

CALIFORNIA NORTHERN AREA + GREATER SAN DIEGO HABITABILITY TRIAL IN MONTEREY

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Cynthia Lawrence and John Hill finished a six-day trial in Monterey County that arose from a landlord tenant dispute. Although many causes of action were alleged, the case essentially boiled down to a claim for breach of the covenant of quiet enjoyment.

Plaintiffs were a 17-year resident of a low-income housing development and her minor daughter. Defendants were the management company for the development and two of its employees. The plaintiffs claimed that they were harassed, spied on, stalked, and defamed. They further claimed that the manager trespassed into their unit, provided substandard maintenance and repair of their unit and its appliances, failed to accommodate their emotional support animal, and made them feel unsafe and afraid on the grounds and in their apartment. Plaintiffs finally rested their case after six days.

Through effective cross-examination, Cynthia and John were able to impeach and discredit the plaintiffs and their witnesses. At the conclusion of the plaintiffs' case, Cynthia and John moved for judgment pursuant to CCP §631.8(a) which allows the trial judge to weigh the evidence and render judgment before the defense calls a witness.

After considering the motion, the judge ruled from the bench and found in favor of the defendants on all causes of action. The judge specifically stated that there was not a whisper of evidence presented on many issues and that he found the testimony of the defendants, who were called by the plaintiffs in their case in chief and examined also by defense counsel, to be credible and believable and that their actions in this matter were completely reasonable. There was no harassment, no actionable defamation, and no unreasonable interference with the plaintiffs' tenancy.