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

**FILED**  
Superior Court of California  
County Of Los Angeles

SEP 25 2015

Sherri R. Carter, Executive Officer/Clerk  
By Anabella Figueroa, Deputy

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

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

13 Plaintiffs,

14 v.

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

17 Defendants.

Case No.: BC521927

**DECLARATION OF PEDRO TOVAR 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  
20 I, Pedro Tovar, declare that:

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

24 2. I have been employed at the Cecil/Stay on Main Hotel for 30 years. I am presently the  
25 Chief Engineer and was the Chief Engineer during the January/February 2013 timeframe.

26 3. The hotel is a 15 story building that is configured in an "E" shape pattern with three  
27 separate wings that are connected. The picture below is a true and accurate depiction of the hotel as it  
28 looked in the January/February 2013 timeframe.

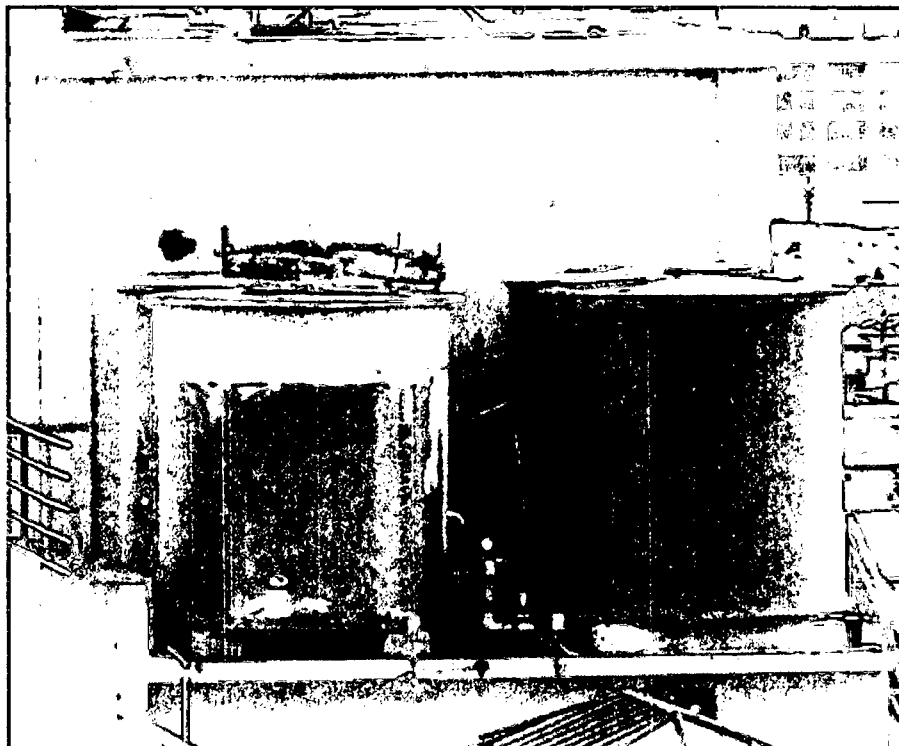
54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1



1 the 14<sup>th</sup> floor to the roof. The rooftop access door is equipped with an electronic alarm system which  
2 alerts hotel employees when the rooftop access door has been opened. Whenever someone opens the  
3 door leading to the roof, it activates a very loud alarm which can be heard throughout the 14<sup>th</sup> and 15<sup>th</sup>  
4 floors and also rings separately at the front desk. The alarm can only be turned off with a key by the  
5 maintenance staff.

6 7. The rooftop of the hotel has four 1000 gallon water tanks which supply the hotel with  
7 water using a gravity operated system. Water is pumped from a main water line at below street level to  
8 these four tanks. Each tank is approximately 10 feet high and 6 feet in diameter.

9 8. The tanks are on a platform approximately 4 feet above the roof. To access the tanks,  
10 someone would have to climb a ladder up the platform, and then squeeze through the tanks and  
11 plumbing equipment to reach another ladder and climb up the side of the 10 foot tall tank. The tanks  
12 are all fully covered though each has a heavy metal lid that is approximately 18" by 18". The picture  
13 below is a true and accurate depiction of the rooftop water tanks as they looked in the  
14 January/February 2013 timeframe.




09 / 28 / 2015



1 incident with Ms. Lam, I am unaware of any instances of anyone, including hotel guests, drowning in  
2 one of the roof top water tanks.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct and that this Declaration was executed on this 25th day of February 2015, in Los  
5 Angeles, California.

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7   
8 Pedro Tovar

9 JCH.20837125.doc

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00:00:00

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 PEDRO TOVAR IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

X	<b>BY MAIL:</b> 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:
	<b>BY HAND:</b> 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, COUNTY OF LOS ANGELES

CASE NO. 140902025798

TITLE: MOTION AND WRIT FOR  
CERTAIN ANSWERS TO PERMANENT  
INJUNCTIONS

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
<b>Total Fees:</b>	<b>\$20.00</b>

Receipt Number: 1150305K5367

**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.**