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**From:** Jonah Strauss <jonahstrauss@gmail.com>  
**Sent:** 11/11/2015 11:29:53 AM -0800  
**To:** Kim Marienthal <kim@marienthal.com>  
**CC:** 24thStreetTenants@googlegroups.com; Steven Rood <rood1@mindspring.com>; Steven Schectman <scheclaw@gmail.com>; bill segesta <wsegesta@lmi.net>; "Illgen, Richard" <CITY OF OAKLAND/CITY ATTORNEY'S OFFICE/RECIPIENTS/ILLGE9R>; "Parker, Barbara" <CITY OF OAKLAND/CITY ATTORNEY'S OFFICE/RECIPIENTS/PARKE9B>; "Flynn, Rachel" <CITY OF OAKLAND/EXTERNAL (FYDIBOHF25SPDLT)/RECIPIENTS/F37A0061E3264024B2A9E520EFEBD31C>; "Martinelli, Gene" <CITY OF OAKLAND/EXTERNAL (FYDIBOHF25SPDLT)/RECIPIENTS/5E59E623FB5F4D9CBAFCAFC11070198D>; "Low, Tim" <CITY OF OAKLAND/EXTERNAL (FYDIBOHF25SPDLT)/RECIPIENTS/F5B7B735EBE54396B6397BAE78180E1E>  
**Subject:** Re: Vacating 669-671 24th St  
Hello Kim,

You received a Stop Work Order issued by Gene Martinelli on Wednesday, October 20th, when you sent a demolition crew to gut and clear 669 24th Street, Unit D. It states, "The unpermitted work described below shall stop immediately and shall not restart without written approval from the building department." Your violation is "Demo and clean-up without permits." Mr. Martinelli lists 669/671 24th Street, thus you may not enter (or send any employees to enter) any part of the building for these reasons. Removal of our personal and business-related property certainly qualifies as "clean-up." You have not submitted plans nor received any permits for work on the building.

Two days later, on Friday, October 22nd, your lawyer William Segesta sent us a Notice to Cease, and cited the same Municipal Code (Section 15.04.030A, "Scope") that is listed on the Stop Work Order. Here it is:

It is unlawful for any person, group of persons, firm, partnership, company, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or plumbing, mechanical, or electrical system, component, or equipment in the City or cause the same to be done contrary to or in violation of any of the provisions of this Code or other relevant ordinance, rule, or regulation.

While Segesta chose to emphasize "use, occupy," on October 22nd, one would emphasize "demolish" as it applies to your violation of October 20th, or "maintain" as it applies to your upcoming threat to "have everything removed from the property." You've threatened this repeatedly over the past seven months, giving us bogus clear-out dates. When you are red-tagged, you do not do anything to the building without permits.

Mr. Segesta also cited bits of California Penal Code and Oakland Municipal Code, stating that we are committing misdemeanors by occupying the building. We are not occupying the building. Finally, Mr. Segesta quoted the Just Cause for Eviction Ordinance, accusing us of "committing a nuisance." The only nuisance here is your treatment of our home after a lethal fire. Segesta could have read the rest of Section 8.22.360A, such as 6c for instance:

Where a unit has been cited for housing, building, or planning code

violations, and the landlord is unwilling or unable to make the necessary repairs or corrections, the tenant will not be deemed to have 'committed an illegal act on the premises.'

The work required by the City in March could have been accomplished easily and cheaply in the weeks after the fire, but you chose to ignore the building and the City until your insurance check came through recently. You claim "unable," (to reference 6c above) but to both the tenants and the City you have clearly been "unwilling" to return utilities to the property, structurally reinforce the burned unit, and submit plans for rebuilding.

Our leases remain active. We are not in violation of any of their clauses, and we refused your offers to return our security deposits. A red tag does not give you free reign to enter our units without 24-hour notice (which you have done repeatedly), nor does it give you permission to touch or remove our possessions. A red tag refers strictly to humans being in the building; it does not comment on the contents of the building. Do not touch or remove our possessions, Kim: you will be held liable for their damage. None of us have the money to move our personal and business belongings, and we don't have the space to accommodate them.

Every single eviction gesture you have made in the past seven months is unlawful as per the Just Cause ordinance, but this current attempt is the most egregious. There are very specific guidelines and timelines for each type of eviction, and you have observed none of them. You don't have to evict us; we will gladly vacate so that you can rebuild our home. You don't have to make us fear for our belongings; we will remove them once terms are agreed upon. You don't have to fight the City officials who have offered you a clear and generous path to rebuilding; we expect to see permits, plans, and emails that indicate your compliance with Mr. Martinelli's initial and ongoing requests.

I was surprised yesterday to receive a call from SEEDS Community Mediation in Berkeley, informing me that you have refused to come to the table to negotiate with us. And despite Mr. Rood and Mr. Segesta's open dialogue, you appear to be ignoring your own attorney's advice to work with us. Hold off on these unnecessary aggressive maneuvers and play ball with the City, then let's reach an understanding about how to proceed.

Sincerely,  
Jonah

Jonah Strauss

Cell [REDACTED]

On Tue, Nov 10, 2015 at 5:51 PM, Kim Marienthal <[kim@marienthal.com](mailto:kim@marienthal.com)> wrote:

Dear Tenants,

I am under the assumption you have all complied with the notice from my attorney, William Segesta, and the Red Tag from the City of Oakland requiring you to remove all personal belongings that were still at the property on 24th St. If any of you still have personal belongings or furniture that is still there, please let me know ASAP, before I have everything removed from the property to begin the next phase of the reconstruction. Your cooperation is greatly appreciated.

Kim

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Kim Marienthal  
Coldwell Banker, Top 1% Northern California  
[\(510\) 981-3036](tel:(510)981-3036) Work



Cell  
Home

DRE #00863747