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FILED
Superior Court of California
County Of Los Angeles

SEP 25 2015

Sherri R. Carter/Executive Officer/Clerk

By Anabella Figueroa, Deputy

5 Attorneys for Defendants
6 MAIN STREET MANAGEMENT LLC and CECIL MAIN STREET LLC, erroneously sued as
7 CECIL HOTEL MANAGEMENT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 DAVID LAM, an individual; YINNA LAM, an
11 individual,

12 Plaintiffs,

13 v.

14 CECIL HOTEL MANAGEMENT, INC. a
15 California Corporation; DOES 1 through 25,
16 inclusive,

17 Defendants.

Case No.: BC521927

**DECLARATION OF AMY PRICE IN
SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Reservation No: 140902025798

Date: December 14, 2015

Time: 1:30 p.m.

Dept.: 93

Trial Date: February 11, 2016

18
19 I, Amy Price, declare that:

20 1. I am the general manager of the Stay on Main Hotel, formerly known as the Cecil Hotel.

21 I have personal knowledge of the information set forth herein below, unless noted as based on
22 information and belief, all of which is true and correct of my own personal knowledge, and if called
23 upon to testify, I could and would competently testify thereto.

24 2. I have been employed with the Cecil/Stay on Main Hotel ("Hotel") continuously as a
25 manager since November 2007.

26 3. Elisa Lam was not, nor has she ever been an employee of the Cecil/Stay on Main Hotel.

27 4. Since 2012, the Hotel hired a company called Employee Employer Assistance Programs,
28

1 Inc. (EEAP) to perform quarterly CAL/OSHA health and safety compliance inspections of the Hotel.
2 The roof water tanks were never deemed a confined space nor a dangerous condition by EEAP.

3 5. Based upon Hotel records, Elisa Lam booked a shared dormitory room online for the
4 Hotel to arrive on January 28, 2013 and a departure date of January 31, 2013.

5 6. Based on Hotel records, Ms. Lam checked into the Hotel on January 28, 2013 and was
6 assigned a shared room, 506B, with other guests.

7 7. Based on information and Hotel records, the Hotel received from complaints from Ms.
8 Lam's roommates regarding odd behavior. Accordingly, Ms. Lam was moved to a private room on the
9 same floor on January 31, 2013.

10 8. In early February, the Los Angeles Police Department investigated Ms. Lam's
11 disappearance and thoroughly searched the entire Hotel with canine units, floor by floor, including the
12 Hotel roof area. Unfortunately, Ms. Lam's body was not found by any of the investigators.

13 9. On February 19, 2013 a Hotel guest complained about the water pressure while taking a
14 shower. A maintenance employee was sent to investigate the problem and eventually went to the roof of
15 the Hotel to check on the water system.

16 10. Water for the Hotel is pumped from a main water line at below street level to 4 holding
17 tanks on the roof of the hotel. It is a gravity operated system. Each tank is approximately 10 feet high
18 and 6 feet in diameter. The four tanks sit on a platform on the northern border of the hotel and are
19 difficult to access.

20 11. The Hotel roof is a restricted area that is off limits to Hotel guests. It is not marked or
21 indicated on any Hotel marketing material as a common service area for guests. It is not represented to
22 any guests as a common service area, and it is not made available to guests upon request.

23 12. There are only four ways to gain hotel roof access. Three are by the exterior fire escapes
24 on the sides of the hotel. The fourth is through an interior staircase leading from the 15th floor to a locked
25 and alarmed door which opens onto the roof. All escape routes and the roof top access door are clearly
26 labeled that they are for emergency use only.

27 13. If opened, this door activates a loud alarm which can be heard on the 14th and 15th floor,
28 as well as a separate alarm which sounds at the front desk. The alarm can only be deactivated or turned

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1 off with a key that is maintained by the Hotel maintenance staff.

2 15. It is the Hotel's policy that any time the roof top access door alarm is activated, an
3 employee or security guard is immediately dispatched to manually check the roof area and the roof top
4 access door.

5 16. The alarm for the Hotel roof top access door was not activated at any point in January or
6 February 2013.

7 17. I am unaware of how Ms. Lam reached the Hotel roof top water tanks. Based on
8 information and belief, nobody observed Ms. Lam accessing the Hotel roof, nonetheless the water tanks.

9 18. I am unaware of any instances of Hotel guests trespassing on to the roof and accessing
10 the water tanks.

11 19. I am unaware of any instances of anyone, nonetheless Hotel guests, being injured in or
12 around the water tanks.

13 20. I am unaware of any instances of anyone, nonetheless Hotel guests, ever drowning in one
14 of the roof top water tanks.

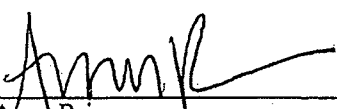
15 21. I am unaware of any instances of anyone, nonetheless Hotel guests, getting trapped in one
16 of the roof top water tanks.

17 22. I am unaware of the Hotel ever receiving any Cal/OSHA citations regarding any of the
18 roof top water tanks.

19 23. I am unaware of the Hotel ever receiving any City of Los Angeles Department of Building
20 and Safety citations regarding any of the roof top water tanks.

21 24. Since I have been employed at the Hotel, it has passed all Los Angeles Fire Department
22 Chief's Regulation 4 testing of fire protection equipment.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct and that this Declaration was executed on this 3rd day of March 2015, in Los Angeles,
25 California.

26 
27 _____
28 Amy Price

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CERTIFICATE OF SERVICE

I, Teresa Harris, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 550 South Hope Street, Suite 650, CA 90071.

On September 25, 2015, I served the following document(s) on the parties in the within action:

DECLARATION OF AMY PRICE IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Los Angeles, California on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:

Thomas S. Johnston
Johnston & Hutchinson LLP
601 W. Fifth Street, Suite 210
Los Angeles, CA 90071

Attorney For Plaintiffs
DAVID LAM AND YINNA LAM

D. Scott Warmuth
Law Offices of Scott Warmuth APC
17700 Castleton Street
Suite 168
City of Industry, Ca. 91748

Attorney For Plaintiffs
DAVID LAM AND YINNA LAM

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on September 25, 2015.

By 
Teresa Harris

09 / 28 / 2015

CRS RECEIPT

INSTRUCTIONS

Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.

SUPERIOR COURT OF CALIFORNIA

CASE NO. 140902025798

MOTION FOR SUMMARY JUDGMENT
TO BE HEARD AND ANSWERED BY
INTERPRETATION

DATE: 12/14/2015
TIME: 01:30 PM

RES ID: 131112001085

RESERVATION INFORMATION

Reservation ID: 140902025798
Transaction Date: March 5, 2015
Case Number: BC521927
Case Title: DAVID LAM ET AL VS CECIL HOTEL MANAGEMENT INC
Party: CECIL HOTEL MANAGEMENT INC (Defendant/Respondent)
Courthouse: Stanley Mosk Courthouse
Department: 093
Reservation Type: Motion for Summary Judgment
Date: 12/14/2015
Time: 01:30 pm

FEE INFORMATION (Fees are non-refundable)

Reschedule Fee - Motion for Summary Judgment		\$20.00
Total Fees:	Receipt Number: 1150305K5367	\$20.00

PAYMENT INFORMATION

Name on Credit Card: Nancy Duliere
Credit Card Number: XXXX-XXXX-XXXX-1414

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
MOTION/DOCUMENT FACE PAGE.**