

City notches another sober living victory to collect court costs in Yellowstone case

Costa Mesa continues to collect victories in the landmark Yellowstone case as a Federal Court granted the city's application to recover \$61,488 in costs from plaintiffs for the trial that concluded in December of 2018.

In that case, a jury unanimously rejected claims by the Yellowstone Women's First Step House, Inc., California Women's Recovery, Inc. and the Sober Living Network, that the city's ordinances are discriminatory and violate the Fair Housing Act.

"We are grateful for the judge's decision to award cost recovery to our city taxpayers," Mayor Katrina Foley said. "It's unfortunate that the law does not currently allow recovery of attorneys fees too in these cases. Legislative reform is needed to deter these expensive lawsuits. Regardless, we will reinvest those funds in continued efforts to enforce our laws, protect our neighborhoods and patients from unscrupulous sober living operators, and prevail in court so other communities can enact similar laws."

Since the initial ruling last December, Costa Mesa has won a string of court victories that reinforced the court's ruling, and last year, Federal Judge James Selna denied motions by the plaintiffs to set aside the jury's ruling.

The City's laws, which were amended and strengthened in 2017, regulate sober living home operators in single family neighborhoods, limiting the number of residents to six or fewer and maintaining a 650-foot buffer between non-licensed

sober living homes.

The laws also regulate sober living home operators in multi-family zones, requiring a separation requirement to prevent neighborhoods from being converted into institution-like settings.

The City of Costa Mesa was represented by lead trial attorney Jennifer Keller of Keller/Anderle LLP in this victory.

The City implemented the laws to protect the entire community from operators of unlicensed facilities, which exposed residents to dangerous conditions and created public nuisance concerns that affect the City's quality of life. By doing this, Costa Mesa has led the way to hold these operators accountable, setting the precedent for other cities to do the same.