

Daily Pilot

FRIDAY, DECEMBER 25, 2020 // Now including Coastline Pilot and Huntington Beach Independent // dailypilot.com



Photos by Scott Smeltzer | Staff Photographer

SGT. MICKEY BOONYODOM, left, hands a toy to Newport Beach Fire Department Capt. Ty Lunde on Wednesday. The city of Newport Beach handed off toys to be donated to members of the armed services for Operation Christmas, a campaign to provide presents to military families currently serving.

Newport Beach gives back to military families through Operation Christmas

It's the season of giving in Newport Beach.

Dozens of military families from across Orange County will receive donations of gifts from Newport Beach residents as part of Operation Christmas, an outreach program organized by nonprofit Our Nation's Heroes Foundation. The city's involvement with the campaign dates back at least 15 years, according to city staff.

Organizers picked up donations at Fire Station 7 on Wednesday.

"The city is proud of our long-time partnership with Operation Christmas to support our military families and their children," Fire Chief Jeff Boyles said. "I'd like to thank our residents for their generous donations of toys and other gifts that will make a lot of kids happy this Christmas."

The campaign itself dates back to 2004.

Gifts will be distributed to families across all military branches in Orange County and nationwide, all as a part of an effort that "chief elf" Brad White said was to show military families that citizens appreciated and supported them for their efforts.

White said some families this year have been affected by the pandemic and left parents without a job. He added that he wasn't even sure there would be a drive this year because of COVID-19, but that "Christmas miracles have been happening every day."

"We've done [Operation Christmas] before and we're all used to doing it, but it's literally almost like a Christmas movie. You don't know what's going to happen the next day. I don't mean to sound generic, but it's absolutely heartwarming and amazing and there is so many good feelings and Christmas hope," White said. "Things are going to be OK. We're all going to get through this together."

About 3,000 presents are estimated to have been collected for distribution, and White said Operation Christmas will continue to collect donations even after the holidays for families.

"We're on Christmas duty with our Santa hats," White said in an interview Tuesday, laughing. "Anything that comes with an 11th-hour arrival, we'll make sure it gets to [the families]."

— Lilly Nguyen



ABOVE: Stf. Sgt. Alonzo Martinez, left, helps his son Abraham, 6, pick out a toy during Operation Christmas.



LEFT: Sgt. Ist. Class Kenneth Kinney takes donated toys for Operation Christmas to an awaiting van.

Laguna Beach billionaire Bill Gross harassed his neighbor with 'Gilligan's Island' song, judge rules

BY LAURENCE DARMIENTO

Billionaire bond investor Bill Gross and his girlfriend were found Wednesday by an Orange County Superior Court judge to have harassed their neighbors with loud music, including the theme song to the classic TV show "Gilligan's Island," in a dispute over a \$1-million outdoor lawn sculpture.

Judge Kimberly Knill also ruled that Gross had failed to prove that his Laguna Beach neighbor, Mark Towfiq, had invaded his privacy.

She issued a civil harassment order prohibiting Gross and his partner, Amy Schwartz, from violating the noise provisions of the city's municipal code and playing music on their outdoor speakers when they were not outside themselves. She denied Gross' own request for a civil harassment order.

The decision followed a trial for dueling civil harassment orders that started Nov. 9 and concluded last week after nine days of testimony and closing arguments, including a break when the 76-year-old retired bond investor and his partner were potentially exposed to the coronavirus.

It featured the kind of legal fire power more typical of high-stakes litigation than a dispute between neighbors, with each party employing a battery of attorneys, including quick-on-their-feet trial litigators who questioned 11 witnesses.

Even in Southern California, where fights between rich and famous neighbors are something of a staple, the dispute that broke out in Laguna Beach between a wealthy tech entre-



Mark Towfiq

THE DISPUTE between Laguna Beach neighbors Bill Gross and Mark Towfiq centers on a \$1-million glass sculpture and netting outside Gross' home.

preneur and the even wealthier bond investor attracted attention.

One side claimed harassment by loud music after complaining about netting put up to protect the outdoor sculpture; the other side alleged invasion of privacy by a neighbor they accused of being a Peeping Tom.

The blue, blown-glass lawn sculpture by art-

ist Dale Chihuly, whose work adorns the Bellagio Hotel & Casino in Las Vegas, was installed by Gross and partner Amy Schwartz last year near the property line they shared with Towfiq and his wife on a stretch of South Coast Highway home to mansions.

See **Gross**, page A3

COVID-19 infections surpass 2 million statewide

In Orange County, health officials report 3,490 more cases, while 1,893 are being treated in area hospitals.

BY SARA CARDINE

As the ongoing tide of coronavirus cases pushes health-care workers to their breaking point — and with the number of COVID-19 patients and those on ventilators at an all-time pandemic high — Orange County hospitalizations continued to ratchet upward Thursday.

Orange County Health Care Agency officials reported Thursday 3,490 more individuals had been infected with the virus, while 1,893 were being treated for COVID-19 in area hospitals. Of those, 405 were in being seen in intensive care units.

The news comes as the California Department of Public Health announced Thursday the number of infections statewide had surpassed 2 million people, with 2,003,146 confirmed cases to date.

"While this means we are leveraging our testing capacity, it is a reminder that this virus continues to spread through our communities," Dr. Mark Ghaly, Secretary of California's Health and Human Services Agency said in a statement. "Hospitals are full, ICU beds are few, people are dying. The simplest thing we can do, but also the most significant, is to stay home."

Gov. Gavin Newsom said Monday a regional stay-at-home order for 11 Southern

See **COVID-19**, page A2

Waymakers shelters calling for holiday donations

The youth facilities, with locations in Huntington Beach and Laguna, have been hard hit by COVID-19.

BY MATT SZABO

Carol Carlson knows that the novel coronavirus pandemic can really weigh on children.

Carlson, the program director of the Waymakers Orange County youth shelters in Laguna Beach and Tustin, has seen it firsthand.

"We're concerned about the fragility of the kids," she said. "What's happened is that kids who already were at risk or suffering from depression and anxiety, this has kind of caused even more isolation for them. They don't have their peers or school or other places where they can have outlets for some of those feelings and symptoms, and they're maybe living in a home where there's been some financial strain because of the pandemic."

Carlson said that homelessness also has increased among the 12- to 17-year-olds served by Waymakers, the Santa Ana-based nonprofit which also has a youth shelter in Huntington Beach.

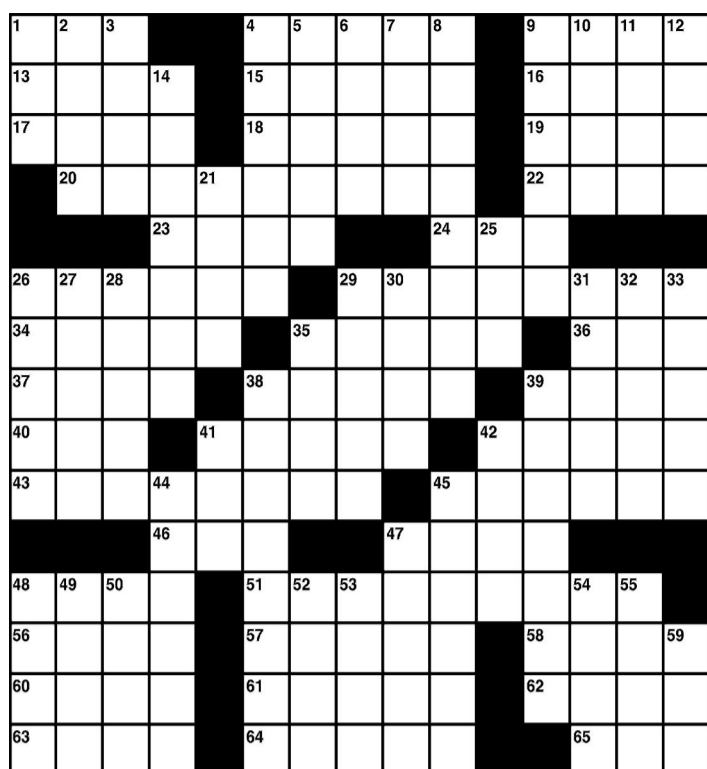
And funds are low, also due to COVID-19. With local businesses also struggling, she is appealing to the public for help this holiday season.

Carlson, who first started volunteering at the Laguna Beach youth shelter in 1988,

See **Shelters**, page A2

THE DAILY COMMUTER PUZZLE

By Jacqueline E. Mathews

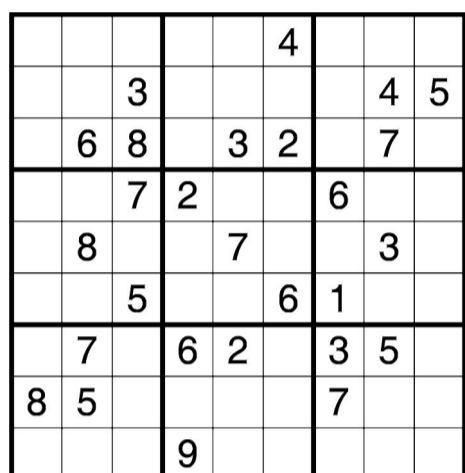


- ACROSS**
 1 Duryea or Blocker
 4 Squirrels away
 9 Rife with foliage
 13 Perishes
 15 Fish with a net
 16 See at a distance
 17 "Phoey!"
 18 Math comparison
 19 Go off the deep end
 20 Rocket
 22 Levelheaded
 23 Shove
 24 Prefix for occupied or cooked
 26 Full-price ticket buyers
 29 Awhirl
 34 Big brawl
 35 Adds to the payroll
 36 Fawn's mother
 37 Top file drawer, perhaps
 38 Cake ingredient
 39 Low dam built across a river
 40 Girl's nickname
 41 Overly sentimental
 42 "___ porridge hot"
 43 Three-of-a-kind beater
 45 Tureen utensils
 46 Remain behind
 47 Auctioneer's cry
 48 Dull-colored
 51 Put in capital letters
 56 Le Mans competition
 57 Dinner course
 58 Orderly
 60 Above
 61 Valuable cache
 62 Spew forth
 63 Nuisance
 64 Stitched
 65 Animal pen
- DOWN**
 1 Shameful report

SUDOKU

By The Mepham Group

Complete the grid so each row, column and 3-by-3 box (in bold borders) contains every digit, 1 to 9. For strategies on how to solve Sudoku, visit sudoku.org.uk.



For answers to the crossword and Sudoku puzzles, see page A3.

- card
 2 Broadcasts
 3 Tide type
 4 Cause of a nervous breakdown
 5 Rubbish
 6 Sworn statement

- 7 1939-45 conflict, for short
 8 Not as tidy
 9 Diminish
 10 Plebes' acad.
 11 Extend across
 12 Overblown publicity
 14 Attached

- papers together
 21 Adorable
 25 Med. personnel
 26 Pile up
 27 First appearance
 28 Reason to take Prilosec
 29 Vision
 30 Say the rosary, e.g.
 31 Perfect
 32 Din
 33 Actor Richard's kin
 35 "Be quiet!"
 38 Implies
 39 End of the single life
 41 Actress Farrow
 42 Compadres
 44 Einstein, for one
 45 Drunk
 47 Barber's offering
 48 Bit of rain
 49 Talk wildly
 50 King toppers
 52 Actress Winningham
 53 Farm machine
 54 Chief Greek deity
 55 E on a vane
 59 "hallowed be ___ name"

Tribune Media Services



Scott Smeltzer | Staff Photographer

SHOPPERS WALK past a Christmas tree at Pacific City in Huntington Beach on Monday.

COVID-19

Continued from page A1

California counties, implemented Dec. 7 and expected to last for a three-week period, would likely be extended beyond Dec. 28 but did not indicate for how much longer.

Thursday's new Orange County cases pushes the county's total number of infections so far to 138,310 individuals. A single death recorded brings Orange County fatalities to 1,782.

County residents between ages 25 and 55 accounted for nearly 52% of all the new cases, or 1,796 infections, with a reported 678 people between the ages of 25 and 34 recorded Thursday as infected.

Orange County's seven-day average of new cases stands at 51.8 per 100,000 residents, while the average health equity quartile positivity rate rose this week to 22.7%.

With Christmas just one day away, coronavirus testing super sites were packed with vehicles. Some 20,130 tests were issued countywide Thursday, bringing the cumulative number of tests issued to 1,926,712 and accounting for a seven-day average testing positivity rate of 15.2%.

Here are the latest cumulative coronavirus case counts and COVID-19 deaths for select cities in Orange County:

- Santa Ana: 26,935 cases; 360 deaths
- Anaheim: 23,292 cases; 381 deaths
- Huntington Beach: 5,517 cases; 96 deaths
- Costa Mesa: 4,492 cases; 51 deaths
- Irvine: 5,039 cases; 20 deaths
- Newport Beach: 2,068 cases; 28 deaths
- Fountain Valley: 1,730 cases; 25 deaths
- Laguna Beach: 460 cases; fewer than five

deaths
 Here are the case counts by age group, followed by deaths:

- 0 to 17: 12,957 cases; one death
- 18 to 24: 19,660 cases; five deaths
- 25 to 34: 28,763 cases; 26 deaths
- 35 to 44: 21,842 cases; 42 deaths
- 45 to 54: 22,361 cases; 131 deaths
- 55 to 64: 16,940 cases; 242 deaths
- 65 to 74: 8,449 cases; 351 deaths
- 75 to 84: 4,265 cases; 393 deaths
- 85 and older: 3,002 cases; 591 deaths

Updated figures are posted daily at occhealthinfo.com/coronavirus-in-oc.

For information on getting tested, visit occhealthinfo.com/covid-19-testing.

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Photos by Don Leach | Staff Photographer

CAROL CARLSON, Waymakers Orange County's children's crisis residential program director, stands in front of a fence of hand-stamps at one of the Waymakers youth shelters on Tuesday.

SHELTERS

Continued from page A1

does not know who will be in each of the six beds of the Laguna Beach location from day to day. But she knows she wants to provide them with a holiday experience.

The Laguna Beach Youth Shelter, a three-story bungalow built in 1939, has been a mainstay in the community. It celebrated its 40th anniversary last year.

"We're asking for the community to give if they can," she said. "We know everybody's struggling right now, but we could really use some help during the holidays in particular, to be able to make sure we keep our essential services going and our doors open for the kids."

Waymakers serves more than 140,000 people a year



A TILE MESSAGE adorns a path outside at one of the Waymakers youth shelters on Tuesday.

in Orange County, Carlson said, and each of the youth shelters houses about 100 youngsters per year as well.

She said the pandemic has caused the youth shelters to have the longest wait lists she has seen, and the struggle is keeping them going 24-7 given the constraints in place.

"It's temporary shelter for children who are experiencing difficulty at home or have had a suicide attempt or threat, and need a safe respite to recover and stabilize," Carlson said.

"Our goal always is for family reunification. We're keeping them safe and working with them, we're doing counseling, 24-hour care and teaching them coping skills. We're working with the families to kind of restore some peace in their households and help them with safety planning for their child, then reunifying them so that they can hopefully go on to a little more successful days ahead."

Waymakers' Huntington Beach Youth Shelter, which has been open for

14 years, has 12 beds to serve youth in need.

The organization is doing its best to navigate the COVID-19 waters while giving some holiday cheer to the youngsters in need.

"The clients we serve predominantly are struggling anyway, so they have a lot of challenges," Waymakers Executive Director Ronnetta Johnson said. "Anything we can do to help alleviate those challenges, especially at the holiday time, can make things a little bit more normal, so to speak. Helping them to have their gifts and just a little bit of brightness in their lives is really important."

Donations can be made at waymakersoc.org/donate. Those who want to donate to a particular location can also contact that location directly.

The Laguna Beach Youth Shelter can be reached at (949) 494-4311, the Huntington Beach Youth Shelter at (714) 842-6600 and the Tustin Youth Shelter at (714) 714-0780.

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GROSS

Continued from page A1

Towfiq testified that while the 22-foot-long installation featuring swimming marlin, traditional Japanese fishing globes and cobalt-colored reads "wasn't necessarily our style," he and his wife Carol Nakahara weren't bothered by it.

However, he said they were far less pleased when their neighbors in April erected a 12-foot-high netting structure to protect the sculpture during tree trimming and stormy weather — yet it rarely came down. Nakahara, on the stand, called it "legitimately like a big soccer net."

Towfiq said he tried multiple times to resolve the issue, texting Schwartz, contacting the couple's property manager and even sending a letter.

He said he ultimately felt "helpless" and decided to complain to the city, which issued Gross a July 28 notice of violation stating the sculpture and netting structure lacked permits. The next weekend, Towfiq testified, the noise harassment began — "I immediately connected the two," he said.

A fair portion of the trial was spent on the noise complaints, including the allegation that Gross and Schwartz played the iconic theme song to the classic TV show "Gilligan's Island" on a loop at all hours.

Towfiq testified the music from their neighbor's outdoor speaker system was so loud it penetrated the concrete walls of his multimillion-dollar house, designed by a noted modernist architect, forcing the couple to move out of their master bedroom — it was "almost like PTSD," he said.

In support of the accusations, Towfiq's attorney called to the stand Laguna Beach police officers, who testified that they heard loud music coming from the Gross and Schwartz residence while responding to noise complaints.

One of the officers and a city code enforcement official also testified that Gross and Schwartz said they would lower the music if Towfiq dropped his complaint about the sculpture.

Chase Scolnick, the trial attorney for Towfiq and his wife, made hay of a Gross text responding to Towfiq's request to turn down the music: "Peace on all fronts or well [sic] just have nightly concerts big boy." Gross testified that the text actually referred to Towfiq's picture-taking, behavior that the bond investor described as "peeping."

Jill Basinger, the trial attorney for Gross and Schwartz, tried to poke holes in the noise harassment claims. She argued they were overblown and called in an audio expert to create doubt about the accuracy of iPhone recordings made by Towfiq, since the volume controls can be manipulated.

"Yes. It is true. Mr. Gross and Ms. Schwartz play music. They play music at night. They like music," argued Basinger.

She said that the only recording evidence presented at trial of the "Gilligan's Island" theme song and loud music being played past 9 p.m. occurred the weekend after the city notice was received.

But she argued that that was only because the couple had recently learned the TV show was special to them. Schwartz testified the couple discovered that the opening credits to "Gilligan's Island" featured a scene shot in Newport Beach that was identical to



Getty Images

MARK TOWFIQ, right, and wife Carol Nakahara arrive for a court hearing at Orange County Superior Court on Dec. 7.



BILL GROSS and partner Amy Schwartz arrive for the Dec. 7 court hearing in Santa Ana.

a view from another home they have there.

In attempting to prove Towfiq had an obsession with Gross and Schwartz, Basinger cited questions Towfiq had asked the neighbor selling the home and a real estate agent about the couple before they moved in. But when she queried Towfiq about those inquiries, she got an answer repeated in news reports as distant as Britain. Towfiq testified that he was warned by the neighbor that "I wouldn't want an angry billionaire with a short fuse living next to me."

Towfiq said he had been aware of the billionaire's nasty divorce and an unpleasant departure from PIMCO, which was covered by the media.

Before Gross took the stand, he published an open letter calling for an end to the trial and all other legal proceedings between the two sides, saying they should both donate their expected fees to area COVID-19 relief organizations.

"In the midst of this terrible global tragedy, a portion of the media is transfixed by ... a man who plays the theme song to a 1960s sitcom, and another who records him doing so," the letter stated. "I don't think many people would contend this litigation deserves the attention it has received during the deadliest pandemic in a century."

Towfiq's lead attorney, Jennifer Keller, rejected it, contending that Gross was "losing the trial badly" and wanted to "stem the tide of negative press." She added that if Gross really wanted

to end it, he should pay for Towfiq's legal fees and apologize for the "awful lies" spread about him.

Towfiq had testified that he used his iPhone only to record noise violations, but when the trial resumed, the opposing side doubled down, with Gross denying he played loud music and testifying he and Schwartz had nicknamed their neighbor "Peeping Mark."

Schwartz, a former professional tennis player, testified that she witnessed Towfiq invading her privacy numerous times by recording her when she was swimming. "I'm scared. I feel violated. I feel afraid. I'm in a bikini or less," she said.

There was no photographic evidence submitted to support her assertion, and Towfiq's side presented friendly text exchanges between the two that began after the billionaire couple acquired the house for a reported \$32 million and ended only after Towfiq complained about the netting.

Gross had announced on Dec. 10 that he had donated \$500,000 to Orange County relief organizations even though Towfiq had rejected his offer to end all litigation.

A spokesman said the figure amounted to what the billionaire had spent on the dispute, including a separate lawsuit he filed in Orange County Superior Court against his neighbors — and where Towfiq and his wife also have filed their own lawsuit. A trial has yet to begin.

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CITY OF COSTA MESA
PUBLICATION

NOTICE IS HEREBY GIVEN that the Costa Mesa Zoning Administrator will render a decision on Thursday, January 7, 2021, or as soon as possible thereafter, on the following item:
Application No.: ZA-20-21
Applicant/Agent: Haute Performance LLC/Clay Tanner

Site Address: 3550 Cadillac Avenue
Zone: MP - Industrial Park
Description: Zoning Application 20-21 is a request to modify the previously approved CUP (PA-19-01); specifically, the applicant requests to expand the packaging area, to add additional products, and to add a distribution element to the operation of the facility. No cultivation or dispensing of marijuana is authorized by the approved CUP, nor the proposed modifications.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Additional Information: For more information, call (714) 754-5245, or email planninginfo@costamesaca.gov
Planning Division staff are available from 8:00 AM to 5:00 PM Monday through Thursday, except specified holidays. There will be no public hearing on this request. Any written correspondence must be emailed to ZAPublicComments@costamesaca.gov prior to 12:00 PM on the day of the decision date (see above). The decision letter can be downloaded from the City's website following the decision date at: http://www.costamesaca.gov/index.aspx?page=940
If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, prior to the decision date.

NOTICE OF PETITION TO ADMINISTER ESTATE OF: AUDREY STEELE BURNAND

CASE NO. 30-2020-01174943-PR-PW-CJC
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the WILL or estate, or both of AUDREY STEELE BURNAND.
A PETITION FOR PROBATE has been filed by WHITTIER TRUST COMPANY, GRETCHEN H. ALENIN AND WILBUR D. LAYMAN in the Superior Court of California, County of ORANGE. THE PETITION FOR PROBATE requests that NO PERSONAL REPRESENTATIVE IS BEING APPOINTED. PETITIONERS ARE SEEKING TO FILE DECEDENT'S WILL TO BE ADMITTED TO PROBATE FOR THE SOLE PURPOSE OF EXERCISING THE POWERS OF APPOINTMENT UNDER THE PROVISION IN THE WILL. THE PETITION requests the decedent's WILL and codicils, if any, be admitted to probate. THE WILL and any codicils are available for examination in the file kept by the court.
A HEARING on the petition will be held in this court as follows: 01/20/21 at 10:30AM in Dept. C06 located at 700 CIVIC CENTER DRIVE WEST, SANTA ANA, CA 92701
Notice of Public Cases

- (1) If you plan to appear, you must attend the hearing by video remote using Microsoft Teams;
(2) Go to the Court's website at http://www.occourts.org/media-relations/probate-mental-health.html to appear for probate hearings; and for remote hearing instructions;
(3) If you have difficulty connecting to your remote hearing, call 657-622-8278 for assistance.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

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LEGAL NOTICE

LAGUNA BEACH CITY COUNCIL

The Laguna Beach City Council will hold a virtual Public Meeting to consider: Lot Line Adjustment 20-7338 and Coastal Development Permit 20-7339 to relocate internal property lines at 336 and 392 Lookout Drive. This matter will be approved on the "Consent Calendar" unless a Councilmember or a member in the audience requests that the matter be considered separately. SAID PUBLIC MEETING to be held: Tuesday, January 12, 2021 at 5:00 p.m. For additional information, contact Scott Drapkin, Planning Manager, at (949) 497-0362 or sdrapkin@lagunabeachcity.net, or Joseph Gelber, Property Owner representative, at (949) 715-4515. City Council Members may also be contacted to discuss issues and questions about the proposed application. A listing of the City Council Members' names and phone numbers is available at City Hall and on the City's website (www.lagunabeachcity.net). The application may be examined on the City's website at the following link (available 72 hours before the public hearing): http://www.lagunabeachcity.net/cityhall/citygov/cityclerk/mam.htm. Click on the City Council Agenda (located to the right of the City Council hearing date/time) under the Upcoming Events section and then click on the specific agenda item. The Council Chambers will not be open to the public. However, comments may be made via teleconferencing during the Public Hearing, or in writing/email. It is recommended that written correspondence be delivered/emailed to City Hall preferably at least 2 days before the hearing. If, in the future, you wish to challenge the subject in court, you may be limited to raising only those issues you (or someone else) raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing. This proposal is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 5 (Preliminary Review of Projects), Section 15061(b)(3) (no possibility of a significant environmental effect). The proposed project is in the City of Laguna Beach Coastal Zone. A Coastal Development Permit was requested on October 14, 2020, and the proposed project is not appealable to the Coastal Commission. Ann Marie McKay, City Clerk

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OVER TROVE GUSH
PEST SEWED STY

Sudoku grid with numbers 1-9 in a 9x9 pattern.



Wishing You

AND YOUR FAMILY ALL THE SPECIAL JOYS
OF THE HOLIDAY SEASON.

**HAPPY HOLIDAYS
FROM SOUTH COAST PLAZA**

