

**KRIEGER  
&  
KRIEGER**  
A LAW CORPORATION

*Employment Law and  
Business Litigation*

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TERRENCE B. KRIEGER  
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LAWRENCE R. CAGNEY  
PATRICK A. GANGITANO  
ROBERT R. VORHEES  
\*Also Admitted in Illinois

May 23, 2017

City Clerk  
City of Long Beach  
333 W. Ocean Boulevard, Lobby Level  
Long Beach, CA 90802,

Re: File No. 17-0380  
City Council Meeting of 5/23/17  
Agenda Item No. 1  
Appeal of Denial of Request for Continuance of Hearing on Conditional Use  
Permit Relating to 3200 Long Beach Boulevard

Dear City Clerk:

We are counsel for 2H Property 3060, LLC ("2H"), the owner of the real property located at 3200 Long Beach Boulevard which is the subject of the referenced C.U.P. application. I write to respond to Douglas Otto's letter to the Mayor and members of the City Council dated May 18, 2017. Please forward this letter to the Council's attention in advance of the scheduled City Council Meeting this evening.<sup>1</sup>

**Summary re Motion to Continue C.U.P. Approval Hearing**

The issues raised in Mr. Otto's letter are properly within the jurisdiction of the Superior Court. The Court is actively proceeding toward a resolution of Tawansy's specious claim of ownership. The Council should reject Tawansy's invitation to interfere with that process and should, instead, uphold the Planning Commission's rejection of Tawansy's attempt to delay and frustrate the development of a project which enjoys broad support by City agencies and a wide range of community stakeholders. If there is to be a trial of Dr. Tawansy's far-fetched claims, it must be in the Superior Court, not before this Council.

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<sup>1</sup>Ordinarily, the author would have responded further in advance of the Council meeting. However, although Mr. Otto is aware that Krieger & Krieger represents 2H, and serves as its counsel in the litigation described in Mr. Otto's letter, he did not provide the author with a copy of his letter which Krieger & Krieger received only on the eve of the scheduled hearing.

City Clerk  
May 22, 2017

### **2H Is the Record Owner of The Property**

Should the Council consider Tawansy's appeal at all, it should limit that inquiry to the recognizing only the record owner of the property. Despite Dr. Tawansy's labors to conflate his dispute with his former fiancée with issues that are genuinely material to the Council's consideration, the ownership status of the property is straightforward. It is undisputed that Dr. Tawansy once owned the property. In 2014, he transferred title to a business named JK per Angusta ad Felicitas, LLC ("JK"). A copy of Dr. Tawansy's grant deed to JK is attached as Exhibit 1. Dr. Tawansy remained as JK's subtenant and held over when his sublease expired in July 2016. Later that year, 2H purchased the property from JK for \$2,650,000. A Copy of JK's grant deed to 2H is attached as Exhibit 2. Thus, 2H is the record owner of the property and the Planning Commission properly denied Tawansy's motion to continue the hearing on the C.U.P. application.

### **The Pending Litigation**

Mr. Otto makes countless statements of fact without citations to evidence as though this Council should simply accept them as established. Alternatively, he cites to evidence that is either unreliable (*e.g.* his own allegations in the Superior Court) or evidence which does not support his positions. However, as Mr. Otto correctly observes, there are two lawsuits concerning the property pending in the Los Angeles Superior Court in Long Beach. The Hon. Judge Michael P. Vicencia is presiding over both matters and the Court is devoting substantial resources to the adjudication of the parties' dispute. The Superior Court is the appropriate forum for that dispute because it is equipped to devote the time and resources necessary to ascertain whether Tawansy's claim of ownership has merit or whether, as 2H contends, it is baseless according to rules of procedure and evidence designed to ensure fairness.

It is not surprising that Dr. Tawansy now seeks an alternative to pressing his claim in the Superior Court because he has suffered grave setbacks in the lawsuits. In fact, the Superior Court has cited Dr. Tawansy for contempt in response to his recent defiance of Court orders, a measure that courts reserve for only the most serious misconduct in civil matters. A hearing is scheduled for the contempt proceedings on May 30, 2017. A copy of the Court's corresponding order is attached as Exhibit 3. Moreover, on May 17, 2017, the Second District Court of Appeal denied Tawansy's recent petition challenging Judge Vicencia's ruling regarding management of the case *in less than 24 hours*. Plainly, Tawansy views this appeal before the Council as a means to avoid the careful scrutiny that the Superior Court has focused on his far-fetched claims and outrageous conduct. 2H respectfully submits that the Council should not permit itself to be manipulated in that manner.

Tawansy's complaints regarding threatened interference with his medical practice are, like his other positions and contentions, baseless. First, Tawansy's medical practice *is in Los Angeles*. No one associated with 2H has *ever* seen Tawansy at the subject property. His Long

City Clerk  
May 22, 2017

Beach “practice” is a mere fiction. Simply put, Tawansy has no practice in Long Beach with which to interfere. More importantly, however, in addition to contempt proceedings, the Superior Court will also conduct a trial of 2H’s unlawful detainer suit against Tawansy on May 30, 2017. The Court will determine, at that time, whether Tawansy will be ejected from 2H’s property. In the event of that outcome which 2H views as highly probable, Tawansy’s grievances regarding the proposed development of the property will be moot because the Court will have confirmed that he is not entitled to occupy the property in the first instance.

**Tawansy’s Underlying Claims Do Not Merit Serious Consideration**

Tawansy alleges, in essence, that he transferred the property to JK in order to hide his interest from lenders from whom JK would borrow the funds necessary to refinance a loan that was coming due and Tawansy could not repay. Tawansy further alleged that he and JK agreed that he would retain “equitable” ownership of the property. Whatever the merits of Tawansy’s account of that deceptive arrangement, and there ample reasons for skepticism, Tawansy’s regrets about transferring title to JK, have nothing to do with 2H.<sup>2</sup> Tawansy’s contention that 2H knew of his claim to a hidden “equitable” interest in the property is pure fiction. The lawsuit filed on September 9, 2016 arose from a dispute regarding a lien claimed by Tawansy’s predecessor in interest in the approximate amount of \$30,000. It revealed nothing about a far-fetched claim by Tawansy that he retained ownership even after transferring title to the property to JK. (Exh. 1) Similarly, the fact that Tawansy occupied one of the three suites comprising the property was consistent with the information 2H had been provided prior to its purchase – that Tawansy was a hold-over tenant whose lease had expired in June 2016. Contrary to Tawansy’s assertions, nothing about that state of affairs suggested to 2H that Tawansy would later claim that he was the actual owner of the property. This is an example of an issue that Tawansy must be required to prove in Court according to established rules of evidence and procedure. The Council should not allow itself to be draw into the quagmire that Tawansy has manufactured.

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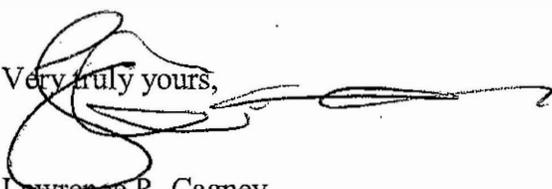
<sup>2</sup>Tawansy and his counsel have relied heavily in their dealings concerning the subject property on a convicted felon named Gary W. Lefkowitz, “the CEO of Dr. Tawansy’s businesses,” and currently a consultant for Tawansy’s counsel. Mr. Lefkowitz is notorious for having been convicted on forty federal offenses including mail and wire fraud, income tax fraud, bankruptcy fraud, obstruction of justice and continuing financial crimes enterprise arising from his real estate development activities. *See, e.g., U.S. v. Lefkowitz* (2003) 289 F.Supp.2d 1076.

City Clerk  
May 22, 2017

**Conclusion**

2H respectfully submits that Tawansy's appeal of the Planning Commissions decisions to deny his request for a continuance, and the Commission's grant of the subject Conditional Use Permit should be governed by reference to the record ownership of the property. That is undeniably in 2H. The Council should defer to the Superior Court regarding the adjudication of Tawansy's far-fetched claims to ownership

Very truly yours,



Lawrence R. Cagney

LRC:  
Encl: As Noted  
cc: Doug Otto

# Exhibit 1

RECORDING REQUESTED BY:  
Pacific Coast Title Company

WHEN RECORDED MAIL TO:  
Jennifer Sohal, As Managing  
Member  
3200 North Long Beach Blvd  
Long, BEACH Ca 90807



TITLE ORDER NO. 99811579

ASSESSOR'S PARCEL NO. 7207-001-030

ESCROW NO.: 14-4656

~~7207-001-033~~  
~~7207-001-034~~

GRANT DEED

43

The undersigned Grantor(s) declare(s):

Documentary transfer tax is \$ 1,595.00  
CITY TAX IS \$0.00  
 (x) computed on full value of property conveyed, OR  
 ( ) computed on the full value less liens of encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged:  
Khaled A. Tawansy, M. D, a single man

hereby GRANT(S) to JK PER ANGUSTA AD FELICITAS LLC, *a California Limited Liability Company*

The following real property in the City of Long Beach Ca 90807, County of Los Angeles, State of California.

described as: See Attached, Exhibit 'A', made a part hereof

More commonly known as: 3200 North Long Beach Blvd, Long Beach Ca 90807

*Khaled A. Tawansy*  
Khaled A. Tawansy, M.D

Date: January 2 2014

STATE OF CALIFORNIA  
COUNTY OF Los Angeles

On June 17, 2014 before me,  
Luz Maria Padilla, a notary public, Personally  
appeared Khaled A. Tawansy

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument  
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Witness my hand and official seal

Signature *Luz Maria Padilla*

(This area for official notarial seal)

JS-UD-000426

2A

PRELIMINARY REPORT  
YOUR REFERENCE: 144856

Pacific Coast Title Company  
ORDER NO.: 98811579-88

3

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

LOTS 17, 18 AND 19 IN BLOCK "A" OF TRACT 2901, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36 PAGE(S) 63 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THE WESTERLY HALF OF THAT CERTAIN ALLEY, 20 FEET WIDE, AS SHOWN AND DEDICATED UPON THE MAP OF SAID TRACT NO. 2901, WHICH ADJOINS SAID LOTS ON THE EAST, VACATED BY RESOLUTION NO. C-22311 OF THE CITY COUNCIL OF SAID CITY, A COPY OF WHICH WAS RECORDED AUGUST 1, 1977 AS INSTRUMENT NO. 77-833919, BOUNDED NORTHERLY BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 17, AND BOUNDED SOUTHERLY BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 19.

EXCEPT THEREFROM ALL OIL, MINERALS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE, WITHOUT HOWEVER, THE RIGHT TO USE ANY PART OF THE SURFACE THEREOF, AS EXCEPTED AND RESERVED IN VARIOUS DEEDS RECORDED JULY 17, 1964.

**PARCEL 2:**

LOTS 36, 37 AND 38 IN BLOCK "A" OF TRACT 2901, AS PER MAP RECORDED IN BOOK 36, PAGE 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THE EASTERLY HALF OF THAT CERTAIN ALLEY, 20 FEET WIDE, AS SHOWN AND DEDICATED UPON THE MAP OF SAID TRACT 2901, WHICH ADJOINS SAID LOTS ON THE WEST, VACATED BY RESOLUTION NO. C-2231 OF THE CITY COUNCIL OF SAID CITY, A COPY OF WHICH RECORDED AUGUST 1, 1977 AS INSTRUMENT NO. 77-833919, BOUNDED NORTHERLY BY THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 36, AND BOUNDED SOUTHERLY BY THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 38.

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20140650482



Pages:  
0017

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

06/24/14 AT 08:00AM

FEE\$:	106.00
TAXES:	0.00
OTHER:	0.00
PAID:	106.00



LEADSHEET



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00009322785



006257259

SEQ:  
03

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T52

L24041

JS-UD-000428

# Exhibit 2

PACIFIC COAST TITLE

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

2H Property 3060, LLC  
2651 Walnut Avenue  
Signal Hill, CA 90755

Order No.: 98826012-88

Escrow No.: CW06318-JF

A.P.N.: 7207-001-030 & 7207-011-033  
7207-001-034



SPACE ABOVE THIS LINE IS FOR RECORDER'S USE  
**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$2,915.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- unincorporated area     City of Long Beach

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
JK PER ANGUSTA AD FELICITAS LLC, a California limited liability company

hereby GRANT(S) to 2H Property 3060, LLC, a California limited liability company, as to an undivided 77.8% interest and 2H Building, LLC, a California limited liability company, as undivided 22.2% interest, as tenants in common the following described real property in the County of Los Angeles, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A

The property more commonly known as: 3200 Long Beach Boulevard, Long Beach, CA 90807

Dated: June 7, 2016

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

JK PER ANGUSTA AD FELICITAS LLC, a California limited liability company

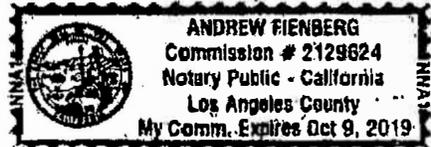
By: Jennifer Sohal, Manager

STATE OF CALIFORNIA  
COUNTY OF Los Angeles

On July 25, 2016 before me,  
Andrew Fienberg, a notary public,  
personally appeared

Jennifer Sohal

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s); or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature AF

(Seal)  
(This area for official notary seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

3

LEGAL DESCRIPTION

EXHIBIT "A"

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Pages:  
0003

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

10/03/16 AT 08:00AM

FEES:	25.00
TAXES:	2,915.00
OTHER:	0.00
PAID:	2,940.00



LEADSHEET



201610030110007

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SEQ:  
05

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T52

E402311

# Exhibit 3

05/03/17

DL

HONORABLE Michael P. Vicencia

JUDGE

D. Oura

DEPUTY CLERK

HONORABLE  
Ex-Parte

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. SAMUELS, C.A.

Deputy Sheriff

None

Reporter

10:00 am

NC060962

Plaintiff

Counsel

Lawrence Cagney (X)

Daniel Lee (X)

2H PROPERTY 3060, LLC

VS

Defendant

Counsel

Douglas Otto (X)

Bernard Jasper (X)

KHALED A. TAWANSY, M.D., ET AL

Milena Dolukhanyan (X)

**NATURE OF PROCEEDINGS:**

MOTION FOR AN ORDER COMPELLING ATTENDANCE  
AND FOR AN AWARD OF SANCTIONS

DEFENDANT AND CROSS-COMPLAINANT KHALED A. TAWANSY,  
M.D.'S EX-PARTE APPLICATION FOR CONTINUANCE  
OF THE LIMITED-PURPOSE DEPOSITION OF DR. TAWANSY  
OR IN THE ALTERNATIVE, PERMISSION TO APPEAR BY  
TELEPHONE

Matter is called for hearing.

On May 2, 2017, this Court orders Dr. Tawansy, a party  
to this action, to appear for his deposition on  
May 3, 2017 at 10:00am at the Long Beach Superior  
Courthouse, 275 Magnolia Ave, Long Beach. The order  
was made only after significant motion practice and  
efforts to accomodate Dr. Tawansy's busy practice  
schedule.

He did not appear as ordered, and instead brought an  
Ex-Parte application to continue his deposition or  
to appear for it telephonically. The Ex-Parte  
application stated he was in Bakersfield and was  
scheduled to see 100 patients.

The Court sets an Order To Show Cause Re: why  
Dr. Tawansy should not be held in contempt for willful  
violation of this Court's order to appear for

MINUTES E/  
05/03/17  
COUNTY CI

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 05/03/17

DEPT. SOS26

HONORABLE Michael P. Vicencia

JUDGE D. Oura

DEPUTY CLERK

HONORABLE  
EX-Parte

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. SAMUELS, C.A.

Deputy Sheriff

None

Reporter

10:00 am

NC060962

2H PROPERTY 3060, LLC  
VS  
KHALED A. TAWANSY, M.D., ET AL

Plaintiff

Counsel

Lawrence Cagney (X)  
Daniel Lee (X)

Defendant

Counsel

Douglas Otto (X)  
Bernard Jasper (X)

Milena Dolukhanyan (X)

**NATURE OF PROCEEDINGS:**

deposition on May 3, 2017. The hearing on the Order To Show Cause shall be on May 30, 2017 at 8:30am in Department S26. Dr. Tawansy is ordered to appear personally at that date and time. The Court may impose monetary sanctions not to exceed \$5,000.00 if the contempt citation is sustained. Any party may file a written brief no later than five court days prior to the hearing.

Dr. Tawansy's Attorney Douglas Otto is ordered to personally serve Dr. Tawansy with this Order To Show Cause no later than May 5, 2017.

Matter is also set for a Court Trial on May 30, 2017 at 8:30am in Department S26.

Today's Motion for an Order compelling attendance and for an award of sanctions is ordered continued to May 30, 2017 at 8:30am in Department S26.

A copy of this order is given to Attorney Douglas Otto this date in Court.

Notice waived.

*Michael P. Vicencia*  
MICHAEL P. VICENCIA  
JUDGE

5/3/17