



Los Angeles, CA 90003
(800) 399-4529
www.lafla.org

ORDER TO REQUEST TO PUBLISH DUE: 08/21/2025

August 11, 2025

OPINION FILED: 07/22/2025

OPINION BY: SCOTT MOORE SANCHEZ

Via Electronic Delivery

Fourth District Court of Appeal of the State of California
Division Three
Office of the Clerk, First Floor
601 W. Santa Ana Blvd
Santa Ana, California 92701

RE: Randy R. Johnson v. Connie, LLC, et al.
Appellate Case No. G064240
Trial Court Case No. 30-2022-01248762
Request for Publication of Opinion Filed July 22, 2025

Dear Honorable Justices Eileen C. Moore, Maurice Sanchez, Joanne Motoike, Thomas A. Delaney, Martha K. Gooding, and Nathan Scott,

Under California Rules of Court, Rule 8.1120, the Legal Aid Foundation of Los Angeles (LAFLA) and the Western Center on Law and Poverty write to respectfully request publication of the court's opinion in *Randy R. Johnson v. Connie, LLC*, Case No. G064240.

LAFLA is the frontline law firm serving metropolitan Los Angeles's poorest and most vulnerable residents. For over 90 years, LAFLA has provided free civil legal services, helping approximately 80,000 people each year. LAFLA is committed to promoting access to justice, fighting discrimination, and effecting systemic change. LAFLA provides representation, counsel and advice, and pro per assistance to thousands of tenants throughout Los Angeles County who are facing eviction each year.

Western Center on Law and Poverty is California's oldest and largest legal services support center, and is dedicated to protecting the rights of low-income tenants and to ensuring that affordable housing is produced and preserved. Based in Los Angeles, Western Center supports local legal services attorneys representing tenants in unlawful detainers through trainings, co-counseling on appeals, and technical assistance. Through this work, Western Center is uniquely positioned to assess the impact of the legal issues presented in this case.

We are joined in our request by BASTA, Inc and Public Good Law Center.

Other Office Locations:

East Los Angeles Office, 5301 Whittier Blvd., 4th Floor, Los Angeles, CA 90022; 213-640-3883
Long Beach Office, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501
South Los Angeles Office, 7000 S. Broadway, Los Angeles, CA 90003; 213-640-3950
Ron Olson Justice Center, 1550 W. 8th Street, Los Angeles, CA 90017; 323-801-7989

The opinion merits publication for applying existing law to significantly different facts than prior published decisions.

The Court's opinion in *Randy R. Johnson v. Connie, LLC* merits publication because it satisfies the standard in California Rules of Court, rule 8.1105, subdivision (c) as the opinion "[a]pplies an existing rule of law to a set of facts significantly different from those stated in published opinions." Cal. Rules of Court, rule 8.1105(c)(2). The current body of published opinions does not address the factual scenario presented in *Johnson*, where a tenant pursued a civil cause of action under Penal Code § 496 against the property owner and property management company for receiving stolen property when the property owner and property management knowingly accepted rent under an illegal rent increase. The unit in question was covered by the Tenant Protection Act's restrictions on rent increases. Civil Code § 1946.2 and Civil Code § 1947.12. The Court's opinion relied primarily on decisions involving the fraudulent diversion of a commercial partnership's cash distributions, the withholding of large sums of income in a joint business venture, and the inducement of investments into a scam business. *Siry Investment, L.P. v. Farkhondehpour* 13 Cal.5th 333, 339 (2022); *Switzer v. Wood*, 25 Cal. App. 5th 116, 122 (2019); *Bell v. Feibush*, 212 Cal. App.4th 1041, 1043 (2013). Here, for the first time, the Court confirmed that a civil cause of action under Penal Code § 496 could be sustained by a residential tenant against a landlord who collects rent after knowingly illegally increasing the rent. Opinion at p. 7-8.

The opinion merits publication because it involves a legal issue of continuing public interest.

As one of the largest providers of eviction defense legal services in Los Angeles County, LAFLA has seen countless cases of tenants facing eviction after landlords have increased rent or charged fees that shockingly exceed what state statutes or a local ordinance permits. Elderly tenants, tenants with disabilities, and tenants with limited English language proficiency are particularly vulnerable to being exploited by these illegal rent and fee increases. Oftentimes, tenants are unaware that they have been paying illegal rent or illegal fees until they are at risk of losing their homes and have obtained the assistance of legal aid eviction defense attorneys.

This opinion clarifies that tenants whose landlords have collected rent after knowingly increasing the rent beyond what state and local ordinances permit, have an avenue for redress through Penal Code § 496. Not only does this decision provide a powerful enforcement tool for tenant protections, but the treble damages remedy also serves as an important deterrent against unscrupulous landlords. This would be especially beneficial in jurisdictions where only limited state protections through the Tenant Protection Act apply and there is no local housing agency or rent board to enforce those protections.

Importantly, the opinion in *Johnson* upholds a cause of action under Penal Code § 496 when the landlord *knowingly* illegally increased the rent and collected it. It does not seek to penalize landlords who make a genuine mistake. Opinion at p. 7. Publishing this opinion would signal to landlords that they are held to the same standard as other businesses when it comes to penalties for collecting money under false pretenses. Given the prevalence of rental housing disputes statewide, publication would provide clarity to courts handling similar cases.

An opinion that meets California Rules of Court, Rule 8.1105's standards "should be certified for publication." Accordingly, we respectfully request that the Court certify *Randy R. Johnson v. Connie, LLC*, for publication. Cal. Rules of Court, rule 8.1105(c).

Respectfully submitted,

Manuel Villagomez

A handwritten signature in black ink, appearing to be 'M. Villagomez', with a stylized flourish at the end.

Managing Attorney
(213) 640-3817
mvillagomez@lafla.org

Madeline Howard

A handwritten signature in black ink, appearing to be 'M. Howard', with a stylized flourish at the end.

Senior Attorney
(213) 235-2628
mhoward@wclp.org