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4 **Newark, CA 94560-5242**
5 **Telephone: (510) 791-1888**
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8 Attorney for Defendant
9 Ruby Hill Owners' Association

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

11 ANIL REDDY and DIVYA REDDY,
12 individuals,

13 Plaintiffs,

14 vs.

15 RUBY HILL OWNERS' ASSOCIATION, a
16 California Corporation; and DOES 1-25,
17 inclusive,

18 Defendants.

Case No. HG13671895
Complaint filed: March 18, 2013
Assigned to Hon. Lawrence John Appel

**DECLARATION OF DARRYL
ALEXANDER IN SUPPORT OF
DEFENDANT RUBY HILL
OWNERS' ASSOCIATION'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Date: May 23, 2013
Time: 9:00 a.m.
Dept.: 16
Reservation No.: 1383869

21 I, DARRYL ALEXANDER, declare as follows:

22 1. I am a Professional Land Surveyor and was hired by the Plaintiffs Anil and Divya
23 Reddy (the "Reddys") to prepare a Grading and Drainage Plan for their lot at 3737 West Ruby Hill
24 Drive and had previously been involved ten years earlier in the preparation of the Grading and
25 Drainage Plan for a lot owner with a common property line adjoining the Reddys' property, Mr. and
26 Mrs. Deol (the "Deols") on 3749 West Ruby Hill Drive. I have a long history with this particular

1 7. The left hand side of the Sheet C1 is the common property line of the Deol and Reddy
2 property. Extending 15' into the Reddy property is delineated the 15' Easement. No work was to be
3 performed in the easement. Further inward with the designation "TW" over "BW" and periodic box
4 markings show the retaining wall which extends from the near the edge of the 15' Easement at the
5 sidewalk to as much as another approximately 10' into the Reddy property line. The retaining wall
6 depicted on the drawings was intended to be placed, therefore, as much as approximately 25' from
7 the Deol property line. Under the approved Grading and Drainage Plan, no grading or work was to
8 be performed from the edge of the retaining wall to the common property line with the Deols.

9 8. In April of 2012, Mr. Deol called me to re-stake the property line between his lot and
10 the Reddys' lot as he had informed me that the Reddys had done work over the Easement and had
11 encroached with grading and landscaping further onto the Deols' property. I was surprised by Mr.
12 Deol's call because no work by the Reddys was supposed to come near, much less over, the common
13 property line because of the Easement.

14 9. I personally visited the site and observed the re-staked property line done by
15 Alexander & Associates. I observed that Mr. Reddy had not only graded and planted past the
16 retaining wall, but over the City of Pleasanton's Water Line 15' Easement, and in fact graded over
17 the common property line and encroached onto the Deols' property.

18 10. The Reddys have encroached as much as two feet over the Deols' property line.
19 Attached as Exhibit "C" is a letter dated July 3, 2012 with photographs taken on April 17, 2012
20 showing that Mr. Reddy had graded over the common property line.

21 11. Attached as Exhibit "D" are true and correct color copies of these photos. The photos
22 accurately and fairly depict what I personally observed at the site and what was confirmed by
23 Alexander & Associates, Inc. of the encroachment over the City of Pleasanton Water Line Easement
24 and over the Deol property line. For example, the first picture in this set shows a red flag which is
25 the common property line. The to the right of red flag is the Deol property. This picture clearly
26

1 shows straw waddles placed by the Reddys and grading that the Reddys had performed over the
2 common property line.

3 12. The improper and encroaching grading and planting by the Reddys has also caused a
4 drainage problem as the Reddys had removed a berm that had been installed by the original
5 developers of Ruby Hill. The berm not only protected against water run off but allowed the water to
6 remain on the Deols' property for the plants on the Deols' property. For example, the last
7 photograph of Exhibit B depicts Mr. Deol's water box and the grading that was done by the Reddys
8 that negatively impacted drainage causing the water to flow from the Deol property line into the
9 Reddy property.

10 13. I had also prepared a Grading and Drainage plan for Mr. Deol in June, 2002. Mr.
11 Deol did not grade in this area. With the berm's removal, water from the Deols' sprinklers now no
12 longer water their plants but flows instead from the Deols' property onto the Reddys' property.

13 14. The Reddys never approached me or anyone at Alexander & Associates to submit an
14 amended grading and drainage plan for the Reddy Property whether before or after the Reddys
15 commenced grading. I would not have agreed to an amendment to reflect the as-installed grading
16 and drainage because it encroaches onto the Deol property, interferes and crosses over the City of
17 Pleasanton Water Line 15' Easement and extends beyond the approved plans for the placement of a
18 retaining wall 25' into the Reddy property.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed on May 7, 2013, at Pleasanton, California.

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23 DARRYL ALEXANDER/
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EXHIBIT A

**ALEXANDER &
ASSOCIATES, INC.**
ENGINEERING • SURVEYING • PLANNING

STATEMENT OF QUALIFICATIONS

ALEXANDER AND ASSOCIATES, INC., is a full service Land Surveying/Civil Engineering Company based in Pleasanton, California. Founded in 1978 ALEXANDER & ASSOCIATES, INC., provides services to governmental agencies as well as the private sector.

ALEXANDER & ASSOCIATES, INC., can provide complete Land Surveying and Civil Engineering Design Services. We pride ourselves in the use of the latest state of the art hardware and software. What separates ALEXANDER & ASSOCIATES, INC., from its competition is quality, responsiveness, and dedication to the project, and the involvement of the principal from inception to completion.

All fieldwork is performed with top of the line Leica Equipment. We are currently using AutoCAD civil design (AutoCAD 2010) for mapping and preparing drawings. For word processing, we use Microsoft Word and Microsoft Excel for spreadsheets.

DARRYL ALEXANDER - PLS., President

Darryl Alexander is a Licensed Land Surveyor in the State of California with over 35 years experience in land surveying and land planning related to public facilities and private development. Mr. Alexander worked in the Engineering Department of the City of Pleasanton from 1971 until 1978. In June 1978, he began a surveying business that has grown into ALEXANDER AND ASSOCIATES, INC. As a graduate of Yuba College, in Marysville, CA. with a degree in Surveying, Darryl continues his education through University of California Extension courses, professional organizations, and seminars in order to stay current with today's technology explosion and our ever-changing government mandated requirements.

KEY PERSONNEL – LAND SURVEYING

STEVE LEVENSON PLS. – SUPERVISING SURVEYOR

Steve is a Licensed Land Surveyor in the State of California, LS 7094. Steve has over 30 years experience as a Land Surveyor with a wide range of experience in both public and private practice. Before coming to Alexander & Associates, Inc. in 1985, Steve worked for the City of Newark as a Party Chief. Steve has extensive background in all aspects of Land Surveying including Global Positioning Systems (GPS). Steve is in charge of all field services, including scheduling of field crews, field calculations, reviewing field notes, map checking, preparation of Record Maps, Right-of-Way plats and Descriptions, and field office coordination.

DICK CUNNINGHAM – SENIOR PARTY CHIEF

Dick is a graduate of Macomb College, Detroit, Michigan, with a degree in Surveying Technology. Dick currently serves as Senior Party Chief. Dick has over 25 years of experience, especially in Construction Staking. Before moving to California in 1986, Dick worked for the USGS doing Hydrological Surveying on the Great Lakes. Dick has worked with the company since 1986.

BRIAN ALEXANDER – GPS PARTY CHIEF

Brian started surveying with his father at a very young age. Brian has over 20 years of experience in Land Surveying. Brian is the Global Positioning Satellite (GPS) crew's Party Chief. Brian is pursuing his Land Surveyor in Training (L.S.I.T.) Exam.

KEY PERSONNEL – CIVIL ENGINEERING

Rob Diestler, RCE. – SUPERVISING CIVIL ENGINEER

ROB is a Registered Civil Engineer in the State of California, RCE 66722. Rob has over 15 years experience in Civil Engineering. Rob is a graduate of San Jose State University with a degree in Civil Engineering. Rob has extensive AutoCAD experience, including Digital Terrain Modeling (DTM), Triangular Irregular Networks (TIN), Contouring, Profiling, Cross Sections, and Earthworks.

REFERENCES

CITY OF PLEASANTON
WES JOST
KAUSHIK BHATT
AL BAEZ
(925) 931-5650

CITY OF LIVERMORE:
MICHAEL CAVALIERI
ASSISTANT CITY ENGINEER
(925) 960-4511

TOWN OF DANVILLE:
MIKE STELLA
SENIOR CIVIL ENGINEER
(925) 314-3310

CITY OF UNION CITY
THOMAS RUARK
CITY ENGINEER
(510) 675-5301

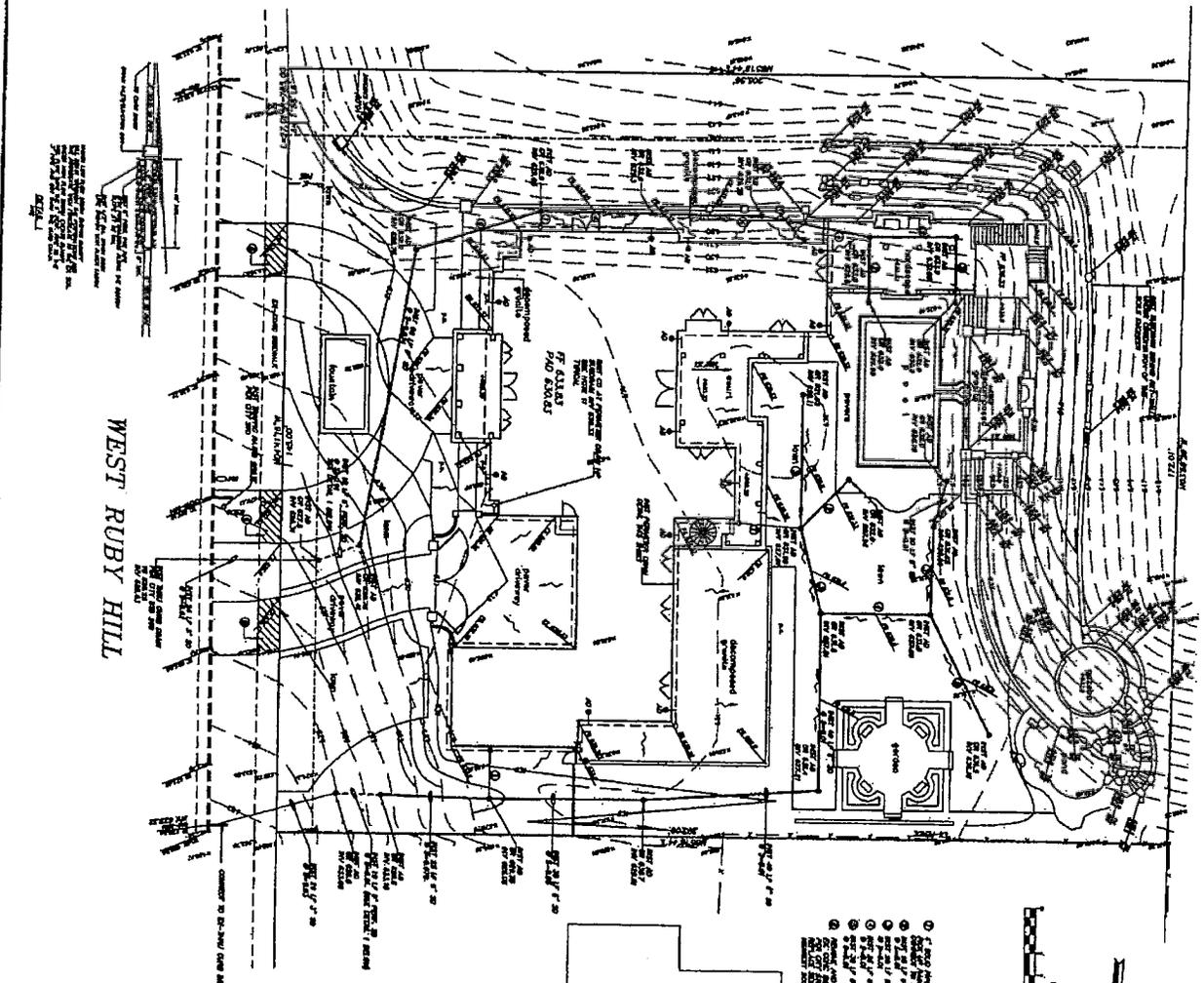
CITY OF LATHROP
LYNN GARCIA
MANAGEMENT ANALYST II
(209) 941-7332

CITY OF STOCKTON
WILLIE WONG
SENIOR CIVIL ENGINEER
(209) 937-8126

CITY OF REDWOOD CITY
GRACE LE, P.E.
SENIOR CIVIL ENGINEER
(650) 780-7258

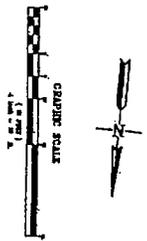
TOWN OF HILLSBOROUGH
PAUL WILLIS, P.E.
DIRECTOR OF PUBLIC WORKS - CITY ENGINEER
(650) 375-7444

EXHIBIT B



WEST RUBY HILL

- 1. 1" = 10' HORIZONTAL SCALE
- 2. 1" = 10' VERTICAL SCALE
- 3. 1" = 10' GRADE SCALE
- 4. 1" = 10' CURVE SCALE
- 5. 1" = 10' DISTANCE SCALE



GRADING NOTES

1. THE GRADING AND DRAINAGE PLAN IS BASED UPON THE SURFACE GRADE SHOWN ON THE ATTACHED SURVEY MAP AND THE GRADE DATA FURNISHED BY THE CLIENT.

2. THE GRADING AND DRAINAGE PLAN IS BASED UPON THE SURFACE GRADE SHOWN ON THE ATTACHED SURVEY MAP AND THE GRADE DATA FURNISHED BY THE CLIENT.

3. THE GRADING AND DRAINAGE PLAN IS BASED UPON THE SURFACE GRADE SHOWN ON THE ATTACHED SURVEY MAP AND THE GRADE DATA FURNISHED BY THE CLIENT.

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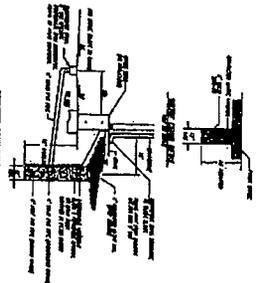
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20. THE GRADING AND DRAINAGE PLAN IS BASED UPON THE SURFACE GRADE SHOWN ON THE ATTACHED SURVEY MAP AND THE GRADE DATA FURNISHED BY THE CLIENT.



APPROVED AND SEAL

DATE

PROJECT NO.



NO.	DATE	REVISION
1	10/1/58	PRELIMINARY
2	10/15/58	FINAL

REDDY RESIDENCE
 LOT 2 TRACT 6896
 CITY OF PLEASANTON, CALIFORNIA

GRADING AND DRAINAGE PLAN

ALEXANDER & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL ENGINEERS
 147 OLD MERRILL AVE. SUITE 10, PLEASANTON, CALIFORNIA (950) 460-8800

EXHIBIT C

**ALEXANDER &
ASSOCIATES, INC.**

SURVEYING * ENGINEERING * PLANNING

July 3, 2012

Ruby Hill Owners Association

Attn.: Katherine Forite
Ruby Hill Manager

Re: Property Line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

Dear Katherine:

In April of 2012, I received a call from Mr. Paul Deol of 3749 West Ruby Hill Drive. He requested I restake the property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive.

I have a long history with this particular property line.

In June of 2002 my office prepared a Grading and Drainage Plan for Mr. Paul Deol on 3749 West Ruby Hill Drive. Our plan clearly shows that no work was being done within 10 feet of the common property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive. In April of 2003 we verified that the house was in the correct location.

In May of 2010 I was contacted by Mr. Anil Reddy to do work on 3737 West Ruby Hill Drive. In July of 2010 we prepared a Grading and Drainage Plan for Mr. Reddy. This plan clearly shows that no work was to be done on the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive. There is a 15 foot wide water line easement along the side property line between 3737 West Ruby Hill drive and 3749 West Ruby Hill Drive. The City of Pleasanton would not allow construction work over the existing water line from the water tank to West Ruby Hill Drive.

When I received the call from Mr. Deol in April of 2012 I was surprised, as no work was supposed to be done in this area per the approved plans.

On April 17, 2012 a field crew from my office restaked the common property line between 3749 and 3737 West Ruby Hill Drive. Our findings per this date show that Mr. Reddy had not only graded and planted over the City of Pleasanton Water Line Easement, he had in fact graded over the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

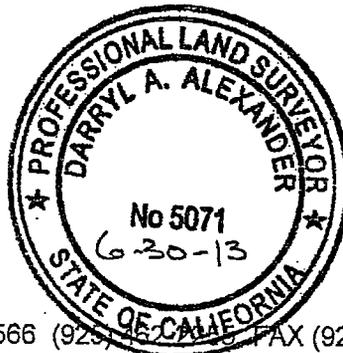
I have attached several photographs that were taken April 17, 2012 showing that Mr. Reddy graded over the common property line and onto Mr. Deol's property by up to 2 feet.

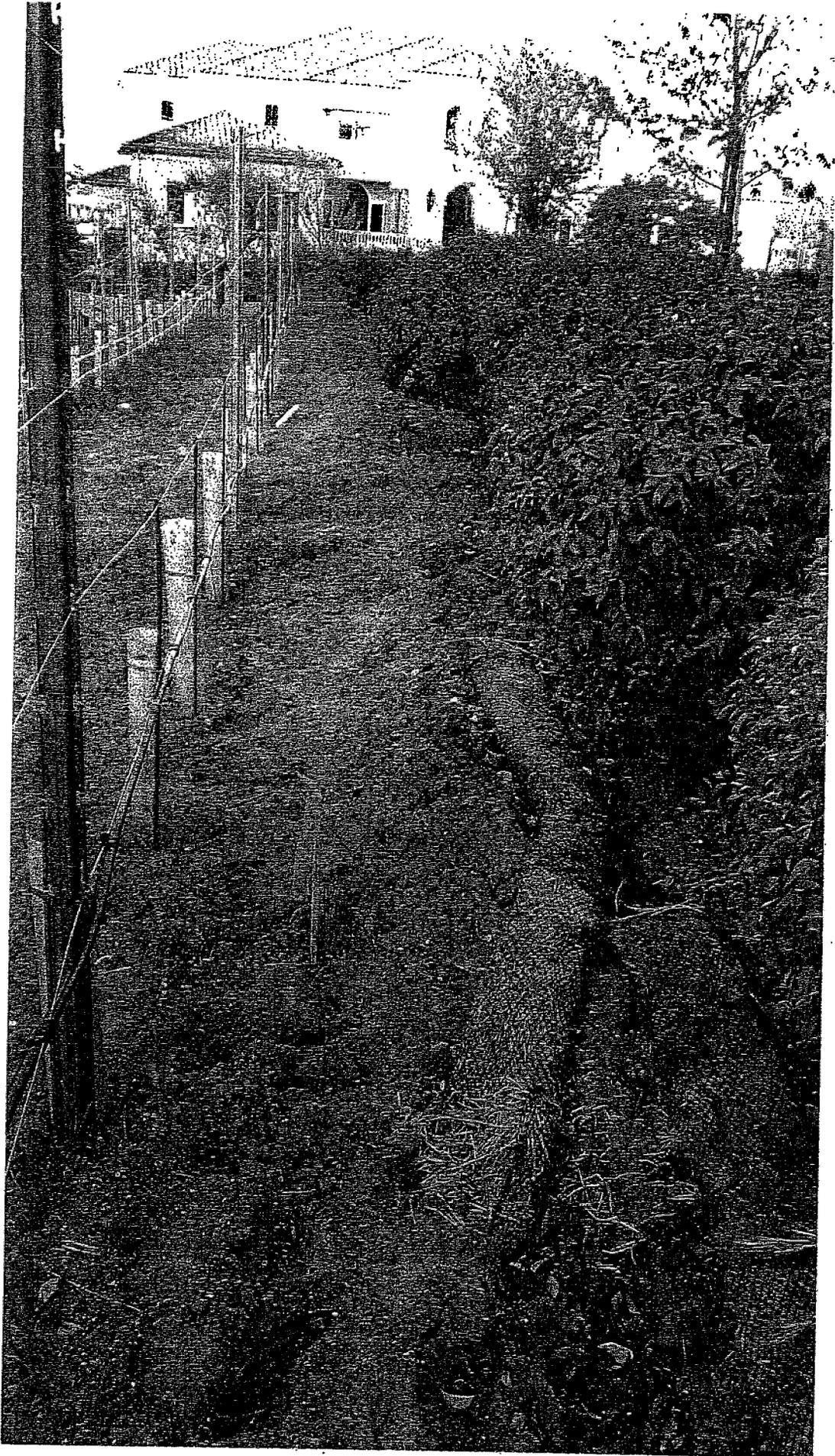
If you have any questions, please contact me.

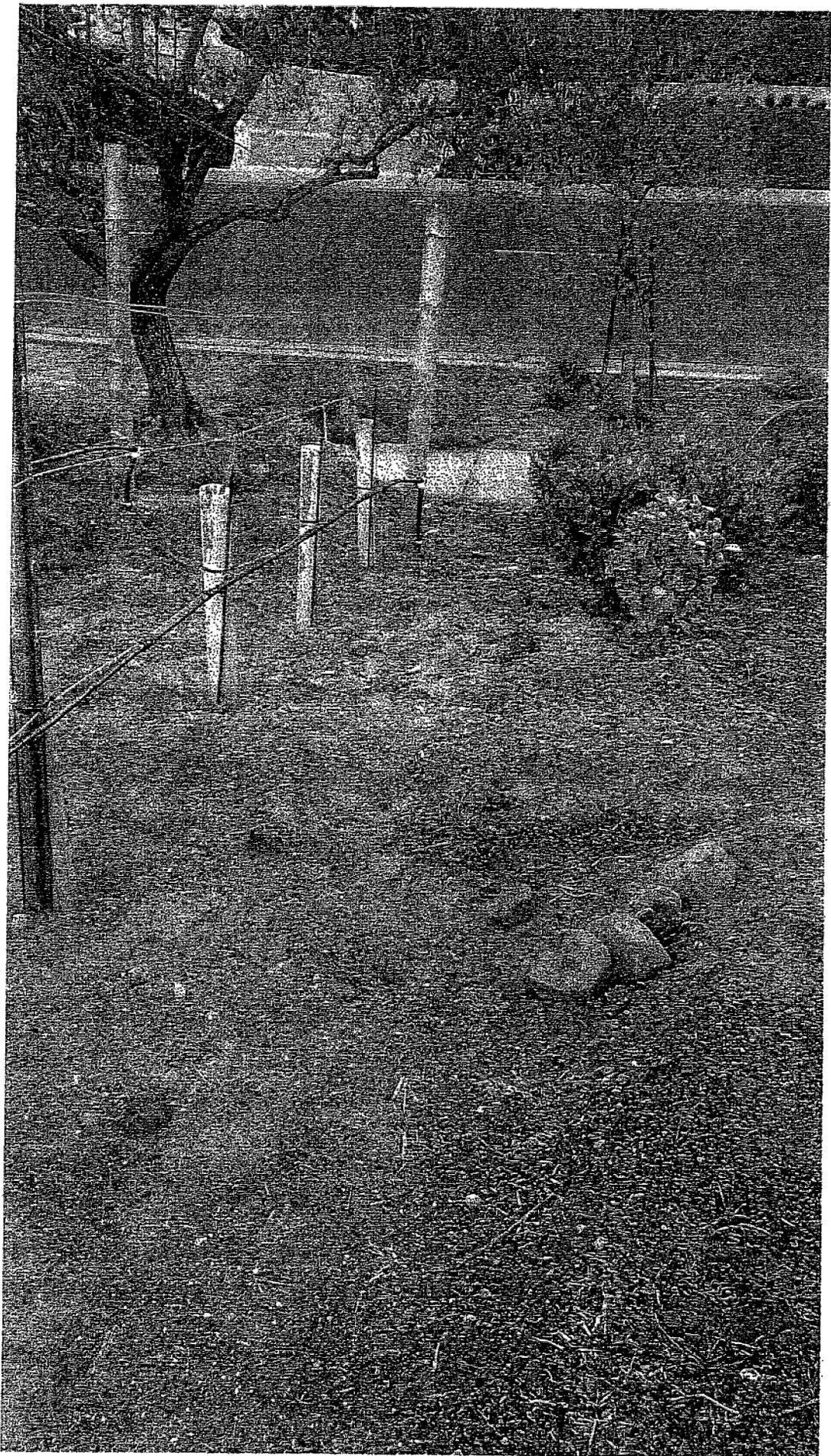
Sincerely,

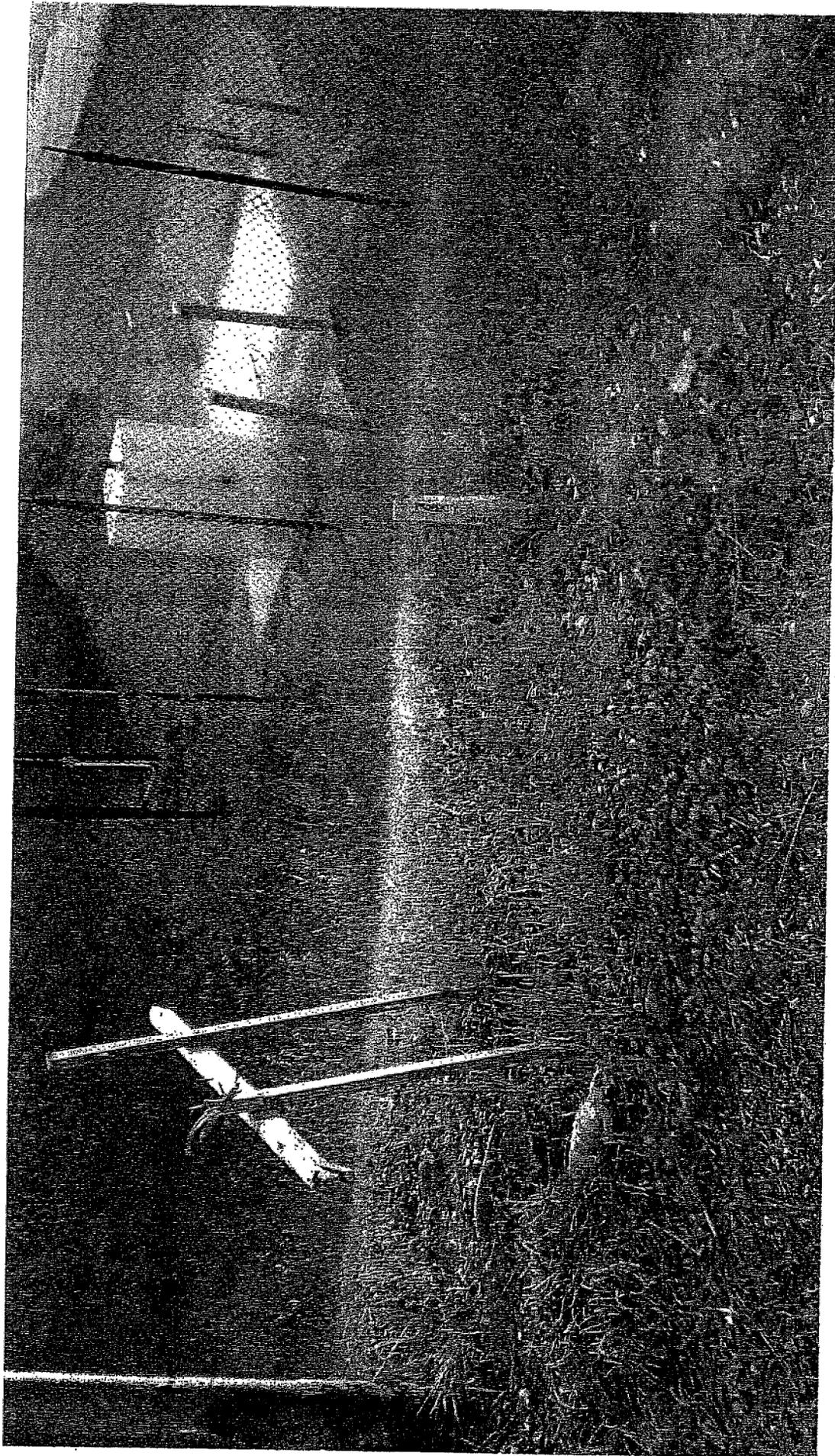


Darryl Alexander, PLS 5071
License expires 6-30-2013









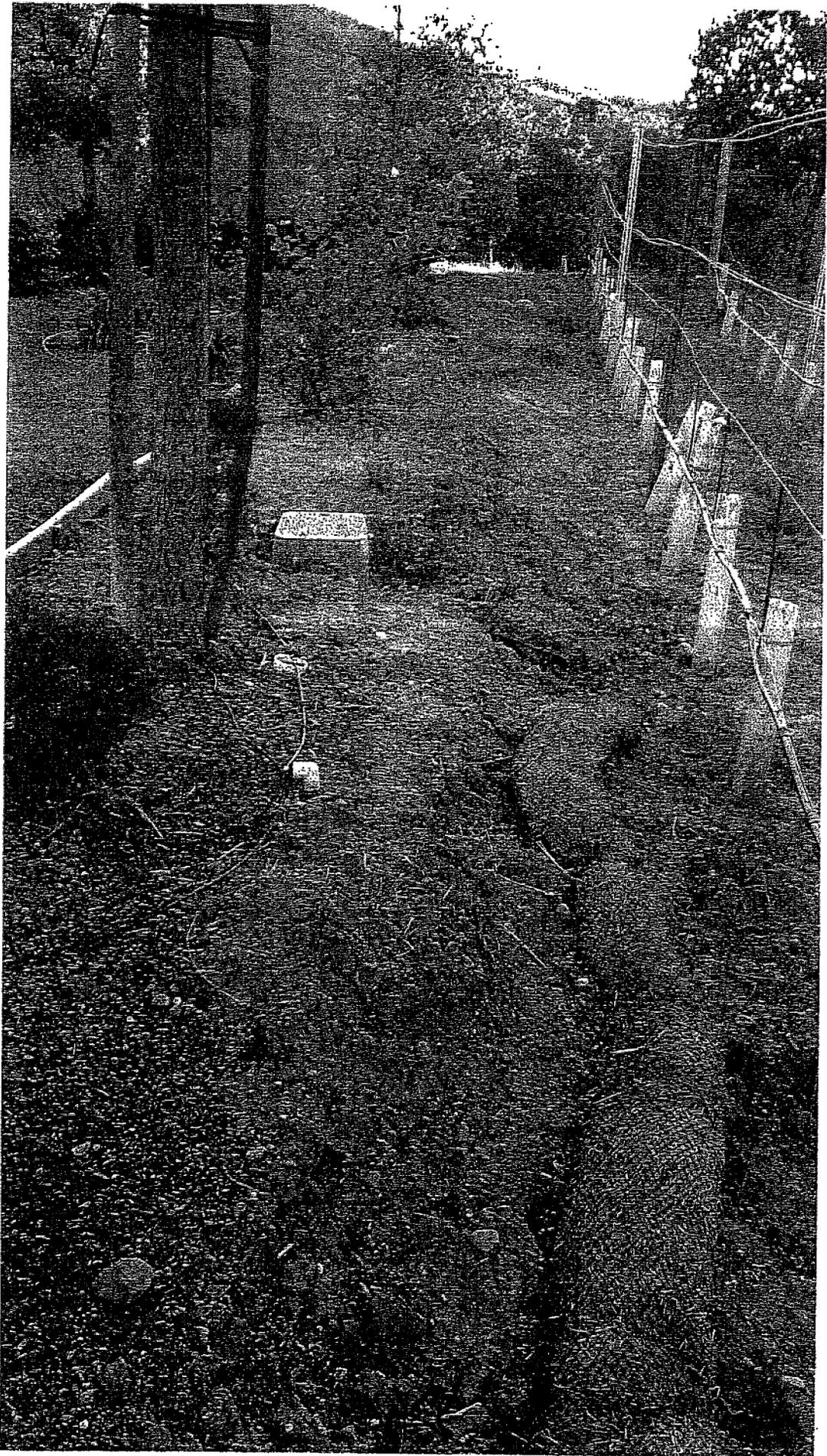


EXHIBIT D

