



## **HON. JOHN M. TRUE III (Ret.)**

**Mediator | Arbitrator | Discovery & Judicial Referee**

### **Representative Cases**

#### **REAL PROPERTY**

##### **LANDLORD / TENANT**

- Handled a case in which tenants of a property owner in Berkeley suffered injury due to carbon monoxide poisoning. The landlord was alleged to have failed to install the appropriate carbon monoxide monitors. A jury found for the defendant landlord.
- Mediated a case involving the implied warranty of habitability in a rental unit. Plaintiffs were monolingual Mandarin speakers. Defendant asserted that habitability issues were created, for the most part, by the tenants. The matter resolved.
- Settled a dispute between a landlord and a tenant in which other tenants in the building were complaining of the defendant's behavior, including alleged "hoarding." Mediated an agreement in which members of the tenant's church assisted her in cleaning out her apartment and surroundings.

##### **HOMEOWNERS' ASSOCIATION**

- A condominium owner complained that the homeowners' association was responsible for mold she alleged had infested her dwelling. The Association denied responsibility. The jury found for the Association.
- Successfully mediated a dispute between condominium owners, one of which was self-represented, in which each accused the other of wrongdoing.

##### **ZONING VIOLATIONS**

- Handled a case involving whether Alameda County's Proposition E infringed on property rights of a business which built a storage facility in an area of the county designated rural use only. Had to hear and resolve issues of inverse condemnation and Fifth Amendment Takings Clause.
- Handled a case involving the sale of a retail store in which the buyer defaulted on payments to the seller. When the seller sued, the buyer defended in part on the basis that at the time of the sale, improvements to the property made by the seller were in violation of local zoning regulations.

### **MORTGAGE FRAUD**

- Handled dozens of cases in which homeowners in foreclosure alleged that they had been defrauded by one or more lending institutions and/or their agents. Most cases settled prior to trial.
- Consolidated and settled a dozen or so mortgage fraud cases in which the Alameda County District Attorney had been involved.

### **EMINENT DOMAIN / INVERSE CONDEMNATION**

- Handled a matter involving a challenge to a taking of certain East Bay property by a Bay Area transit district pursuant to eminent domain. The plaintiff business claimed that its property had been greatly undervalued by the transit district because of the unique characteristics of certain unmovable machinery essential to the plaintiff's business. The district defended on the grounds that its assessment properly took into account the actual value of the machinery.

### **PROPERTY DISPUTES / RIGHTS**

- Handled a number of disputes between property owners concerning lot lines, fences, water runoff and view obstructions. All were settled with considerable effort short of trial.
- Handled a property dispute among homeowners in a Piedmont, California, neighborhood who disagreed on the issue of undergrounding local utilities. When a couple in the neighborhood sued the City of Piedmont to stop the undergrounding

project, the city responded with an anti-SLAPP motion. The case resolved after the motion was denied.

## **UNLAWFUL DETAINERS**

- Settled an unlawful detainer matter in which the property owner sought to evict tenant because tenant was operating a medical marijuana clinic in violation of local city ordinances.
- Handled a large number of unlawful detainer cases. Most were settled.