AIRTIGHT case against the tenant.

So, in the end, we discovered that we can now NEVER evict a tenant for non-payment of rent and the message that goes out is this -- *if you cheat your landlord, you will be supported by unethical lawyers and you will win.*

We were left with thousands of dollars in legal bills, a tenant who used us as his "LENDER" (he paid his rent in the end and stayed because we dropped the case in lieu of being blackmailed into a jury trial). And on top of that, we were left with the endless merry-go-round that is called the LA Housing Department and Rent Control and housing inspectors.

But, even the tenant felt guilty in the end. We asked the tenant to call the L.A. Housing Department and admit that the complaint was bogus, and to “call off the dogs” - which he did. The tenant eventually admitted to us that the entire thing was bogus and brought on because he was ANGRY that we had the nerve to try to evict him after 19 years. We informed him that it was nothing personal, just procedural.

So, now we are stuck with the same bad tenant and the lawyers walked away scot free and we are left holding the bag. After the case was closed, I informed my attorney that I wanted our hours’ worth of discovery returned and the “eviction defense” company REFUSED. This discovery contains the most personal of information that has NO BEARING on this case or any other; it was requested simply as a fact-finding, fishing expedition for their files on LANDLORDS.

This abuse of not only landlords, but the entire judicial system MUST STOP. It’s no wonder that the county cannot get people to sit on a jury when frivolous cases without merit are given jury trials. I would like this “eviction defense” company investigated as well as the particular attorney on my case DISBARRED. **Kevin M.**

Dear Mr. Faller:

It seems to me there is an inconsistent note in your concerns about government spending. You think government is too large and threatens free enterprise, but...

- A. Do you ever criticize foreign aid, the space programs and the war on drugs, farm subsidies? All of these items cost/waste billions.
- B. Do you ever notice military excess? According to American History, we now have 1,000 bases in 176 countries!! We spend as much as all other countries combined in terms of defense! We have four wars going on now (a “secret” CIA war in Pakistan). No other country has four wars. So why are we so involved and why don’t you mention this fiscal madness?

The U.S. is a bankrupt nation, alas. I wish you were more of a true conservative and saw the whole picture. **Regards, H.M. (AOA Member)**

Dear H.M.

I had to laugh – I’ve never been accused of NOT being a “true” conservative. I think what you really meant is a “true libertarian”. Either way, you sure listed some important items that should be and will need to be eliminated if we are ever going to balance the budget. I’m surprised that you did not list Social Security, Medicare, Medicaid and about 10,000 other things on which our politicians go into debt to provide to voters. Voters who demand a “free lunch” in return for their vote ...and their eventual freedom! I could easily address all of these topics, but I get enough slack from our readers as it stands. Do you realize that a trillion dollars is one thousand billion? That’s \$1,000,000,000,000.00!

Dan

Dear AOA,

I want to offer my opinion to your great service and priceless information in property investment/ ownership.

Simply, from the moment I received the magazine, I am more informed with the market and more importantly, I feel connected to a community who understands rental property. I recommend the magazine to everyone who has a rental property. You’d be foolish not to.

An accommodation is owed to Alison Karnes, since meeting her at a “free” seminar in Burlingame, I must say that she well informed, responsive and personable. She is

certainly the difference in the whole realm of things about your services. I hope AOA is doing well and be here for a long time. Thank you for all that you people do!!

Jill C., AOA Member

Dear AOA:

This tax fact should make your blood boil! According to IRS data, the bottom 50% of wage earners paid a total of 2.99% of all taxes – almost none. The top 50% paid 97%. With OBAMA!'s scheme to pay out cash to people who pay little or no taxes (so-called refundable tax credits), more than 50% of American citizens will pay no net federal taxes starting next year.

This revenue policy spells big trouble for America down the road. Why? When more than half of the people in the country aren't paying for any of the costs of government, it becomes impossible to win an election by promising to reduce the size of government, even when doing so becomes critical (like when there's a huge budget crisis or a runaway deficit).

And that's how democracies have always fallen apart historically: The moment the majority is allowed to tax the wealth of the minority away from them, the society falls apart

Porter Stansberry