

Environmental Justice and Protection Unit
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March 15, 2021

VIA ELECTRONIC MAIL

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Re: ***Notice to Immediately Abate Public Nuisance Pursuant to Penal Code § 373a:
Unlawful Operation of S&W Atlas Iron & Metal Co., Inc. in the City of Los Angeles.***

Counsel:

This letter is the final notice to your clients – S&W Atlas Iron & Metal Co., Inc.; 10019 S. Alameda LLC; Gary Weisenberg; and Matthew Weisenberg (collectively “Atlas”) – to immediately abate all its activities which constitute a dangerous nuisance. Atlas’ operations pose an ongoing hazard and danger to the surrounding community, including to the students of Jordan High School, who reside in the local community and who will soon return to their campus, which abuts the Atlas facility. As further described in this letter, we hereby demand that Atlas immediately abate and prevent all projectiles, emissions, and excessive noise emanating from the property owned and/or operated by Atlas at or around 10019 S. Alameda Street in the City of Los Angeles (the “Property”). Should Atlas refuse or fail to comply with this demand, our Office will pursue legal action on behalf of the People of the State of California to protect Jordan High School, as well as the surrounding neighborhood (together the “Jordan Community”), from the ongoing dangers of Atlas’ continued unlawful activity.

On June 29, 2020, my office provided your clients with notice pursuant to *California Penal Code sec. 373a* that the Property is, was, and had been, a long-standing and notorious

public and private nuisance. That letter, of which you have confirmed receipt, is attached hereto for reference.

Atlas' nuisance activities as set forth in our June 2020 letter continue to be of the utmost concern and must be abated forthwith. Specifically, Atlas' ongoing and unmitigated activities pose an immediate danger to the safety and welfare of students, faculty, and staff of Jordan High School. Those activities include:

- Failure to adequately shield operations involving the use of heavy equipment for the breaking and dismantling of material to prevent ejection of materials onto adjacent properties; and
- Failure to prevent the emissions of fumes, smoke, dust, and/or particulate matter onto adjacent properties.

In addition to the illegal activity detailed in the June 29, 2020 Letter, our Office's investigation has further revealed that that noise generated by Atlas at the Property is excessive, indecent, offensive to the senses, and an obstruction to, and interference with, the health and welfare of Jordan High School and the Jordan Community.

As you are aware, Jordan High School was closed for much of last year due to the COVID-19 Global Pandemic. During that time, and in the eight months since our June 29, 2020 Letter, Atlas has been given sufficient opportunity to design a legally-compliant system to abate projectiles, emissions, and excessive noise emanating from the Property. Indeed, Atlas was ordered to take abatement action by the United States District Court. *See Los Angeles Unified School District v. S&W Atlas Iron & Metal Co., Inc.*, CV 20-5330-GW-SKx; Court's Nov. 16, 2020 Order ("Defendants are **ORDERED** to prevent metal objects from being launched or emitted from Defendants' property onto Plaintiff's property."). Yet, to date, Atlas has failed to abate its nuisance activity and the corresponding danger it poses to the Jordan Community.

Jordan High School is scheduled to return to in-person learning by the end of April 2021. It is unacceptable that Atlas' dangerous operations continue, especially now that students and faculty will return to Jordan high School where they will be subject to physical and other dangers caused by your client's operations. It is further unacceptable that Atlas refuses to take necessary steps to operate safely despite many years of repeated governmental enforcement efforts.

This letter is further and final notice to Atlas regarding its unlawful activity and the danger that its operations pose to its neighbors. We demand that Atlas immediately abate and prevent all projectiles, emissions, and excessive noise emanating from the Property. Notify me no later than 3:00 p.m., Monday, March 22, 2021, of the actions Atlas has taken to comply with this demand. Our Office will pursue legal action on behalf of the People of the State of

California to protect Jordan High School and the Jordan Community from the dangers of Atlas' continued unlawful activity should Atlas refuse to comply.

Regards,



Jessica B. Brown
Supervising Deputy City Attorney
Office of the Los Angeles City Attorney
Environmental Justice and Protection Unit

cc: Deputy Chief Will Rivera
Deputy City Attorney Braunson C. Virjee
Deputy City Attorney Mark V. Soto