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September 2, 2016

*Via Email*

Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City Hall of San Francisco  
1 Dr. Carlton B. Goodlett Place, Rm. 244  
San Francisco, CA 94102

Re: PUBLIC HEARING : Appeal of Tentative Map  
639 Peralta Avenue  
Hearing Date : September 6, 2016  
Agenda Item No. : 6 / 141018  
Our Client : Dolmen Property Group, LLC

Dear Supervisors:

I write in response to an uninvited letter forwarded to the Board yesterday, September 1, 2016, by Alexander Weyand, Esq. on behalf of Appellant William H. Bradley. My firm represents the Applicant, Dolmen Property Group, LLC (“Dolmen”). This letter is necessary to address the manifold inaccuracies and self-serving allegations couched as fact set forth in Mr. Weyand’s letter. Notwithstanding these disputed matters, **Dolmen requests that the Board continue the currently-scheduled hearing on this matter to a future date because the litigated matter of ownership of the subject property remains the subject of ongoing litigation.**

Mr. Weyand devotes five pages of correspondence to what may be generously referred to as one-sided argument of his client’s positions in the active lawsuit. Fundamental to this argument is the proposition that somehow a legal ruling has been reached by a Court that Mr. Bradley is the owner of the subject property. This could not be more distant from the truth of the matter. Nearly every item cited as “evidence,” legal contention by Bradley or established “fact” is, in reality, a matter of dispute in the lawsuit. The fact that Mr. Bradley has now filed a **Fifth Amended Complaint** establishes nothing so much as that Plaintiff’s claims have been reduced through Demurrer and his charging allegations have continued to change over time. The Court has never ruled, for example, that the legal description was not attached to the deeds signed by Mr. Bradley nor is there any finding that he is the owner of the subject property. Yet these contentions are presented as fact throughout Mr. Weyand’s lengthy letter. If any such

determination had actually been reached, the liability portion of the lawsuit would be over – which it plainly is not.

In actuality, the lawsuit remains pending and, based on the tardy, serial amendments of the Plaintiff's Complaint, no longer has a pending Trial date. Under the circumstances, Dolmen (and, in fact, Bradley as well) request that the Board continue this matter for further hearing pending resolution of the Bradley lawsuit. In making this request, Dolmen respectfully requests that the Board ignore the **arguments** set forth in Mr. Weyand's letter as these merely represent contentions that Bradley hopes to make in the lawsuit and are the subject of disputes that have not been resolved by the trier of fact. A denial of Dolmen's Application under the current circumstances would be manifestly improper. There is no reason to attempt to predict the outcome of the lawsuit or to make a premature adjudication on this Application in advance of the ruling that will, ultimately, be forthcoming from the Court.

Dolmen respectfully requests that the Board continue the hearing on this matter to an appropriate date following resolution of the pending litigation. Thank you for your kind consideration of this request.

Very Truly Yours,

WOLKIN · CURRAN, LLP



David F. Myers

DFM:ejr

cc: Alexander Weyand (via email)  
Seamus Naughten (via email)  
Wesley Burke (via email)