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David W. Slayton,
Executive Officer/Clerk of Court,
By M. Aguirre, Deputy Clerk

8 Attorneys for Plaintiffs Brian Thomas Keith and Jennifer Price Keith and on behalf of all
9 similarly situated individuals

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BRIAN THOMAS KEITH, individually and on)	CASE NO.: 25STCV20190
behalf of all similarly situated individuals;)	
JENNIFER PRICE KEITH, individually and on)	CLASS ACTION
behalf of all similarly situated individuals)	
)	COMPLAINT FOR:
)	
Plaintiffs,)	1) BREACH OF FIDUCIARY DUTY
)	2) PUBLIC NUISANCE;
)	3) UNFAIR BUSINESS PRACTICES
v.)	[B&PC §17200 et. seq.]
)	4) DECLARATORY RELIEF
)	
)	
BELLA VISTA AT PORTER RANCH)	
COMMUNITY ASSOCIATION, a California)	
nonprofit mutual benefit corporation;)	
STEPHEN A. ISENBERG; ISABEL)	
LORIENTE; VALENCIA MANAGEMENT)	
GROUP, a business form unknown; JENNIFER)	
HINSON; and DOES 1 through 50, Inclusive,)	
)	
Defendants.)	
)	

24 Comes now Plaintiffs Brian Thomas Keith and Jennifer Price Keith for causes of action
25 against Defendants BELLA VISTA AT PORTER RANCH COMMUNITY ASSOCIATION, a
26 California nonprofit mutual benefit corporation; STEPHEN A. ISENBERG; ISABEL
27 LORIENTE; VALENCIA MANAGEMENT GROUP, a business form unknown; and DOES 1
28 through 100, Inclusive, as set forth herein.

INTRODUCTORY ALLEGATION

1. Plaintiff Brian Thomas Keith is an individual, who resides in the County of Los Angeles, State of California.

2. Plaintiff Jennifer Price Keith is an individual, who resides in the County of Los Angeles, State of California.

3. Defendant BELLA VISTA AT PORTER RANCH COMMUNITY ASSOCIATION (“Bella Vista Association”), is a California nonprofit mutual benefit corporation, with its principal place of business in the County of Los Angeles, State of California.

4. Defendant STEPHEN A. ISENBERG (“Isenberg”) is an individual, who resides in the County of Los Angeles, State of California.

5. Defendant ISABEL LORIENTE (“Lorient”) is an individual, who resides in the County of Los Angeles, State of California.

6. Defendant VALENCIA MANAGEMENT GROUP (“VMG”), is a business entity, form unknown, with its principal place of business in the County of Los Angeles, State of California.

7. Defendant JENNIFER HINSON (“Hinson”) is an individual, and Plaintiffs are informed and believe and based upon such information and belief allege that she resides in the County of Los Angeles, State of California.

8. Defendants DOES 1 through 50, inclusive, are sued pursuant to the provisions of California Code of Civil Procedure, Section 474. Plaintiff is ignorant of the true names and capacities of Defendants DOES 1 through 50. Plaintiff is informed and believes and based upon said information and belief alleges that all fictitiously named Defendants and each of them have some connection with the activities herein complained of, and are responsible in some way for the wrongful conduct herein alleged.

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1 CLASS ACTION ALLEGATIONS

2 9. Plaintiffs bring this action on behalf of themselves and all others similarly
3 situated (excluding the defendants who are members of the Bella Vista Association) as a class
4 action pursuant to California Code of Civil Procedure §382. The Class Members whom
5 Plaintiffs seek to represent are composed of and defined as “all current and former homeowners
6 of property located within the Bella Vista at Porter Ranch Community Association at any time
7 from four years preceding the filing of this complaint, through the final disposition of this action
8 (hereinafter “the Relevant Period”) except any of the Defendants who are members of the Bella
9 Vista Association.

10 (A) Numerosity: The members of the classes are so numerous that joinder of all
11 members would be unfeasible and not practicable. It is estimated that the class numbers greater
12 than 200 individuals. The identity of such membership is readily ascertainable by way of public
13 records.

14 (B) Common Questions Predominate: There are common questions of law and fact as
15 to Plaintiffs and all others similarly situated which predominate over questions affecting only
16 individual members including, without limitation to:

17 i) Whether Bella Vista Association, acting through Isenberg, Lorient, VMG,
18 Hinson and DOES 1 through 50, imposed fines against homeowner members outside the
19 authority of the Declaration of Covenants, Conditions and Restrictions and Reservation of
20 Easements for Bella Vista at Porter Ranch (the “CC&Rs”), the Bylaws of Bella Vista at Porter
21 Ranch Community Association and applicable Rules and Regulations of the Bella Vista at Porter
22 Ranch Community Association (the “Governing Documents”);

23 ii) Whether Bella Vista Association, acting through Isenberg, Lorient, VMG and
24 Hinson, imposed fines without complying with the prerequisites for imposing fines for purported
25 alleged violations of the Governing Documents;

26 iii) Whether Bella Vista Association, acting through Isenberg, Lorient, VMG and
27 Hinson, imposed fines in an arbitrary and capricious manner.
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1 C) Typicality: Plaintiffs' claims are typical of the claims of all members of the class.

2 (D) Adequacy of Representation: Plaintiffs will fairly and adequately protect the

3 interests of the members of the class. Plaintiffs have no interest that is adverse to the interests of

4 the other class members.

5 (E) Superiority: A class action is superior to other available means for the fair and

6 efficient adjudication of this controversy. Because individual joinder of all members of the class

7 is impractical, class action treatment will permit a large number of similarly-situated persons to

8 prosecute their common claims in a single forum simultaneously, efficiently, and without the

9 unnecessary duplication of effort and expense that numerous individual actions would, engender.

10 The expenses and burdens of individual litigation would make it difficult or impossible for

11 individual members of each class to redress the wrongs done to them, while important public

12 interests will be served by addressing the matter as a class action. The cost to, and burden on, the

13 court system of adjudication of individualized litigation would be substantial, and substantially

14 more than the costs and burdens of a class action. The claims of the individual members of the

15 class are not sufficiently large to warrant vigorous individual prosecution considering all of the

16 concomitant costs and expenses attending thereto. If each employee were required to file an

17 individual lawsuit, the Defendants would necessarily gain an unconscionable advantage since it

18 would be able to exploit and overwhelm the limited resources of each individual Plaintiff with its

19 vastly superior financial and legal resources. Requiring each class member to pursue an

20 individual remedy would also discourage the assertion of lawful claims by employees who would

21 be disinclined to pursue an action against their present and/or former employer for an appreciable

22 and justifiable fear of retaliation and permanent damage to their careers at present and/or

23 subsequent employment. Also, the prosecution of separate actions by the individual class

24 members, even if possible, would create a substantial risk of inconsistent or varying verdicts or

25 adjudications with respect to the individual class members against Defendants herein; and which

26 would establish potentially incompatible standards of conduct for Defendants; and/or (b) legal

27 determinations with respect to individual class members which would, as a practical matter, be

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dispositive of the interest of the other class members not parties to adjudications or which would substantially impair or impede the ability of the class members to protect their interests.

(F) Public Policy Considerations: Homeowner association board members notoriously abuse their positions and use their authority to unfairly subject homeowners to fines. The sanctity of home ownership, and the policy of quiet enjoyment, should not be interfered with by unfair and arbitrary behavior of the Association.

STATEMENT OF FACTS COMMON TO ALL CAUSES OF ACTION

10. Plaintiffs Brian Keith and Jennifer Price Keith (collectively the “Keiths”) are the title owners of the real property located at 12040 Ricasoli Way, Porter Ranch, CA 91326 (the “Keith Property”). The Keith Property is located in the Bella Vista at Porter Ranch Community Association (the “Association”) and they are members of the Association.

11. Isenberg resides at 12048 Ricasoli Way, Porter Ranch, CA 91326 (the “Isenberg Property”). Isenberg is currently the president of the Bella Vista Association.

12. Loriente resides at 11819 Ricasoli Way, Porter Ranch, CA 91326 (the “Loriente Property”). Loriente is currently the vice president of the Bella Vista Association.

13. VMG and Hinson are property managers hired by the Bella Vista Association and they are agents of, and act the direction of, and Isenberg and the Bella Vista Association.

14. Isenberg, Loriente and DOES 1 through 20, have undertaken a campaign against homeowners in the Association. Thinking it is their own little kingdom, Isenberg, Loriente and DOES 1 through 20 target homeowners with improper and unauthorized fines against those that they do not like, that voice opposition to their conduct on the board of the Bella Vista Association, or challenge their authority as board members. Isenberg, Loriente and DOES 1 through 20 have abused their authority so much that the members of the Association have instituted a recall of the present board of the Bella Vista Association.

15. The Bylaws of Bella Vista at Porter Ranch Community Association provide for suspension of privileges or fines and special assessments. The Bylaws require that any action to be taken against a member of the association upon the making of a written complaint by any

1 Member, any Project Association or by any officer or member of the Board (as those terms are
2 defined in the Bylaws. The Bylaws state:

3 A "Complaint" is a written statement of charges which describes in ordinary and
4 concise language the acts or omissions with which the Respondent is charged and
5 a reference to the specific provisions of the Restrictions which the Respondent is
6 alleged to have violated. A copy of the Complaint must be delivered to the
7 Respondent in accordance with the notice procedures set forth in the Declaration,
8 together with a completed statement substantially in [form as stated therein].

9 Bylaws of Bella Vista at Porter Ranch Community Association, Section 12.2.

10 16. The Bella Vista at Porter Ranch Community Association Rules and Regulations
11 set forth the rules governing the common areas of the Association that the Bella Vista
12 Association enforces.

13 17. Isenberg, Lorient and DOES 1 through 20 completely abandon the Bylaws of
14 Bella Vista at Porter Ranch Community Association and the Bella Vista at Porter Ranch
15 Community Association Rules and Regulations, and have waged their own personal war on
16 homeowner members of the Association. Indeed, Isenberg scours recordings from the Bella
17 Vista Association security cameras to find incidences he deems violations of the Governing
18 Documents in order to impose fines. Although no written complaints are received and in most
19 instances neither the Bella Vista Association nor any of its members are affected by the alleged
20 violations, Isenberg institutes proceedings against Association homeowners in order to impose
21 fines. Moreover, the alleged violations are not even violations of the Governing Documents.
22 Examples, which by no means are intended to be an exhaustive list, of alleged violations used by
23 Isenberg, Lorient and DOES 1 through 20 to impose fines on homeowners are as follows:

- 24 a. Obstructing entry gates;
- 25 b. Running stop signs on the private roads of the Association;
- 26 c. Driving on the "wrong side" of private roads of the Association;
- 27 d. Parking on the wrong side of the street;
- 28 e. Tailgating on the private roads of the Association;

- 1 f. Talking poorly to the guard staff;
- 2 g. Being under the influence of alcohol in the pool area.
- 3 18. The Governing Documents do not empower Isenberg, Lorient, DOES 1 through
- 4 20, or the Bella Vista Association to impose fines on homeowners for any of the foregoing
- 5 conduct. Moreover, Plaintiffs are informed and believe that in none of the above stated instances
- 6 was a written complaint made by anyone, and therefore no complaint was delivered to the
- 7 homeowner in accordance with the notice procedures set forth in the CC&Rs.
- 8 19. Isenberg, Lorient and DOES 1 through 20, acting on behalf of the Bella Vista
- 9 Association, are racking up fines in crazy amounts against many homeowners and they are
- 10 threatening to continue to impose crazy fines. Such fines are not authorized under the Governing
- 11 Documents.
- 12 20. On May 30, 2023, the Bella Vista Association adopted those certain Rules &
- 13 Policy Enforcement. The Rules & Policy Enforcement includes a schedule of specific violations
- 14 and the enforcement actions to be imposed for particular offense. A true and correct copy of the
- 15 adopted fine schedule is depicted here:

	SPECIFIC VIOLATION	1st Occurrence INITIAL ACTION	2nd Occurrence	3rd Occurrence	Subsequent Occurrences
LEVEL 1 General Violations	Access Control Violation: (e.g., Excessive use of guest gate, failure to submit required guest lists)	Warning	\$100	\$200	\$400
	Architectural & Maintenance: (e.g., Failure to maintain home exterior in good order, modification of approved plan with prohibited material)	Warning	\$100	\$200	\$400
	Common Area: Obstruction or misuse (e.g., Trash out early /in late, leaving personal property out overnight)	Warning	\$100	\$200	\$400
	Failure to Update Information Annually (e.g. Contact numbers, guest lists, vehicles, etc.)	Warning	\$100	\$200	\$400
	General Nuisance or Violation	Warning	\$100	\$200	\$400
	Pet Nuisances (Excessive noise, walking without appropriate containment)	Warning	\$100	\$200	\$400
	Pool Violations: General (e.g., Too many guests, trash, pool raft)	Warning	\$100	\$200	\$400
	Vehicle Related Infractions: Non-Moving (e.g., Parking against traffic, parking prohibited vehicle overnight)	Warning	\$100	\$200	\$400
LEVEL 2 Major Violations Health & Safety:	Access Control Violation: Major (e.g., Circumventing Access Control, failure to hire add'l staff at gate when required)	\$250	\$500	\$750	\$1000
	Architectural & Maintenance: Major (e.g., Failure to file and or complete an Architectural Plan on time, allowing work to begin prior to approval)	\$250	\$500	\$750	\$1000
	Common Area: Damage (e.g., Breaking gate arm while tailgating, soiling pool)	\$ 250 + repair costs	\$500	\$750	\$1000
	Failure to Report Offsite Address or Lease	\$250	\$500	\$750	\$1000
	Pet Safety Violations (e.g., Dogs permitted to run off leash, animal attack, animal bite.)	\$250	\$500	\$750	\$1000
	Pool Safety Violations (e.g., Unaccompanied and/or unsupervised minors, alcohol, glass containers)	\$250	\$500	\$750	\$1000
	Vehicle Related Infractions: Moving (Speeding, reckless driving)	\$250	\$500	\$750	\$1000

1 forth in California Corporations Code § 7231, California Civil Code §§ 1363–1378 (now
2 recodified as §§ 4000–6150), and relevant case law.

3 Defendants, and each of them, breached their fiduciary duties by, including but not
4 limited to:

- 5 a. Threatening and imposing fines on homeowners which are not authorized
6 by the Governing Documents;
- 7 b. Threatening and imposing fines on homeowners for alleged violations
8 which are not authorized by the Governing Documents;
- 9 c. Threatening and imposing excessive, unauthorized and absurd fines,
10 including imposing attorneys fees on homeowners in violation of the duty
11 to act in good faith and in violation of the Eighth Amendment to the
12 United States Constitution and article I, section 17 of the California
13 Constitution;
- 14 d. Failing to enforce the Governing Documents in a consistent and
15 non-arbitrary manner;
- 16 e. Failing to provide proper notice of alleged violations and access to
17 records.

18 26. VMG, Hinson and DOES 21-50, aided and abetted the breach of fiduciary by
19 Bella Vista Association and its Board of Directors, including Isenberg, Lorient and DOES 1
20 through 20. VMG, Hinson and DOES 21-50, had actual knowledge of the breach of fiduciary
21 duty by Bella Vista Association and its Board of Directors, including Isenberg, Lorient and
22 DOES 1 through 20. VMG, Hinson and DOES 21-50, provided substantial assistance and
23 encouragement to Bella Vista Association and its Board of Directors, including Isenberg,
24 Lorient and DOES 1 through 20. VMG, Hinson and DOES 21-50 was a substantial factor in
25 causing harm to Plaintiff, the putative class and all homeowners, as they were the means by
26 which the breaches of fiduciary duty were carried out. Indeed, all notices were sent by VMG,
27 Hinson and DOES 21-50. All meeting and hearings were conducted by VMG, Hinson and
28 DOES 21-50. All actions taken by the Bella Vista Association and its Board of Directors,

1 including Isenberg, Lorient and DOES 1 through 20 were implemented by the VMG, Hinson
2 and DOES 21-50. Bella Vista Association and its Board of Directors, including Isenberg,
3 Lorient and DOES 1 through 20, would have been unable to breach their fiduciary duties
4 without the aid and assistance of VMG, Hinson and DOES 21-50. In fact, VMG, Hinson and
5 DOES 21-50, had the specific intent to facilitate the wrongful conduct. See Judicial Council of
6 Cal. Civ. Jury Instns. (CACI) (2014) No. 3610; American Master Lease LLC v. Idanta Partners,
7 Ltd. (2014) 225 Cal.App.4th 1451, 1478, 171 Cal.Rptr.3d 548. (Directions for Use for CACI No.
8 3610, p. 633, Schulz v. Neovi Data Corp. (2007) 152 Cal.App.4th 86, 95, 60 Cal.Rptr.3d 810;
9 Nasrawi v. Buck Consultants LLC (2014) 231 Cal.App.4th 328, 343, 179 Cal.Rptr.3d 813,
10 824–825.

11 27. As a direct and proximate result of the conduct of Defendants, Plaintiffs and all
12 class members have suffered damages, including but not limited to decreased property value,
13 legal fees, payment of improper fines and special assessments, and loss of use and enjoyment of
14 property, all in an amount to be proven at trial. Additionally, Plaintiffs and class members have
15 suffered incidental and consequential damages. Plaintiffs will amend this Complaint to set forth
16 the nature and extent of their damages when ascertained, or according to proof at trial.

17 28. Plaintiffs are informed and believe and on the basis of said information and belief
18 allege that Defendants' conduct was taken with the intent to injure Plaintiffs, or with a willful
19 and conscious disregard of Plaintiffs' rights and property. Plaintiffs are informed and believe
20 and on the basis of said information and belief allege that such fraudulent conduct constitutes
21 clear and convincing evidence of despicable, outrageous, oppressive, and malicious conduct
22 pursuant to California *Civil Code* §3294. As such, Plaintiffs are entitled to punitive damages and
23 exemplary damages against Defendants herein for the sake of example and to punish Defendants
24 for their unlawful conduct.

25 29. Additionally, Plaintiffs and the Class Members are entitled to recover reasonable
26 attorneys' fees in connection with their unfair competition claims pursuant to California Code of
27 Civil Procedure Section 1021.5, the substantial benefit doctrine and/or the common fund
28 doctrine.

1 **SECOND CAUSE OF ACTION**

2 **PUBLIC NUISANCE**

3 **By the Proposed Class and Against Defendant**

4 30. Plaintiff realleges paragraphs 1 through 23, as well as any subsequent paragraphs
5 in the Complaint, as if fully set forth herein.

6 31. California Civil Code § 3479 defines “nuisance” in part to include “Anything
7 which is... an obstruction to the free use of property, so as to interfere with the comfortable
8 enjoyment of life or property...”

9 32. California Civil Code § 3480 defines “public nuisance” as any nuisance that
10 “affects at the same time an entire community or neighborhood, or any considerable number of
11 persons, although the extent of the annoyance or damage inflicted upon individuals may be
12 unequal.”

13 33. To constitute a “public nuisance,” the offense against, or interference with the
14 exercise of rights common to the public must be “substantial and unreasonable.” People ex rel.
15 Gallo v. Acuna, 14 Cal. 4th 1090, 1103, 1105 (1997).

16 34. The acts and omissions of Defendant alleged herein caused a considerable number
17 of persons to suffer substantial interference with the free use of property, so as to interfere with
18 the comfortable enjoyment of life or property.

19 35. Pursuant to California Civil Code § 3493, Plaintiff and the Class have standing to
20 maintain an action for public nuisance because the nuisance is especially injurious to Plaintiffs
21 and the Class homeowners.

22 36. California Code of Civil Procedure § 731 and California Civil Code §§ 3491,
23 3493, and 3495 authorize Plaintiff to bring this action for injunctive relief, equitable abatement,
24 and damages from Defendants.

25 37. Defendants’ conduct as alleged herein unreasonably interferes with the free use of
26 property, so as to interfere with the comfortable enjoyment of life or property.

27 38. If immediate injunctive relief is not granted, Plaintiffs and the Class face a
28 significant risk of Defendants’ continuing creation and perpetuation of a public nuisance. The

1 risk of injury Plaintiff and the Class face outweighs the cost of reasonable measures included in
2 Plaintiff's proposed injunction.

3 39. Defendants are a substantial contributor to the public nuisance alleged herein.
4 Defendants' past and ongoing conduct is a direct and proximate cause of the Plaintiffs' and the
5 Class' injuries and threatened injuries. Defendants know or should have known that their conduct
6 as alleged herein would be the direct and proximate cause of the injuries alleged herein to
7 Plaintiffs and the Class.

8 40. Defendants' conduct as alleged herein constitutes a substantial and unreasonable
9 interference with and obstruction of public rights and property.

10 41. As a proximate result of Defendants' unlawful actions and omissions, Plaintiff
11 and the Class have been damaged in an amount according to proof at trial.

12 42. Plaintiffs are informed and believe and on the basis of said information and belief
13 allege that Defendants' conduct was taken with the intent to injure Plaintiffs, or with a willful
14 and conscious disregard of Plaintiffs' rights and property. Plaintiffs are informed and believe
15 and on the basis of said information and belief allege that such fraudulent conduct constitutes
16 clear and convincing evidence of despicable, outrageous, oppressive, and malicious conduct
17 pursuant to California *Civil Code* §3294. As such, Plaintiffs are entitled to punitive damages and
18 exemplary damages against Defendants herein for the sake of example and to punish Defendants
19 for their unlawful conduct.

20 43. Plaintiffs are entitled to recover reasonable attorneys' fees in connection with
21 their unfair competition claims pursuant to *Code of Civil Procedure* Section 1021.5, the
22 substantial benefit doctrine and/or the common fund doctrine.

23 **THIRD CAUSE OF ACTION**

24 **Unfair Business Practices- Business & Prof. Code §17200 et. seq.**

25 **(By the Proposed Class and Against Defendant VMG, Hinson and DOES 21-50)**

26 44. Plaintiffs incorporate herein by specific reference as though fully set forth the
27 allegations in paragraphs 1 through 43 above.

1 45. By violating the foregoing statutes and aiding and abetting in the breaches of
2 fiduciary duty, Defendants' acts constitute unfair and unlawful business practices under Business
3 and Professions Code §§ 17200, et seq. Defendants' wrongful conduct alleged herein constitutes
4 unfair competition within the meaning of California Business and Professions Code §17200.
5 Due to its unfair and unlawful business practices in violation of the Civil Code, Defendants have
6 gained a competitive advantage over other comparable companies doing business in the State of
7 California that comply with their obligations.

8 46. Defendants' violations of California law and breaches of fiduciary duty constitute
9 a business practice because they were done repeatedly over a significant period of time, and in a
10 systematic manner to the detriment of Plaintiffs and the Class.

11 47. For the four (4) years preceding the filing of this action, as a result of Defendants'
12 unfair and unlawful practices, Plaintiffs have suffered injury in fact and lost money and property.
13 Plaintiffs accordingly request restitution and disgorgement of all monies owed to them in an
14 amount according to proof at time of trial, but in excess of the jurisdiction of this Court.

15 48. Plaintiffs also request an injunction ordering Defendants to cease their illegal
16 conduct.

17 49. Plaintiffs are entitled to recover reasonable attorneys' fees in connection with
18 their unfair competition claims pursuant to California Code of Civil Procedure §1021.5, the
19 substantial benefit doctrine and/or the common fund doctrine.

20 **FOURTH CAUSE OF ACTION**

21 **Declaratory Relief**

22 **(Against all Defendants)**

23 50. Plaintiffs incorporate herein by specific reference as though fully set forth the
24 allegations in paragraphs 1 through 49 above.

25 51. A dispute has arisen and an actual controversy now exists between Plaintiffs and
26 the class on the one hand, and Defendants, and each of them, on the other hand, concerning the
27 propriety of the Board action in imposing fines and assessments on Plaintiffs and the
28 homeowners. Plaintiffs contend that the Board is not authorized by the Governing Documents

1 and California law to impose fines and assessments against homeowners for conduct which is not
2 specifically enumerated in the Governing Documents, and to impose fines which are, on their
3 face, unreasonable and excessive but in any event far in excess of the fine schedule which is
4 made part of the Rules & Policy Enforcement. Furthermore, Plaintiffs contend that the Board's
5 actions were ultra vires by itself seeking out alleged violations which are not the result of
6 homeowner complaints. Furthermore, Plaintiffs contend that the Board has failed and continues
7 to fail to comply with the notice requirements of the Governing Documents to claim violations
8 and to impose fines and assessments against homeowners. Furthermore, Plaintiffs contend that
9 the fines and assessments imposed by the Board which do not comply with the Governing
10 Documents and are otherwise unreasonable and excessive are not enforceable against Plaintiffs
11 and class homeowners. Plaintiffs are informed and believe and on the basis of said information
12 and belief allege that Defendants, and each of them, oppose and deny the above contentions and
13 contend that they are not responsible, and that Plaintiffs are not entitled to indemnity from any
14 Defendant herein.

15 52. A declaration of rights is necessary and appropriate at this time in order that
16 Plaintiffs may ascertain their rights and duties, because no adequate remedy, other than as prayed
17 for, exists by which the rights of the parties may be determined.

18 **WHEREFORE**, Plaintiffs pray judgment against Defendants as follows:

19 **ON THE FIRST CAUSE OF ACTION**

- 20 1. For damages in an amount according to proof at trial;
- 21 2. For consequential and incidental damages according to proof;
- 22 3. For punitive damages according to proof;
- 23 4. For prejudgment interest in a sum according to proof at trial
- 24 5. For punitive damages and exemplary damages.

25 **ON THE SECOND CAUSE OF ACTION**

- 26 1. For damages in an amount according to proof at trial;
- 27 2. For consequential and incidental damages according to proof;
- 28 3. For punitive damages according to proof;

1 4. For prejudgment interest in a sum according to proof at trial

2 5. For punitive damages and exemplary damages.

3 **ON THE THIRD CAUSE OF ACTION**

4 1. For damages in an amount according to proof at trial;

5 2. For consequential and incidental damages according to proof; and

6 3. For restitution of all monies due to Plaintiffs; and disgorged profits from the
7 unlawful business practices of Defendants;

8 4. For prejudgment interest in a sum according to proof at trial.

9 **ON THE THIRD CAUSE OF ACTION**

10 1. For a declaration by this Court that the Board is not authorized by the Governing
11 Documents and California law to impose fine and assessments against homeowners for conduct
12 which is not specifically enumerated in the Governing Documents and to impose fines which are
13 on their face unreasonable and excessive, but in any event far in excess of the fine schedule
14 which is made part of the Rules & Policy Enforcement. Furthermore, that the Board's actions are
15 ultra vires by itself seeking out alleged violations which are not the result of homeowner
16 complaints. Further, that the Board has failed and continues to fail to comply with the notice
17 requirements of the Governing Documents to claim violations and to impose fines and
18 assessments against homeowners. Furthermore, that the fines and assessments imposed by the
19 Board which do not comply with the Governing Documents and are otherwise unreasonable and
20 excessive are not enforceable against Plaintiffs and class homeowners.

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ON ALL CAUSES OF ACTION

- 1. For reasonable attorneys fees as permitted by law or otherwise according to proof;
- 2. For costs of suit herein incurred; and
- 3. For such other and further relief as the Court may deem proper.

DATED: July 7, 2025

SMITH LAW FIRM
A Professional Law Corporation

By: 
CRAIG R. SMITH
Attorneys for Plaintiffs
Brian Thomas Keith and Jennifer Price
Keith and on behalf of all similarly situated
individuals

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DEMAND FOR JURY

Plaintiffs demand that this matter be tried before a jury.

DATED: July 7, 2025

SMITH LAW FIRM
A Professional Law Corporation

By: 
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Attorneys for Plaintiffs
Brian Thomas Keith and Jennifer Price
Keith and on behalf of all similarly situated
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