

# Daily Pilot

THURSDAY, OCTOBER 14, 2021 /// Now including Coastline Pilot and Huntington Beach Independent /// dailypilot.com

## H.B. woman's lawsuit vs. city dismissed

Shayna Lathus said her free speech was violated when she was removed from the Citizens Participation Advisory Board in 2019.

BY MATT SZABO

A United States District Court judge has dismissed the lawsuit of a Huntington Beach woman who sued the city, claiming that her free speech was violated when she was removed from the Citizen Participation Advisory Board in 2019.

Shayna Lathus was removed from her volunteer position after photos surfaced online of her attending a rally in support of immigrant rights in downtown Huntington Beach, standing next to people who were wearing black and believed to be Antifa activists.

Lathus said at the time that she didn't know Antifa activists would be present and she didn't engage with them, but she was removed from the board by now-Mayor Kim Carr, who had appointed her.

Lathus filed suit against the city in April, seeking unspecified damages, to be reinstated to the Citizens Participation Advisory Board and a declaration by the city. But an order by Judge Stanley Blumenfeld Jr. on Sept. 29 stated that while Lathus' participation in the protest was protected by the U.S. Constitution, Carr had the authority to remove her from the board.

See **Lathus**, page A3

## Lawsuits resulting from oil spill wash up in court

Costa Mesa's Ketcham Tackle and Hill's Boat Service in Newport Harbor allege the disaster and subsequent closures harmed business.

BY SARA CARDINE

Several local businesses have begun to submit legal complaints against Amplify Energy Corp. seeking damages for revenue losses sustained during the recent oil spill off Orange County's coastline and subsequent beach and waterway closures.

Two such enterprises — a bait and tackle store in Costa Mesa and a Newport Harbor fuel dock — have filed lawsuits claiming negligence on the part of Amplify and its Beta Offshore division for failing to maintain an aging infrastructure or respond in a timely manner to warnings of a spill directly impacted local commerce.

The complaints contend the temporary closure of Orange County beaches and waterways, including Newport Harbor, and a local fishing ban still in effect as of Thursday have caused a sustained and continued loss of revenue.

One document, filed Monday through the U.S. District Court on behalf of

See **Lawsuits**, page A4



Courtesy of Heather Burbich

A MERMAID FROM the Once Upon An Island store entertains two kiddie mermaids on the Balboa Island beach near the business.

## Balboa Island shop faces flap over sending its 'mermaids' to the beach

BY SUSAN HOFFMAN

Troubled by an anonymous complaint about her business to the city of Newport Beach, Balboa Island resident and entrepreneur Heather Burbich took to the social media platform *nextdoor.com* for answers.

Her Agate Avenue store Once Upon An Island, also known as "the mermaid shop," has been a part of the Balboa Island community since 2015.

The mermaids have become a familiar sight to island residents as they often venture outdoors to take photos and play with children on the sand.

The character driven events and parties were customarily held inside the shop but were moved outside to satisfy parents' safety concerns during the pandemic.

"Our clientele is more interested in being outdoors right now," Burbich said.

The shop owner said her aim in making the post to nextdoor was to rectify the problem.

It was an appeal to her neighbors — and hopefully the complainant — to contact her with any concerns they may have about her business activity on the beach so that she could make adjustments.



Susan Hoffman

HEATHER BURBICH, owner of the Once Upon An Island store on Balboa Island, wants the option of using the beach for her clients' safety. The city does not permit such use.

Instead of objections, she unexpectedly received overwhelming support, in the way of over 200 responses, including a group message from Balboa Island merchants.

"We're very very lucky to have such won-

derful family fun in our neighborhood!! They bring joy and special memories to our children," posted one of the individuals

See **Mermaids**, page A3

## Coastline College adopts 'new' dolphin mascot

BY LILLY NGUYEN

Coastline College is head over fins with excitement to celebrate its upcoming 45th year in operation since the campus opened in 1976.

The community college — with its satellite campuses in Westminster, Garden Grove and Newport Beach — recently announced it will be formally adopting campus mascot Fin the Dolphin.

Coastline President Vince Rodriguez said that although the campus informally began being used in 2006, the dolphin never really became a part of the campus brand since it doesn't have any sports teams.

Rodriguez said the dolphin mascot was chosen again by students when the college first began thinking about rebranding in 2019.

"It was primarily used for our mascot costume, which would be out and seen at campus events," Rodriguez said, adding that dolphins weren't reflected in the campus logo or even in its



Kevin Chang | Staff Photographer

COASTLINE COLLEGE is celebrating its 45th anniversary by launching the Dolphins as its mascot.

See **Dolphin**, page A3

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FRI, OCT 15  
**PATO BANTON**



SAT, OCT 16  
**TAPE FACE**



WED, NOV 3  
**THE IMMEDIATE FAMILY**

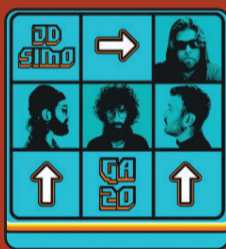


SAT, NOV 6  
**FASTBALL**

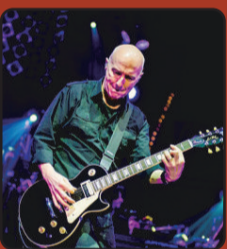
- 10/14 JOHN HIATT & JERRY DOUGLAS BAND
- 10/15 PATO BANTON / KEN GARCIA
- 10/16 TAPE FACE
- 10/17 ROBERT EARL KEEN
- 10/22 THE PETTY BREAKERS (TOM PETTY TRIBUTE)
- 10/23 OINGO BOINGO FORMER MEMBERS
- 10/28 LEROY AND THE BAD BROWNS
- 10/29 TOTO'S EXPERIENCE
- 10/30 WHO'S ZEPPELIN (LED ZEPPELIN & THE WHO TRIBUTE)
- 11/3 THE IMMEDIATE FAMILY
- 11/5 RONSTADT REVIVAL
- 11/6 FASTBALL
- 11/10 MARTHA WAINWRIGHT
- 11/11 JD SIMO / GA-20
- 11/12 FIVE FOR FIGHTING w/STRING QUARTET
- 11/13 SUPER DIAMOND (NEIL DIAMOND TRIBUTE)
- 11/14 ULTRAVOX'S MIDGE URE
- 11/19 YACHTLEY CREW
- 11/20 WHICH ONE'S PINK? (PINK FLOYD TRIBUTE)
- 11/21 COCO MONTOYA
- 11/26 LA GUNS
- 11/27 METALACHI
- 11/30 MAT AND SAVANNA SHAW "THE JOY OF CHRISTMAS TOUR"
- 12/2 THE PLATTERS
- 12/3 LOS LOBOS
- 12/4 DSB (JOURNEY TRIBUTE)
- 12/8 MARC BROUSSARD
- 12/9 LEONID & FRIENDS (CHICAGO TRIBUTE)
- 12/10 JOHN MAYALL / WALTER TROUT
- 12/12 ROBERT CRAY
- 12/15 GIN BLOSSOMS
- 12/17 AMBROSIA
- 12/18 BERLIN
- 12/19 GARY "HO HO" HOEY
- 12/23 DAVID BENOIT CHARLIE BROWN CHRISTMAS
- 12/30 FISHBONE
- 12/31 DONAVON FRANKENREITER



WED, NOV 10  
**MARTHA WAINWRIGHT**



THU, NOV 11  
**JD SIMO GA-20**



SUN, NOV 14  
**MIDGE URE**



THU, DEC 2  
**THE PLATTERS**

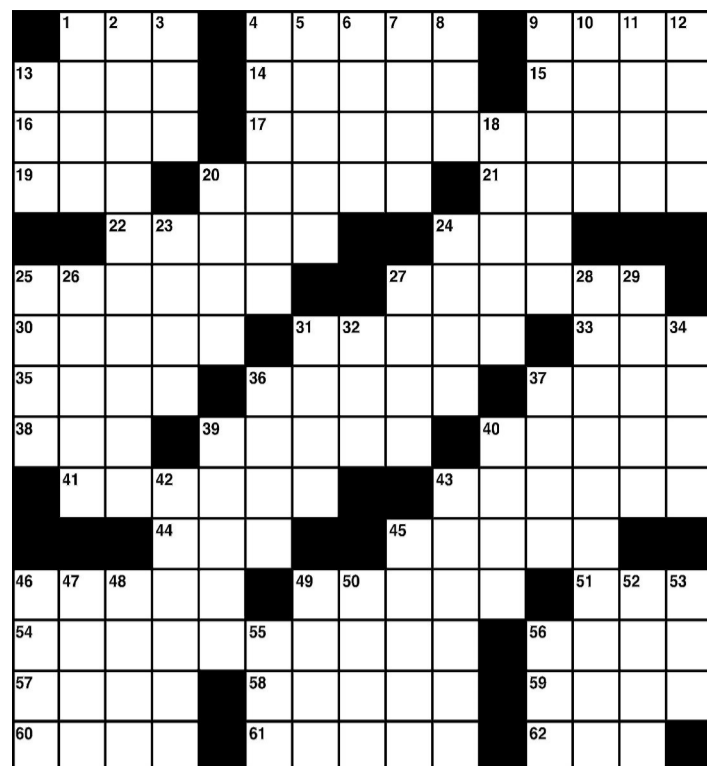
- 1/1 DONAVON FRANKENREITER
- 1/7 QUEEN NATION (QUEEN TRIBUTE)
- 1/8 QUEEN NATION (QUEEN TRIBUTE)
- 1/9 QUEEN NATION (QUEEN TRIBUTE)
- 1/13 GINGER BILLY
- 1/15 THE BLASTERS
- 1/19 ANDY MCKEE / YASMIN WILLIAMS
- 1/21 BEATLES VS STONES - A MUSICAL SHOWDOWN
- 1/22 JOAN OSBORNE / THE WEEPIES
- 1/27 RAUL MALO OF THE MAVERICKS
- 2/3 THE GILMOUR PROJECT
- 2/5 DRAMARAMA
- 2/6 AN EVENING WITH DAMIEN ESCOBAR
- 2/12 OTTMAR LIEBERT & LUNA NEGRA
- 2/13 THE KINGSTON TRIO
- 2/17 THE HIGH KINGS
- 2/18 SKELETON CREW
- 2/19 PIANO MEN (BILLY JOEL / ELTON JOHN TRIBUTE)
- 2/25 SUPER DIAMOND (NEIL DIAMOND TRIBUTE)
- 2/26 WILD CHILD (DOORS TRIBUTE)
- 3/4 ABBAFAB (ABBA TRIBUTE)
- 3/9 BUDDY GUY
- 3/10 KENNY WAYNE SHEPHERD
- 3/11 HERMAN'S HERMITS
- 3/12 HERMAN'S HERMITS
- 3/13 GLENN MILLER ORCHESTRA
- 3/18 THE MOTELS
- 3/19 AL JARDINE OF THE BEACH BOYS
- 3/21 TINSLEY ELLIS
- 4/2 Y&T
- 4/9 DAVID BRIGHTON'S SPACE ODDITY (DAVID BOWIE TRIBUTE)
- 4/15 BUCKCHERRY / JETBOY
- 4/16 MARC COHN
- 4/17 MARC COHN
- 4/29 SAVOY BROWN

## THE DAILY COMMUTER PUZZLE

By Jacqueline E. Mathews

### ACROSS

- 1 Gift for a child
- 4 Actress Moorehead
- 9 Bosom buddies
- 13 Woodwind instrument
- 14 \_ change; handful of coins
- 15 Kauai cookout
- 16 Wagers
- 17 Ability
- 19 Fury
- 20 Walk leisurely
- 21 Detests
- 22 Too trusting
- 24 Brewers' home: abbr.
- 25 Fully developed
- 27 Uses a cheese grater
- 30 Look-; twin
- 31 School skirt pattern
- 33 Pixie
- 35 Male cats
- 36 Empire
- 37 \_ on; incite
- 38 "\_ Loves You"; Beatles song
- 39 Jacket material
- 40 Protrude
- 41 Assault violently
- 43 Nearly
- 44 Play on words
- 45 \_ to; before
- 46 African nation
- 49 "77 Sunset \_" of old TV
- 51 Tenement bldg. unit
- 54 Very funny
- 56 Suffix for laugh



For answers to the crossword, see page A4.

- or profit
- 57 Jungle beast
- 58 Single-handedly
- 59 Clumsy fellow
- 60 Seats for many
- 61 Internal spies
- 62 Morning moisture
- 11 "Arsenic and Old \_"; 1943 film
- 12 Hauls into court
- 13 Jeremy Sisto TV series
- 18 Elementary school grade
- 20 Wet spongy earth
- 23 Diving seabirds
- 24 On a \_; impulsively
- 25 Gym floor pads
- 26 Lanai greeting
- 27 Realtor's goal
- 28 Absolutely awful
- 29 Disgusting garden pests
- 31 Rind
- 32 Youth
- 34 Guitar ridge
- 36 Destroy
- 37 Japanese
- wrestling form
- 39 Steam bath
- 40 Minor glitch
- 42 Eating utensils
- 43 Goes up
- 45 Dried fruit
- 46 Swallow hard
- 47 "four and twenty blackbirds baked in \_"
- 48 By the sweat of your \_; with hard work
- 49 Fodder storage tower
- 50 Implement
- 52 Farm machine
- 53 Brother of JFK
- 55 Crash into
- 56 Writer Doyle's monogram

Tribune Media Services

## Tree roots itself in front of Newport home after request to remove it is denied by city

BY LILLY NGUYEN

One homeowner's tree is another homeowner's treasure.

No one knows that more than new Newport Beach homeowner Jamie Bland, who was trying to get a tree removed since February because of the damage she says its roots have caused to her home.

At a Parks, Beaches and Recreation Commission meeting earlier this month, commissioners ruled in a 5-1 vote that the 70-year-old Siberian elm tree would remain rooted in its place in front of Bland's home on Snug Harbor Road. Commissioner Kate Malouf cast the lone dissenting vote and Commissioner David Granoff was absent.

Bland said she and her husband moved to the city in January. At the time, Bland said that she loved the tree and didn't have any intentions to have it removed.

It provides great shade and it's beautiful, she said in an interview Wednesday.

The problem came when the new homeowners started to look into doing some drain work and the tree's extensive roots became prohibitive to that work.

"Just as things get going, I was thinking, 'This tree's going to continue to be a hassle,'" Bland said.

"I called the arborist [John Nelson] to make sure it was on my property, but he said, 'No, that's a city tree. But, I can come out and check it out today to see if it's healthy,'" Bland said.

That was back in February.

The tree in question is one of 17 Siberian elms the city is responsible for and Kevin Pekar, parks and trees superintendent for the city, said he gives it around a 'B' in terms of its health. He expects it to survive at least another 20 years, assuming it stays robust.

Bland asked what her options were. Ultimately she learned reforestation was a route she could take — meaning she could petition the city to remove the tree, but that she would need to plant a new one in its place.

"It sounded reasonable," said Bland, who added that



**THE PARKS,** Beaches and Recreation Committee voted 5-1 to save this 70-year-old Siberian elm tree along Snug Harbor Road in Newport Beach.

Kevin Chang

she intended to cover 100% of the costs for the city to remove and plant a new, 48 inch-box "Natchez" crape myrtle if approved.

Those trees do not have invasive roots, according to Pekar.

Then came the process during which Bland prepared a petition for the tree's removal and sought signatures from neighbors. In late June, Bland submitted the petition and the signatures on it were verified.

City staff said no formal petitions opposing the action were received.

The item would eventually come before the Parks, Beaches and Recreation Commission in August, but neighbor Craig Hudson objected to the tree's removal and argued it was one of the original trees planted in the neighborhood.

Parks commissioners said Bland would need to provide more evidence that the tree's roots were causing damage.

A city staff report prepared for the commission's October meeting noted Bland submitted pictures documenting the damage caused by the root system. She also provided the estimated costs for repair and an invoice from when root-damaged yard drains required repairs.

Hudson did not respond to multiple requests for comment on the matter Wednesday, but did say in his remarks at the October meeting that the damage

did not appear significant in the documented photos and alleged that Bland failed to get signatures from all neighboring residents within a 500-foot radius in accordance with city policies related to its reforestation program.

Pekar confirmed Wednesday that Bland submitted the application for reforestation prior to changes in city processes and was only required to gather 60% of 30 private property owners 500 feet on both sides of her residence in order for the removal to be considered.

In a recent email he sent the Daily Pilot, Hudson wrote, "[The hearing] went very well ... this is my first foray into local politics on a very minor scale, but I was impressed how democratic the process worked."

Bland said she's not upset about the ruling, but, she said, the tree will eventually grow old, sick or die. When that happens, it won't be at her expense. It'll be the city's financial responsibility.

"I'm not upset that we're keeping the tree. We will definitely work around it. It's fine and I will be a good tree steward as long as the tree lives. I was just taking it a little further because it's not going to live forever and the property damage has occurred and will continue to occur," Bland said.

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## MERMAIDS

Continued from page A1

who saw Burbich's post.

Balboa Island resident Sheryl Clough said her 5-year-old granddaughter came from Los Angeles with her friends to celebrate her birthday party with the "mermaids" recently.

"The parents all commented that they didn't realize how much they all needed a day out like that ... watching their kids and the joy on their faces," Clough said. "Being out in the air and seeing the kids run around was good for the parents' souls as well as the kids."

Burbich felt that because the events were small — never more than eight people at a time and more typically just two children and a "mermaid" — that they weren't intrusive.

"We make sure that the beach that we use is mostly empty and always talk to bayfront neighbors beforehand to make sure they are OK with us being in front of their house," Burbich explained. "We always clean up afterward."

But beach activity became an obstacle when a code enforcement officer paid a visit to her store in June to follow up on the complaint the city had received.

According to Burbich, the officer at first determined that mermaids sitting on the beach with kids was fine but setting up tables and umbrellas was considered "doing business on the beach" and not allowed.

Applying the guidelines set forth by the code enforcement officer, they made some adjustments by way of letting parents do the equipment setup.

A month later, the officer



**MINI-MERMAIDS** sit on Balboa Island seawall during an outdoor summer event held by Once Upon An Island.

Courtesy of Heather Burbich

stopped by again to report that someone was still complaining.

"I explained to him that our clients are really feeling safer outdoors," Burbich said. "And that we would come to them only as the entertainment. He said, 'OK' as long as we were not the ones doing the setup."

But then in September a \$200 citation came in the mail. Burbich said that the way code enforcement officer explained it, the escalation of the complaint and inclusion of photos about "mermaids" being on the beach in any capacity with kids would increase the fine every time a photo is sent.

"Mermaids can't be on the beach at all," Burbich said.

According to Burbich, the code enforcement officer reduced the citation to a warning since he had previously given the OK to be on the beach and suggested that Burbich apply for an emergency use permit.

Upon visiting City Hall, she was told that the city stopped issuing emergency use permits in August. She said she was informed there were no permits for

vendors on the beach at this time.

With their option being taken away by offering outdoor parties on the beach a few steps from their store, Burbich and her employees felt left out in the cold by the city, especially since there have been so many adjustments made for other businesses during the pandemic.

"Sitting on the beach with a mermaid is such a magical and unique thing for kids. We're definitely not causing any harm or hazard by doing this," Burbich said. "It's very disheartening and yet another COVID blow for a small business. We've already faced so many hurdles through this pandemic."

Newport Beach's public information officer John Pope responded to a request for the city's stance with a statement.

"The city responded to a complaint from a resident regarding commercial activity (costume parties) by a local business on Balboa Island beaches," Pope said in the statement.

"Upon investigation, the city determined that the business

was operating without a permit, in violation of the municipal code 11.04.070 requires a permit for beach and park activities.

"The city does not permit this type of business activity on beaches, as they must be made available for the public's use, per City Council policies. The city does issue permits for similar commercial business activities in municipal parks, and we have suggested to the business owner that they may wish to pursue that option."

According to the Newport Beach City Council policy governing use of the beaches titled "Bike, Foot Race and Surf Contest Event Policy," permitted activity is restricted to a limited number of surf, surf-related and sandcastle contests outside of the peak summer season.

"If the city said yes to this business, it might have to say yes to other commercial businesses that residents might find objectionable," Pope said.

**SUSAN HOFFMAN** is a contributor to Times Community News.

## DOLPHIN

Continued from page A1

marketing. "I would think that in the past, many of our students didn't even know about the dolphins being our mascot because we didn't have that presence online digitally and socially."

"Fin kind of evolved [as a name], but it stuck. It's one of those things that as soon as someone started calling the dolphin Fin, everyone did," Rodriguez said. "We had a costume, so we would have people that would be in the costume at events and have fun with that. If you didn't come to an event, you didn't get to see our dolphin and you didn't interact with it through our materials, you wouldn't know."

The adoption of Fin marks the beginning of a new identity for the campus as it heads into its 45th anniversary and is emblematic of what Rodriguez said he believes the students and faculty feel.

"Having a symbol that people can recognize is an emotional connection that students form with their school. This logo will embody the spirit, pride, and identity among all members of our Coastline family, bringing the community together in a unifying experience," director of marketing and communications Dawn Willson said in a statement announcing the mascot.

The college won't be celebrating this milestone this year with any on-campus celebrations out of an abundance of caution as it relates to the pandemic, but Rodriguez said the hope is that they'll be able to celebrate the school's 50th anniversary in another five years.

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## LATHUS

Continued from page A1

Huntington Beach City Atty. Michael Gates represented the city on the case.

"As I've said since Day One in defense of this case, the mayor's prerogative is to appoint on committees like this, and to discharge people," Gates said. "That's her prerogative. That's not an official government action that deprives somebody of their right for free speech. That's kind of the theme that we've main-

tained, and in more words than that, the court agreed."

Lathus, reached by phone Wednesday, declined comment and deferred to her lead attorney, Costa Mesa-based Andrea Bird-Steiner. Bird-Steiner said she plans to appeal the ruling in the 9th Circuit Court of Appeals.

"We think the judge is wrong on this one, and that Supreme Court precedent and 9th Circuit precedent come out the other way," Bird-Steiner said. "We're interested in protecting the

rights of free speech. The judge's order did recognize that her activity was protected activity, the order just came out on the side of it being not protected enough for her to not be removed ... but I don't think the Supreme Court and 9th Circuit would agree."

Bird-Steiner said she believes that precedent shows that in order to fire someone for political reasons, it needs to be a policy-making position and politics need to be essential for the job function.

Blumenfeld's order states

that Lathus had to realize that, by accepting her appointment, she was no longer the only person politically accountable for her public actions.

"By the appointment process, [Lathus] could therefore be viewed as a political extension of the person who had the sole authority to appoint her," the order reads. "In short, when [Lathus] decided to engage in public protest, she was expressing her views and showing support for a cause in association with other like-minded individu-

als. In doing so, she unquestionably was exercising her constitutional rights. However, such exercise does not ... immunize her from the political fallout of her actions.

"Contrary to the thrust of [Lathus'] lawsuit, Carr was not politically powerless to disassociate herself from her public actions through a process that authorized appointment and removal in Carr's sole discretion."

Lathus posted a statement on social media after the rally saying she supports both law enforcement

and immigrant rights. But, according to Lathus' lawsuit, Carr told her that her statement was "not enough" because she didn't specifically denounce Antifa.

"Those that do not immediately denounce hateful, violent groups do not share my values and will not be a part of my team," Carr wrote as part of an email to fellow City Council members and staff at the time.

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**GIRLS' TENNIS**

# CdM edges Huntington Beach to take first place in Surf League

BY MATT SZABO

The Sea Kings want their crown back.

The Corona del Mar High girls' tennis team took a first step toward regaining the Surf League title on Tuesday at Huntington Beach.

No singles player or doubles team swept their three sets, but it was a team effort that lifted CdM to a close 9-9 (72-68 on games) victory.

Corona del Mar, which won the Surf League in 2018 and 2019, finished second to Huntington Beach in last spring's coronavirus-postponed season. But the Sea Kings (9-2, 2-0 in league) are now in outright first place in league.

The teams meet again at CdM's courts on Oct. 21. Huntington Beach (10-1, 1-1), which suffered its first loss of the season Tuesday, will be looking for a win to likely share the league title.

Senior Jane Paulsen won twice in singles for CdM against Huntington Beach, while the doubles teams of juniors Lauren Jones and Cate Montgomery, as well as seniors Sydnee Spirlin and Sara Miller, also won twice.

Sienna Brooks and Shea Tomac earned one singles win each. Katie Barnes and Lena Pham won once in doubles, so every starting Sea King contributed to the victory.

"We knew they were a good team coming in, for sure," Spirlin said. "Especially their singles lineup, I remember from last year that they were really good. But I think that [Miller and I] just tried to keep an open



Photos by Kevin Chang | Staff Photographer

**CORONA DEL MAR'S** Jane Paulsen returns a shot against Huntington Beach in a Surf League match on Tuesday. The Sea Kings are now in outright first place in the Surf League.

mind and stay optimistic. Just do what we know how to do — that was our mentality going into today."

CdM opened a 4-2 lead after the first round. The host Oilers battled, but with the Sea Kings ahead on games, CdM clinched the match in the final round when No. 1 singles player Brooks earned a 6-3 victory over Huntington Beach's Sophia Straub.

Yen Nhi Huynh swept 6-2, 6-0, 6-1 at No. 1 singles for Huntington Beach, and Solaya Han also earned a pair of singles wins. Cindy Huynh and Sophie Jin-Ngo swept at No. 1 doubles, bringing them to a perfect 25-0 this season as a duo.

But the Oilers only got one other set win, from Kayla Friedland and Jackie Vo in doubles. Coach Patrick Wright said that both members of another usual starting doubles team, Le



**NO. 1 DOUBLES** partners Cindy Huynh, center, and Sophie Jin-Ngo of Huntington Beach are 25-0 as partners this season.

Nhi Huynh (leg) and Ella Weisman (sickness), were out of action Tuesday.

"We knew that they had two players out," Spirlin said. "We knew that their No. 1 teams were going to be good, so we really wanted to focus on our twos and threes today and really get the job done when it came to those, for sure ... It's definitely a really good win today. We definitely needed this one."

CdM plays at rival New-

port Harbor in the first Battle of the Bay match on Thursday.

Huntington Beach, which plays at Los Alamitos on Thursday, will try to rebound for the second league meeting with the Sea Kings.

"I'm very happy," Wright said. "I think my team really performed well under pressure today."

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## LAWSUITS

Continued from page A1

Costa Mesa's Ketcham Tackle, seeks certification of a class action lawsuit that would be open to businesses in Orange, Los Angeles and San Diego counties deriving at least 25% of their revenue from the waters of the Pacific Ocean and San Pedro Bay.

"The conduct of each defendant was a substantial factor in causing and exacerbating the breach, and consequently in causing damage to the communities and businesses which are along the coast and depend upon the ocean and shoreline for their livelihoods," it states.

Steven Williams, attorney with San Francisco-based Joseph Saveri Law Firm, said Wednesday the owner of Ketcham Tackle serves about 50 different sport fishing interests in Orange County, which account for more than 90% of business.

"There's no one to buy goods in his shop," he said of Ketcham's current state. "You can walk on the beach, and you can eat, drink and enjoy yourself, but you can't fish."

He attributes that loss, in part, to Beta Operating Co.'s delay in responding to a low-pressure alarm on the burst pipeline that sounded at around 2:30 p.m. Oct. 2 — more than three hours before the line was shut down.

The suit further alleges Amplify failed to inspect pipelines for fissures or maintain the integrity of the lines even as officials knew a backlog of ships hovering near the Port of Long Beach during the time of the spill posed a threat.

"It would have been very simple for them to say, 'We should up the frequency of our inspections, knowing something is happening out there. But there's no indication that happened,'" Williams said.

Similar claims of negligence were made in another lawsuit, filed on Oct. 5 through Orange County Superior Court on behalf of Hill's Boat Service.

Owners of the family-owned company, which has operated out of Newport Harbor since 1947, allege significant economic losses from the oil spill, cancellation of the final day of the Pacific Airshow on Oct. 3 and nearly weeklong closure of the harbor.

"The affected coastal waters and harbors are the backbone of the local econ-



Scott Smeltzer

**A WORKER** at Corona del Mar State Beach on Oct. 5.

omy, including tourism, fishing, excursions, restaurants and other businesses," their suit reads.

"[The] plaintiff has and will continue to suffer pecuniary losses attendant to its loss of customers attributable to the closure of Newport Harbor, local beaches and other harbors, and cancellation of the airshow on Sunday."

Cynthia Garber, a Newport Beach attorney representing the company, did not respond to a request for comment Wednesday, but her suit seeks remedy for all economic damages and legal costs. Amplify Energy also declined to comment on the lawsuits.

Similar legal steps have been taken by Orange County individuals and businesses impacted by the spill.

An Oct. 4 federal class-action lawsuit brought on behalf of Huntington Beach resident Peter Moses Gutierrez Jr., owner of a DJ company that plays at beachfront events, claimed lost wages and exposure to health hazards.

Three days later, Laguna Beach residents alleged in another class-action complaint the spill negatively impacted the owners of properties with private easements to the beach.

Ketcham's class action suit, if successfully certified by U.S. District Court Judge David O. Carter, would allow class members to recover economic damages and would establish a fund to monitor the marine habitat in the affected counties.

Williams said while it's unclear how long the spill and its aftermath will continue to plague local communities, relief for those affected is more immediately achievable.

"You can't put the oil back in the pipeline, but there are people hurting right now who can be helped."

sara.cardine@latimes.com  
Twitter: @SaraCardine

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**Legal Notices**

**NOTICE OF PETITION TO ADMINISTER ESTATE OF:**  
**CHARLES ARTHUR QUILLEN**  
**CASE NO. 30-2021-01223312-PR-PW-CJC**  
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the Non-Domicillary WILL or estate, or both of CHARLES ARTHUR QUILLEN.  
A PETITION FOR PROBATE has been filed by JEFFREY ALLEN QUILLEN in the Superior Court of California, County of ORANGE.  
THE PETITION FOR PROBATE requests that JEFFREY ALLEN QUILLEN be appointed as personal representative to administer the estate of the decedent.  
THE PETITION requests the decedent's Non-Domicillary WILL and codicils, if any, be admitted to probate. The Non-Domicillary WILL and any codicils are available for examination in the file kept by the court.  
THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.  
A HEARING on the petition will be held in this court as follows: 11/24/21 at 10:30AM in Dept. C08 located at 700 CIVIC CENTER DRIVE WEST, SANTA ANA, CA 92701

Notice in Probate Cases  
(1) If you plan to appear, you must attend the hearing by video remote using the court's designated video platform; (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.

Attorney for Petitioner  
PHILIP BARBARO, JR. - SBN 96317  
BARBARO, CHINEN, PITZER & DUKE, LLP  
301 EAST COLORADO BLVD., #700  
PASADENA CA 91101  
10/7, 10/8, 10/14/21  
CNS-3516942#  
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**Legal Notices**

**NOTICE OF PUBLIC SALE**  
Pursuant to the California Self Service Storage Facility Act (B&P Code 21700 ET seq.) The undersigned will sell at public auction on Thursday October 28, 2021 at 11:00 am Personal property including but not limited to furniture, clothing, tools and/or other household items located at: The sale will take place online at [www.selfstorageauction.com](http://www.selfstorageauction.com)  
Badami, Susan  
Sterling, Charles B.  
All sales are subject to prior cancellation. All terms, rules and regulations are available online at [www.selfstorageauction.com](http://www.selfstorageauction.com).  
Dated this 14th of October and 21st of October 2021 by Woodbridge Self Storage 5020 Barranca Pkwy Irvine, CA 92604 (949) 857-4900  
10/14, 10/21/21  
CNS-3518314#  
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**CITY OF NEWPORT BEACH**

**NOTICE INVITING BIDS**

Sealed bids shall be submitted electronically via PlanetBids to office of the City Clerk, 100 Civic Center Drive, Newport Beach, CA 92660 By 10:00 AM on the 3rd day of November, 2021, at which time such bids shall be opened and read for

**BALBOA BOULEVARD MEDIAN IMPROVEMENTS**

Contract No. 7629-2  
\$1,605,000  
Engineer's Estimate  
Approved by  
James M. Houlihan  
Deputy PWD/City Engineer

Prospective bidders may obtain Bid Documents, Project Specifications and Plans via PlanetBids: <http://www.planetbids.com/portal/portal.cfm?CompanyID=22078>

Hard copy plans are available via Santa Ana Blue Print at (949)756-1001 Located at 2372 Morse Avenue, Irvine, CA 92614

Contractor License Classification(s) required for this project: "A" and "C-27"  
For further information, call Patricia Carpenter, Project Manager at (949) 644-3344

**NOTICE:**  
No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

**Legal Notices**

**NOTICE OF PETITION TO ADMINISTER ESTATE OF:**  
**CONSUELO M. ACEVEZ AKA CONSUELO MARIA ACEVEZ**  
**CASE NO. 30-2021-01218605-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 CONSUELO M. ACEVEZ AKA CONSUELO MARIA ACEVEZ.  
A PETITION FOR PROBATE has been filed by ILDA ACEVEZ in the Superior Court of California, County of ORANGE.  
THE PETITION FOR PROBATE requests that ILDA ACEVEZ be appointed as personal representative to administer the estate of the decedent.  
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.  
THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.  
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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.  
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CNS-3518600#  
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**Legal Notices**

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# Daily Pilot

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## CROSSWORD ANSWERS

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