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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**  
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12 RICHARD HOPP, an individual  
13  
14 vs. Plaintiff,  
15 CITY OF LOS ANGELES, a Municipal  
Corporation  
16  
17 Defendant.  
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**CASE NO. BC 401 887**  
[Assigned to Hon. Malcolm H. Mackey,  
Dept. 55]  
**DEFENDANT'S ANSWER TO COMPLAINT**

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21 Defendant City of Los Angeles (hereinafter the "CITY"), a municipal corporation, for  
22 itself and no others, answers the Complaint of Richard Hopp (hereinafter "HOPP") as follows:

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1 Pursuant to the provisions of Code of Civil Procedure section 431.30, Defendant  
2 CITY denies each and every allegation in the unverified Complaint.

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4 FIRST AFFIRMATIVE DEFENSE

5 (Failure to State a Claim)

6 For a first, separate and distinct affirmative defense to the Complaint, Defendant  
7 CITY alleges:

8 1. The Complaint fails to state facts sufficient to constitute a cause of action against  
9 Defendant CITY.

10 SECOND AFFIRMATIVE DEFENSE

11 (Estoppel)

12 For a second, separate and distinct affirmative defense to the Complaint, Defendant CITY  
13 alleges:

14 2. The CITY is informed and believes and thereon alleges that HOPP is estopped by  
15 his own conduct from asserting any and all claims he has or may have had against Defendant  
16 CITY arising from the transactions and occurrences set forth in the Complaint.

17 THIRD AFFIRMATIVE DEFENSE

18 (Immunity)

19 For a third, separate and distinct affirmative defense to the Complaint, Defendant CITY  
20 alleges:

21 3. The CITY is immune from liability pursuant to sections 815.2, 818.4 and 820.2 of the  
22 California Government Code with respect to any discretionary acts or omissions of Defendant  
23 CITY or its agents, including with regard to the issuance, denial or revocation of a permit.

24 FOURTH AFFIRMATIVE DEFENSE

25 (Unclean Hands)

26 For a fourth, separate and distinct affirmative defense to the Complaint, Defendant CITY  
27 alleges:





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**PROOF OF SERVICE**  
Hopp v. City of Los Angeles  
LASC Case No. BC 401887

I am employed by the Office of the Los Angeles City Attorney located in the City and County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 North Main Street - CHE, 9<sup>th</sup> Floor, Room 916, California 90012.

On December 12, 2008, I served the foregoing documents described as:

**DEFENDANT'S ANSWER TO COMPLAINT**

on the interested parties in this action by placing [ ] the original [X] a true copy thereof enclosed in a sealed envelope addressed as follows:

Richard Hopp  
POB 3601  
Van Nuys, CA 91407  
Tel: 818/ 902-0532  
Fax 670-7841

[X] MAIL - I caused such envelope to be deposited in the United States mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid.

[ ] BY PERSONAL SERVICE - ( ) I delivered by hand, or ( ) I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.


[ ] BY OVERNIGHT COURIER - I caused the above-referenced document(s) to be delivered via: [DHL], an overnight courier service, for delivery to the above-addressee(s).

[ ] BY FACSIMILE - I caused the above-referenced document(s) to be transmitted to the offices of the addressee via facsimile machine, on the date specified above. The facsimile machine I used was in compliance with Rule 2003(3) and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by the transmitting facsimile machine.

[ ] Federal - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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

Executed on December 12, 2008, at Los Angeles, California.

  
TERRY LEE