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Santa Monica Daily Press
DECEMBER 1-2, 2012
Volume 12 Issue 18



Santa Monica Daily Press

We have you covered

WHAT'S ON TAP THIS WEEKEND?
SEE PAGE 2

THE WHERE DOES THE TIME GO? ISSUE

City Hall working to create animal-friendly emergency shelters

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

CITYWIDE When a disaster strikes, Santa Monica residents will likely have access to emergency shelters to keep them safe while they and first responders deal with the aftermath.

Unfortunately for Fido, facilities like those run by the Red Cross have a "no pets" policy, with the exception of service animals like seeing eye dogs, meaning people have to choose between their safety and their companions.

SEE SHELTER PAGE 10

Cops searching for jewel thieves

Six injured with pepper spray

BY DAILY PRESS STAFF

MONTANA AVE Police were on the hunt Friday for two African-American males suspected of robbing a jewelry store on Montana Avenue that afternoon.

The two suspects entered Cabochon Fine Jewelry on the 1400 block of Montana Avenue at 1:25 p.m. They opened fire with pepper spray, smashed several display cases and took an unknown amount of jewelry, said Sgt. Richard Lewis, spokesperson for the Santa Monica Police Department.

Police believe they were wearing gas masks at the time.

The pair were last seen heading south on the 800 block of an alley that runs between 14th and 15th streets, Lewis said.

Six people including two store employees were exposed to the pepper spray, but no hospitalizations have been reported.

Detectives were on scene trying to get clothing descriptions and other information.

As of presstime Friday the suspects were still at large. Anyone with information is urged to contact the SMPD at (310) 458-8491.

news@smdp.com



File photo

NO ROOM AT THE INN: **A federal judge dismissed a lawsuit filed by local churches seeking to overturn a ban on unattended displays in public spaces.**

Nativity backers to appeal dismissal

BY ASHLEY ARCHIBALD
Daily Press Staff Writer

LOS ANGELES The attorney for a committee suing to protect nativity scenes in Palisades Park plans to appeal the Thursday ruling by a Los Angeles federal judge dismissing the group's lawsuit to force City Hall to reopen spaces to private displays, including Christmas nativity scenes.

U.S. District Court Judge Audrey Collins issued the ruling after earlier this month denying an injunction sought by the Santa Monica Nativity Scenes Committee.

William Becker, the attorney for the committee, said Friday that he felt confident that he would prevail in the appeal, calling the judge's decision "unreasonable."

"I would welcome the opportunity to establish legal precedence on this," Becker said.

Deputy City Attorney Barry Rosenbaum was content with the judge's ruling, which affirmed City Hall's right to keep unattended displays out of the park.

"This is a very strong decision and certainly follows the established law," Rosenbaum said Friday.

Christmastime nativity scenes had been erected in Palisades Park for nearly 60 years. Last year, atheists flooded the Community & Cultural Services Department with applications, forcing city officials to come up with a lottery process that ultimately made no one happy.

Atheists won 18 of the 21 spaces, leaving the majority of the nativity dioramas out in the cold.

The City Council then banned private, unattended displays at the park.

Collins had said City Hall was within its constitutional right to eliminate the exemption that had allowed the nativity at the oceanfront Palisades Park because the change affected all comers — from Christians to Jews to atheists — and provided other avenues for public religious



File photo

SEE RULING PAGE 12







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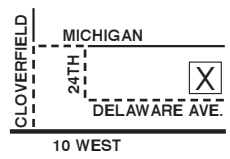
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What's Up Westside

OUT AND ABOUT IN SANTA MONICA

Saturday, Dec. 1, 2012

Shop for the holidays
Roosevelt Elementary School
801 Montana Ave., 9 a.m. — 4 p.m.
Enjoy this fun-filled day at the Roosevelt Holiday Boutique shopping for those you love and give back at the same time. Twenty percent of all proceeds will go towards helping local public schools. For more information call (310) 439-1620.

Out with it
City Yards
2500 Michigan Ave., 9 a.m. — 2 p.m.
Bring your household hazardous materials to this drive-up, drop-off event. There will be technicians available to unload and process your waste. For more information, call (310) 458-2213.

Digging for treasure
Santa Monica Civic Auditorium
1855 Main St., 10 a.m. — 6 p.m.
Hundreds of vendors will spend the weekend showing off a wide range of jewelry, gems, beads and pretty things of all kinds. For more information, call (310) 294-1640.

Cinderella holiday
Santa Monica Playhouse
1211 Fourth St., 3 p.m. & 6:30 p.m.
"A Cinderella Happy Holiday Musical" is a family-friendly Rudie-DeCarlo reworking of the classic fairytale. This internationally acclaimed musical offers romantics of all ages the chance to try on the glass slipper and help Cinderella find her happily-ever-after. For more information, call (310) 394-9779 ext. 2.

Festive on Main
Main Street
5 p.m. — 9 p.m.
The Main Street Holiday Party returns to give revelers something to feel merry about. There will be a tree lighting, live music and an appearance by Santa. The event begins at the California Heritage Museum (2612 Main St.) with the arrival of Santa aboard a Santa Monica Fire Department truck. There will be a tree lighting at the museum and will lead to a short walk to the Edgemar Courtyard where the Shopping Cart Tree awaits. A number of Main Street merchants will conclude the night with parties and treats. For more information, visit www.mainstreetsm.com/holiday-12.

Texas-style party
Typhoon
3221 Donald Douglas Loop S., 9:30 p.m.
Hank Mann and The Texas House Party will be entertaining diners at this popular eatery at the Santa Monica Airport. For more information, call (310) 390-6565.

Sunday, Dec. 2, 2012

Run for a cause
Beach Parking Lot No. 5
2600 Barnard Way, 9 a.m.
Actor Josh Duhamel will lead the annual American Red Cross Youth Run to raise money for earthquake preparedness. Previous runs attracted as many as 3,000 runners to the beach course. For more information, call (310) 477-2697.

Special night
Miles Memorial Playhouse
1130 Lincoln Blvd., 2 p.m.
Theater group the Colonials presents Shakespeare's "Twelfth Night," which is a tale of a world turned upside down, the last night of a 12-day party — the end of the Feast of Fools. Noble counts are debilitated by love sickness, beautiful unwed countesses have chosen to enter eternal mourning, and a young vibrant woman, having lost her beloved twin brother in a disastrous shipwreck, decides the best way to deal with the situation is to disguise herself as a boy and enter the courtly life in service of the Duke of Illyria. For more information, call (310) 804-6745.

To create your own listing, log on to smdp.com/submitevent

For help, contact Daniel Archuleta at 310-458-7737 or submit to editor@smdp.com

For more information on any of the events listed, log on to smdp.com/communitylistings



Analysis: Obama, Boehner seek cliff talks leverage

BY DAVID ESPO
AP Special Correspondent

WASHINGTON One month before the deadline, negotiations between President Barack Obama and Republicans to save the economy from a plunge over the fiscal cliff are still in the throat-clearing stage. Serious bargaining is on hold while the two sides vie for political leverage.

Deal or no deal, nothing is likely to become clear until far closer to the year-end deadline, when the lure of getting away for the holidays will sharpen the focus of negotiators.

"There's a stalemate. Let's not kid ourselves," House Speaker John Boehner, R-Ohio, said Friday, punctuating the end of a week of political theater by divided government. "Right now we're almost nowhere."

He spoke as Obama all but called Republicans heartless louts from a Charles Dickens story. Their failure to pass an extension of middle class tax cuts would amount to a Christmas "lump of coal" for millions, Obama said in Hatfield, Pa. "That's a Scrooge Christmas," added the recently-reelected president, who claims a voters' mandate to extend existing tax cuts for all but upper incomes.

Boehner, too, claimed a mandate after voters renewed the House Republican majority on Nov. 6. But the speaker's political hand was weakened — witness his post-election announcement that the GOP would put revenues on the bargaining table. His control seems to have eroded further in the weeks since, as a smattering of the GOP rank and file let it be known they could support the president's tax plan under the right circumstances.

"Rate increase, if the package includes significant entitlement reform that gets you to $4 to $6 trillion (in deficit savings) over 10 years, I would vote for that," a retiring Rep. Steve LaTourette, R-Ohio, told reporters on Friday.

Rep. Charles Bass made similar comments. "If it gets us past the fiscal cliff and the president is willing to consider meaningful savings in entitlements, it's a legitimate solution," said the New Hampshire lawmaker, who was defeated for re-election this fall.

Yet the speaker also made a little-noticed move this week to shore up his bargaining position.

He issued a statement noting that Senate Democrats are threatening to weaken the Republicans' ability to block legislation in their chamber in the new Congress that convenes in January.

"Any bill that reaches a Republican-led House based on Senate Democrats' heavy-handed power play would be dead on arrival," he warned.

In the talks to date, Democrats have declined to identify a single spending cut they are willing to support, while Republicans avoid specifics on revenue increases they would swallow.

Once each side moves beyond opening gambits, Republicans will have to decide whether they are willing to raise income tax rates on upper incomes, as Obama wants, or hold fast to closing loopholes as a means of producing increased tax revenue.

For their part, Democrats will decide how much savings to pull from benefit programs like Medicare, Medicaid and possibly Social Security without cutting guaranteed benefits, a line they vowed not to cross in earlier budget negotiations.

Obama's opening proposal, delivered to Boehner and other Republicans by Treasury Secretary Tim Geithner on Thursday, calls for $1.6 trillion in higher taxes over a decade, hundreds of billions of dollars in new spending, a possible extension of the

SEE **CLIFF** PAGE 11

COMMUNITY BRIEFS

NORWALK, Calif.

Bloom widens lead in 50th

Santa Monica Mayor Richard Bloom added another 300 votes to his lead over opponent Assemblywoman Betsy Butler in the penultimate ballot count of the Nov. 6 election, officials report.

Bloom now claims 92,730 votes to Butler's 91,194, the most commanding lead of the race but still less than 1 percentage point of the total count.

The most recent update includes 45,642 ballots, 458 of which were mail-in ballots and the remaining came from precincts.

The next and final tally will take place on Dec. 2, and the swearing-in ceremony for new assembly members is scheduled for the following day.

Bloom has already claimed victory in the race.

The race for the newly-redrawn 50th assembly district has been long and vicious. The field began with three Democrats — Bloom, Butler and activist Torie Osborn — against a lone Republican, Brad Torgan.

Butler was the top vote getter in June, and just one election cycle to go she would have faced off against Torgan in the general election in November.

A change in law approved by voters in 2010 allowed for open primaries, meaning the two candidates with the most votes would move on to the general election, regardless of party affiliation.

The move was meant to make it easier for more moderate candidates to win.

– ASHLEY ARCHIBALD



TEAM SPIRIT

Brandon Wise *brandonw@smdp.com*

Actor Josh Duhamel poses for a picture with cheerleaders from Samohi on Friday. Duhamel was at the school to promote Sunday's Youth Run for the Santa Monica Red Cross, an event which raises funds for disaster preparedness and encourages youth to be active and healthy.

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LETTERS TO THE EDITOR

Send comments to editor@smdp.com

SMC betrays seniors

Editor:

SMC has been boasting that it restored winter session thanks to the passage of Proposition 30. Not true. It has canceled Emeritus' winter session, leaving 3,000 students out in the cold ("Emeritus College loses winter classes," Nov. 28). This is particularly dire for the more than 50 percent who take exercise classes.

Health experts agree that exercise is the key to keeping aging bodies healthy and vital. With the cancellation of the winter session, these exercisers will have an eight-week break between the end of the fall session and the start of spring classes (Dec. 14, 2012 to Feb. 11, 2013).

SMC can't honestly claim it is closing Emeritus for eight weeks to save money. Emeritus' total cost for winter session would be about $160,000, the most cost-effective item in a multi-million dollar budget.

Are they going to continue paying Dean Furuyama his inflated salary during Emeritus' closure? How about the janitorial staff? The rent for the various off-site spaces that host exercise classes? If so, the only "saving" will be a few thousand dollars for part-time teachers' salaries.

Seniors voted to help pass Prop. 30, are supporters of the various building bonds that SMC always seems to need and elect SMC trustees to their post as well as contribute some $200,000 a year in donations to Emeritus. What do they get in return? Betrayal.

Harriet P. Epstein
Santa Monica

Find a way

Editor:

I live in Hitchcock, Texas but was born in Santa Monica and lived there until I was 14. I have very fond memories of the nativity displays. My parents and I would walk in that beautiful park overlooking the ocean and part of our Christmas tradition was to see the displays. I can't understand why the atheists can't allow Christians a couple of weeks in December to enjoy the story of the birth of our savior, Jesus Christ. Seventy-five percent of our nation's population is Christian.

Anyone can buy pot in Santa Monica, gay marriage is OK. Why not Christmas? I pray that the City Council will work harder to find a way to restore the nativity displays. Santa Monica is a progressive city with good people.

Kathleen Brooks
Hitchcock, Texas

Enough is enough

Editor:

I feel I am living in some parallel universe when I read about all of the development planned to take place along the Pico corridor in the near future ("How close is too close?" Nov. 29).

Already the monstrosity at 28th Street and Pico Boulevard far outscales the neighborhood size and creates a look far from the Santa Monica we know and love. But as if that wasn't enough, we are looking at at least three more overscaled developments within blocks of each other (34th Street and Pico, Centinela Boulevard and Pico, Cloverfield Boulevard and Pico) that will continue this march to overdevelopment and gridlock.

I live at 29th Street and Pico and feel enough is enough. Where are we all supposed to go? I envision a morning when we wake up and realize we have become trapped inside our homes since we cannot move throughout our city, like some bad sci-fi story where cars overtake humans. Already my life is constrained by the traffic problems here since moving east after 4:30 p.m. is practically impossible and only for the hardy. Please, please, City Council, listen to the voices of your residents. Enough is enough. The only useful community benefit would be to stop these development agreements that only put money into the hands of the greedy and power-hungry.

Gail Myers
Santa Monica



Your column here

Sheldon Richman — **Send comments to editor@smdp.com**

Nullify the war on drugs

THOMAS JEFFERSON SAID A REVOLUTION every 20 years would be a good thing. Regardless of what one thinks of that, perhaps a little constitutional crisis every now and then would have its benefits.

One such crisis may be brewing now. On election day, solid majorities of voters in Colorado and Washington voted to make marijuana a legal product, not just for people who are certified as ill, but for everyone. Several states already allow marijuana use for medical purposes. These two states, however, are blazing trails by recognizing the freedom of all adults to smoke or otherwise consume the plant.

The problem, of course, is that the federal government forbids the manufacture, sale, and use of marijuana (and many other substances) for any purpose. So what happens now? We already have some idea: 20 states and the District of Columbia currently permit (or refuse to penalize) medical marijuana in defiance of federal law. Despite early assurances to the contrary, the Obama administration has cracked down on legal state-licensed marijuana dispensaries in California to a far greater degree than the Bush administration ever did.

During the Bush years, Californians challenged federal anti-marijuana policy against the state, but the Supreme Court in Gonzales v. Raich (2005) sided with the central government, ruling that the Constitution's Commerce Clause empowers the feds to prohibit marijuana manufacturing and consumption even when a state law permits it for medical purposes.

Is the Obama administration going to stand by and permit the recreational use of pot in Washington and Colorado when it tries to stop its medical use in California? It hardly seems likely. But does it want to ignite open resistance by cracking down? The feds are in a bind.

So it looks like a conflict is in the offing — maybe even a constitutional crisis. What about the Constitution's Supremacy Clause? It says, "This Constitution, and the laws of the United States which shall be made in pursuance thereof … shall be the supreme Law of the Land."

That would seem to seal the deal for the feds. But maybe not. What if a law is not "made in pursuance" of the Constitution, at least in the judgment of people in the states? Do they have the authority to nullify it?

Thomas E. Woods Jr. says yes in his book "Nullification: How to Resist Federal Tyranny in the 21st Century." As Woods notes, nullification proceeds from the premise that an unconstitutional law is not properly regarded as law, and therefore the states may ignore it. "Nullification provides a shield between the people of a state and an unconstitutional law from the federal government," Woods writes. Without nullification, the feds would define their own powers, which should be intolerable to people who love liberty.

Nullification has a high pedigree. "It was Thomas Jefferson, in his draft of the Kentucky Resolutions of 1798, who introduced the term 'nullification' into American political discourse," Woods writes. "And … Jefferson was merely building upon an existing line of political thought dating back to Virginia's ratifying convention and even into the colonial period. Consequently, an idea that may strike us as radical today was well within the mainstream of Virginian political thought when Jefferson introduced it."

NULLIFYING THE CENTRAL GOVERNMENT'S DESTRUCTIVE WAR ON DRUGS WOULD BE APPROPRIATE, BECAUSE IN THE PAST AMERICANS USED THIS PRINCIPLE (OR SOMETHING SIMILAR) AGAINST OTHER LAWS THAT VIOLATED PERSONAL LIBERTY … .

Nullifying the central government's destructive war on drugs would be appropriate, because in the past Americans used this principle (or something similar) against other laws that violated personal liberty, such as the Alien and Sedition Acts, which suppressed criticism of government officials, and the Fugitive Slave Acts, which required the return of runaway slaves.

Nullification should not be conflated with states' rights. This issue is about the real rights of individuals, not the alleged rights of state governments. History demonstrates that decentralized power tends to pose less of a threat to freedom, if for no other reason than that the smaller the jurisdiction, the cheaper it is to vote with one's feet. What possible objection can there be to letting the people of the states decide when to ignore federal laws that violate their liberty?

And what better place to start than with the feds' abominable war on people who make, sell, and use disapproved substances?

Washington and Colorado may be the new birthplaces of freedom.

SHELDON RICHMAN is vice president and editor at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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Email to: editor@smdp.com or fax to (310) 576-9913
smdp.com Santa Monica Daily Press office **(310) 458-7737**

PUBLISHER
Ross Furukawa
ross@smdp.com

EDITOR IN CHIEF
Kevin Herrera
editor@smdp.com

MANAGING EDITOR
Daniel Archuleta
daniela@smdp.com

STAFF WRITER
Ashley Archibald
ashley@smdp.com

CHIEF PHOTOGRAPHER
Brandon Wise
brandonw@smdp.com

STAFF PHOTOGRAPHER
Morgan Genser
news@smdp.com

CONTRIBUTING WRITERS
Bill Bauer, David Pisarra, Meredith Carroll, Jack Neworth, Lloyd Garver, Sarah A. Spitz, Taylor Van Arsdale, Merv Hecht, Cynthia Citron, Michael Ryan, JoAnne Barge, Katrina Davy

PHOTOGRAPHY INTERN
Ray Solano
news@smdp.com

VICE PRESIDENT–BUSINESS OPERATIONS
Rob Schwenker
schwenker@smdp.com

JUNIOR ACCOUNT EXECUTIVES
Chelsea Fujitaki
chelsea@smdp.com
Justin Harris
justin@smdp.com

OPERATIONS COORDINATOR
Michele Emch
michele.e@smdp.com

PRODUCTION MANAGER
Darren Ouellette
production@smdp.com

PRODUCTION ASSISTANT
Nathalyd Meza

CIRCULATION
Keith Wyatt
Osvaldo Paganini
ross@smdp.com

Santa Monica Daily Press
We have you covered
1640 5th Street, Suite 218
Santa Monica, CA 90401
OFFICE (310) 458-PRESS (7737)
FAX (310) 576-9913
smdp.com

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The Q Line

Showing support

A federal judge's ruling has confirmed City Hall's ban on the Palisades Park unattended nativity scenes. That hasn't stopped a group of churches from panning an alternative display that will be done in two-hour shifts with live participants.

This past week, Q-line asked:
Would you support these new, alternative scenes or do you think that kind of display should be kept from a public forum?

Here are your responses:

"I DO SUPPORT THE NEW ALTERNATIVE scenes at Palisades Park, however, I also supported the unattended displays. I don't know why City Hall banned them in the first place. It doesn't seem to hurt anybody and like the letter writer in your paper today says, no one can be forced to become a Christian against their will. Can't the people not just go and look at them if they are so offended by them?"

"HAPPILY WE LIVE IN A CIVILIZED community, not some hotbed of religious zealotry like Afghanistan or Hickory, N.C. Our churches, honoring the distinction between church and state, are free to have their religious displays on their own tax exempt property."

"I'M UTTERLY ASTONISHED AND TOTALLY flummoxed by this attitude. It is indicative of the lack of moral fiber in today's society. Indeed I want to support something that lauds Christianity and the golden rule. You bet."

"WHEN HAS THE NATIVITY SCENES EVERY hurt anybody? Never."

"I CANNOT BELIEVE THIS UTTER nonsense regarding the outlawed nativity scenes in Palisades Park is still going on. They were awful and illegal, and an insult to any religious-minded people. They were an absolute cartoon. I am a devout person myself and I resented them and I don't wear my religion on my sleeve so that anyone thusly inclined won't be offended. All you simple-minded religious zealots, take a hint and take a hike."

"WHAT A GREAT IDEA TO COMBAT THE dark forces at City Hall. The Darth Vaders, a.k.a. atheistic tax suckers who believe in the nothingness of religious life, but along with the blood-sucking council members believe in taxing the faithful. How convenient that tax-loving losers elect a demi-god to support a system of non-beliefs. Their transition of the nativity scenes from a static view to a moving grasp of one religious thought makes me, after 40 years of remiss, now looking forward to this year's presentation. Life is a yin and yang, those who believe and those who hate but believe in our City Council. Find the belief in yourself. Explore the spiritual and the new idea of interpretive nativity scenes."

"ONE JUST NEEDS TO LOOK AT THE disastrous result in countries where the church and state are one. We must not allow that to happen here. With all the tax-free properties owned by churches, they have enough space to display their religious views."

"WELL, ONE ALTERNATIVE DISPLAY THE churches could put up is the cruelty of the Spanish Inquisition or the cruelty of the Crusades or all the other cruelties of religion, Christian or otherwise."

"THE LOSS OF OUR LONGTIME TRADITIONAL and beloved nativity scenes as a result of the squawks of a handful of disgruntled, non-resident atheists is very sad. Although laudable in the attempt, the hastily arranged alternative is not without logistical and perhaps other problems. The socialists, elected and otherwise, quite simply want Christmas eliminated, except of course as a day or more away from work. Should you have to make any purchases in Santa Monica during the Christmas season, remember to wish the store clerks and others a merry Christmas. Personally, I will be doing my shopping elsewhere."

"BEFORE DECIDING WHETHER OR NOT to support the churches planning for new, alternative attended scenes in Palisades Park, I need more information. What I do know is Santa Monica has a growing reputation for anti-Christian policies. There are few, if any, public or retail displays referring to Christmas. The Santa Monica Daily Press refers to 'Winterlit,' 'community tree,' 'Chanukah' and 'menorah lighting.' I believe 'green' and 'fair' Santa Monica needs to be more even-handed. If it is going to be 'community tree,' then it follows that it is 'Festival of Lights' and 'community candelabra.' I strongly support Chanukah, Christmas tree and menorah. We should not begin to lose sight of this country as one of religious freedom. I object to the trivialization and euphemization of all religions."

"WE ARE BLESSED WITH A BEAUTIFUL and historic park overlooking the sea. Please keep all of your ugly, distracting and traffic-congesting displays out of our public parks. We need our parks for the quiet and nature, not for the tacky propaganda of Christians, Jews, atheists, Democrats, Republicans and other assorted kooks. Our founding fathers were absolutely right to separate church and state."

"I'M NOT SURE THAT THE MAJORITY of Christians understand how difficult it is for families who are raising non-Christian children to endure December. Our children get confused and feel left out of the over-indulgent, over-spectacled holiday displays and frenzy. When I raised my kids here I avoided Palisades Park because it was too hard to explain the overwhelming displays, which to my New England eyes, are pretty sad looking behind chain-link fences ... ."

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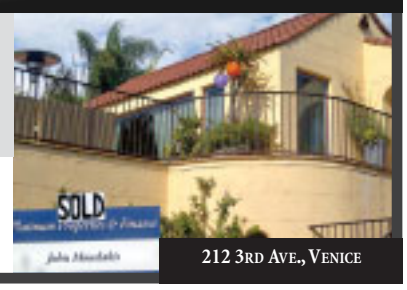
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Ban on gay change therapy faces first legal challenge

BY LISA LEFF
Associated Press

SACRAMENTO, Calif. A first-of-its-kind California law prohibiting licensed psychotherapists from counseling gay minors on how to become heterosexual faced its first legal test Friday as lawyers for those who support "reparative therapy" asked a federal judge to block the ban.

U.S. District Judge Kimberly Mueller in Sacramento held a 50-minute hearing on whether the law violates the First Amendment and should be kept from taking effect as scheduled on Jan. 1.

Four counselors and two sets of parents who say their teenage sons have been helped by psychological efforts to change their sexual orientations are suing to overturn the law.

Their lawyer, Mathew Staver, asked Mueller to keep it on hold while the lawsuit proceeds, arguing that the ban would force young people who do not want to be gay to turn to unlicensed counselors.

"What you ultimately have is a doctor-patient relationship that is being interfered with in a very dramatic manner," Staver said. "If (lawmakers) really think this kind of therapy causes harm, why would they want to push them toward unlicensed practitioners?" he said.

Lawyers for the state argue the ban is appropriate because it seeks to protect young people from a practice that supposes an individual's sexual orientation should be changed instead of regarding homosexuality as a health part of the human experience.

"All our state has done is what is in its power and duty to do, which is to ban a course of professional conduct that does not work, has been scientifically discredited and renounced by every mainstream mental health association," Deputy Attorney General Alexandra Gordon told the judge.

At Staver's request and with Mueller's blessing, the families involved in the case are being referred to with pseudonyms to protect their privacy. They did not appear in court Friday.

The law, which was passed by the California Legislature and signed by Gov. Jerry Brown in October, states that mental health professionals such as psychologists, social workers, family counselors, psychiatrists who use "sexual orientation change efforts" on clients under 18 would be engaging in unprofessional conduct and subject to discipline by state licensing boards.

Mueller spent much of the hearing asking the lawyers to clarify whether the activity targeted by the law constitutes a definable set of actions that are within the state's power to regulate or an unconstitutional limit on free speech.

Staver argued that as written, the statute is so broad that it would prevent counselors from even referring clients to out-of-state practitioners or making any statements supporting "a client's wish and self-determination to reduce same-sex attraction."

Gordon disputed his claim. She said the law was narrowly tailored to prohibit only a proscribed course of therapy and would not keep mental health practitioners from expressing their views on homosexuality.

Mueller said she intends to issue a written ruling next week.

A second lawsuit making similar claims and filed on behalf of three Southern California therapists has a hearing before a different federal judge in Sacramento scheduled for Monday.

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U.S. Supreme Court to decide if human genes can be patented

BY JESSE J. HOLLAND
Associated Press

WASHINGTON The Supreme Court announced Friday it will decide whether companies can patent human genes, a decision that could reshape medical research in the United States and the fight against diseases like breast and ovarian cancer.

The justices' decision will likely resolve an ongoing battle between scientists who believe that genes carrying the secrets of life should not be exploited for commercial gain and companies that argue that a patent is a reward for years of expensive research that moves science forward.

The current case involves Myriad Genetics Inc. of Salt Lake City, which has patents on two genes linked to increased risk of breast and ovarian cancer. Myriad's BRACAnalysis test looks for mutations on the breast cancer predisposition gene, or BRCA. Those mutations are associated with much greater risks of breast and ovarian cancer.

But the American Civil Liberties Union challenged those patents, arguing that genes couldn't be patented, and in March 2010, a New York district court agreed. But the U.S. Court of Appeals for the Federal Circuit has now twice ruled that genes can be patented, in Myriad's case because the isolated DNA has a "markedly different chemical structure" from DNA within the body.

Among the ACLU's plaintiffs are geneticists who said they were not able to continue their work because of Myriad's patents, as well as breast cancer and women's health groups, patients and groups of researchers, pathologists and laboratory professionals. "It's wrong to think that something as naturally occurring as DNA can be patented by a single company that limits scientific research and the free exchange of ideas," said Chris Hansen, staff attorney with the ACLU Speech, Privacy and Technology Project.

A call to a Myriad spokeswoman was not immediately returned, but in court papers the company's lawyers said without being able to patent and profit from their work, they would not be able to fund the type of medical breakthroughs doctors depend on. The company also said that deciding now that genes can't be patented would throw into chaos current research and profits structures for drug-makers and medical research companies, who have gotten more than 40,000 DNA-related patents from the Patent and Trademark Office for almost 30 years, according to court papers.

"Moving the goalposts of patent eligibility for these patents now would ... undermine the interests of the investing community: Clear and certain patent protection is critical to honor the interests of past investors, such as those who funded the research behind these inventions," the company said in court papers.

In 2010, a federal judge ruled that genes cannot be patented. U.S. District Judge Robert Sweet said he invalidated the patents because DNA's existence in an isolated form does not alter the fundamental quality of DNA as it exists in the body or the information it encodes. But the federal appeals court reversed him in 2011, saying Myriad's genes can be patented because the isolated DNA has a "markedly different chemical structure" from DNA within the body.

The Supreme Court threw out that decision and sent the case back to the lower courts for rehearing. This came after the high court unanimously threw out patents on a Prometheus Laboratories, Inc., test that could help doctors set drug doses for autoimmune diseases like Crohn's disease, saying the laws of nature are unpatentable.

But the federal circuit upheld Myriad's patents again in August, leading to the current review. The court likely will hear the case in the early spring and rule before the end of the summer.

The case is 12-398, Association for Molecular Pathology v. Myriad Genetics, Inc.

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The Re-View

Merv Hecht
Send comments to editor@smdp.com



Photo courtesy John Blanchette

NOAH WOULD BE PROUD: **The bouillabaisse at Chez Mimi in the Pacific Palisades.**

Something new to sink your teeth into

THERE ARE SO MANY NEW RESTAURANTS opening that I can't keep up with them. Of course, new to me may not be new to you. But let me name just a few that have come to my attention in the past two weeks, although I can't review yet because I have to eat at each one more often.

For years we loved Chez Mimi in Brentwood. Mimi was there in the kitchen and her wonderful staff, some of whom come from her hometown of Montreal, were on the floor making you feel welcome. The food was good, honest, French influenced, simple and tasty. Then she lost her lease and the space was taken over by an upscale Italian restaurant. Is that a "c'est la vie" or a "che sará sará?"

Now Mimi has opened again in Pacific Palisades. It's an unlikely spot, near the Pacific Coast Highway at the entrance to the Highlands, where Morgan's restaurant used to be. There is a lovely patio, but I worry what it will be like during the winter; it's not enclosed against the wind. The interior is sparse and a bit cramped. But some of the food is like it used to be.

I had the onion soup, and it was wonderful. On another occasion I had the bouillabaisse, and it too was wonderful. It reminded me a bit of Noah's Ark: there were two scallops, two shrimp, two pieces of white fish, etc. But it was the concentration of the broth that made it wonderful, plus the spicy aioli, which must be more Canadian than French since the French usually have more garlic and

SEE DINING PAGE 9

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Eat My Sushi 2915 Main St.
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Hummus Bar Express
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Upper West 3321 W. Pico Blvd.
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DINING
FROM PAGE 8

less red pepper. I like the red pepper.

Then I had an old standby at Mimi's, the Dover sole, and it was just as I remembered it, with the little carrots and potatoes on the side. Some of my friends find the cuisine too "old fashioned," and it certainly is not trendy. Personally I like that about it. But it's not perfect. The marinated mushroom salad was not good; the marinade was too thick. A chicken dish was drowning in a sauce too thick. Even though the Internet reviews are very negative, I like it.

But it's a nice addition to the Palisades restaurant scene, and we wish her good luck, especially when it's raining and you can't sit on the patio.

In 1968 I built the building at 15415 Sunset Blvd. (I picked that address for it) and built an Italian restaurant on the ground floor for the owner of Jacopo's. Well, I didn't actually build it myself, but I designed it and paid the contractor, Jules Togia, to build it. Now a new, slightly higher-end Italian restaurant has taken over the space, and I'm optimistic about it. I expected just a pizza place, but when I had a pizza there recently I saw an extensive Italian menu and you can bet I'll be back.

The owners picked a name which might not be so easy to remember, Il Piccolo Ritrovo Pizzeria and Trattoria. Nor is the telephone number so easy, so you better cut out the information below and tape it to your refrigerator.

Avid readers will no doubt remember my article on the best hamburger in Santa Monica — or the Westside in general. Well, I had a hamburger the other day at a new restaurant that blew away the others. The restaurant is called Plan Check, after the architectural bureau nearby, and the burger is spectacular.

There are a lot of other good looking dishes on the menu, so I'm not reviewing it yet until I can get back to eat more. But this is clearly a restaurant with owners who know what they are doing, how to buy the right ingredients and how to train the staff. I am really impressed.

I stumbled into Eat My Sushi on Main Street the other day. There was nothing spectacular about it, but I had an excellent bento box with three items for $20, and I thought the basic concept of creating your own bento box selection was a really good idea. I selected the rock shrimp, mixed tempura, and yellowtail sashimi and each was delicious.

On another occasion I fell into the Hummus Bar Express on the Third Street Promenade. I think it just opened. The food is a bit healthier than what I usually eat, but an occasional healthy meal isn't a bad idea. It's a good place for a sandwich or a salad. But the best dishes for me were the Middle Eastern dips, especially the house hummus for $7. It seems like a great place to take a family with kids.

And finally, I discovered Upper West, "a Santa Monica Bistro." I don't know how I've missed it. It's not so new, but it's new to me, and I'll bet it is to you.

But for a lot of the young hi-tech crowd that's moved into Santa Monica, it seems like the place to go. The bar seems always filled, and it's not so easy to get a table at either lunch or dinner any day of the week.

The corn soup was as good as soup gets, and soup is a true test for any chef. There's no sense in reviewing the food in this short space, because it's an extensive menu, and during my last three visits I've had at least six dishes worthy of description. So I'll describe them in a full review when I can.

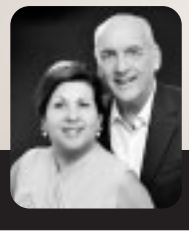
And so it goes. By the time you read this I will have found at least one more new restaurant. And this list is not all of the ones sitting on my desk waiting to be reviewed. But my editor is a stern taskmaster, and he will make me review them all. Stay tuned.

MERV HECHT, the food and wine critic for the Santa Monica Daily Press, is a wine buyer and consultant to a number of national and international food and wine companies. He can be reached at mervynhecht@yahoo.com





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SHELTER

FROM PAGE 1

City Hall wants to change that.

The Office of Emergency Management is working with several pet-friendly shelter groups to create a new kind of shelter specifically for residents' furry friends.

These shelters would ideally be set up next to the main human shelter to give pet owners access to their animal for comfort and care.

"This was brought to us because people love their pets, in some cases more than they love their spouses," said Paul Weinberg, emergency services coordinator with the Office of Emergency Management.

Pet safety is a big factor of human safety.

When Hurricane Katrina hit in 2005, emergency responders found people who refused to leave their homes because they could not bring their animals with them, Weinberg said.

Despite that, almost a quarter of a million animals were displaced by the storm, some ending up on the West Coast before they could be reconnected with their owners.

To prepare, City Hall is working with organizations like Noah's Wish, a northern California operation that specializes in pet shelters, and local veterinarians and trainers to make sure all the pieces are in place to make them a reality.

Donna Ganguet, chief operating officer at Noah's Wish, has coordinated her share of pet shelters.

Noah's Wish has been around since 2002, forming alliances with emergency response groups and training volunteers to help staff the shelters and, when conditions warrant, traveling across the country to create a shelter themselves.

"It's usually fires and wildfires, but also hurricanes and tornadoes," Ganguet said. "You name it, we've done it. We were at the terrorist attack in New York City caring for some of the animals doing the recovery."

There are 300 to 400 trained Noah's Wish volunteers in southern California and a trailer up north packed with special supplies needed to set up a shelter in case of an emergency.

That trailer has first-aid supplies for animals as well as the paperwork needed to track the animals as they come into the shelter, but one of the most powerful tools in the arsenal is crating, Ganguet said.

"The big thing that usually a location won't have is crating. In order to set up the shelter, you have to have containment areas for each animal," Ganguet said.

Locations can include almost anything that provides some separation from humans.

The Red Cross does not allow most animals inside their shelters because of the diversity of people who have to fit into a shelter together, said Monica Diaz, a spokesperson for the Red Cross.

That can include people with allergies and other medical conditions, or even those who are simply afraid of animals.

Still, the Red Cross tries to make an effort to work with other agencies to find a place for pets, Diaz said.

"A pet is a member of the family and we do want to try to help you," she said. "We have a list of pet-friendly hotels and animal welfare agencies we're working with."

Organizations like the Pennsylvania State Animal Response Team, a nonprofit that works on the East Coast, try to set up immediately adjacent to wherever people are.



Photo courtesy Google Images

PUPPY DOG EYES: **Officials are finally open to the idea of creating emergency shelters for pets.**

"We ask for a separate room or facility that's close enough that people who evacuate with animals can come and visit and help care for them while both are in the shelters," said Joel Hersch, executive director of the nonprofit.

Hersch's team rolled out this month in reaction to Hurricane Sandy, which caused power outages across Pennsylvania and forced many people from their homes.

"We had 25 shelters open in 18 of our counties, and 23 of them were what I would call co-located in the same physical building," Hersch said.

It's taken several years to get decision makers to see the value of the pet shelter, but they're coming around.

Hersch only counts the upsides, like encouraging people to get out of their homes rather than try to ride out disastrous weather events, thereby protecting first responders from entering dangerous situations to save them.

Keeping pets close can help safeguard physical health, but it also plays a big role in mental health.

Claire Gillenson is a grief counselor in the Los Angeles area who specializes in pet loss, amongst other things.

Pets play an important role in the lives of their owners, and being forced to part with an animal or leave it in a dangerous situation can be devastating, she said.

Many of these people can be empty nesters, the elderly, or others who like feeling needed and caring for someone.

"Understand what it means to them. For them, it means telling them that they cannot bring a member of the family with them. It's not just a pet," Gillenson said.

Although having a place to go in an emergency is important, preparing for one at home is equally vital, and people often forget their pets.

Ganguet suggests a "doggy bag" with medications, vaccination history, serial numbers for any microchip that can be used to locate a pet, information about a special diet and a picture of the animal to help with identification later.

A kennel or something to transport the animal in is a must, and food for the pet never hurts.

"We want to do everything we can to get people prepared," she said. "If they are prepared, everything else just falls into place."

The Office of Emergency Management has held three emergency pet fairs that have reached thousands of residents to educate them on what they need for their animals in an emergency and where they can get it, Weinberg said.

Getting them prepared now will solve future problems before they start, he said.

"People will find a way to do what they do and will not be separated from their pets," Weinberg said.

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CLIFF
FROM PAGE 3

temporary Social Security payroll tax cut and enhancing the president's power to raise the national debt limit.

The new federal revenue would include $950 billion generated by raising taxes on families with incomes over $250,000 and by closing certain tax loopholes by the end of this year, according to administration officials who described the offer Friday only on condition of anonymity. The remainder would be achieved through an overhaul of the tax system next year and would not become effective until 2014, said the officials, who were not authorized to provide the details by name.

Obama is seeking new spending to help the unemployed, homeowners whose property's value is less than their mortgage, doctors who treat Medicare patients and wage-earners.

In exchange, the president would back cuts of an unspecified amount this year, and savings of as much $400 billion from Medicare and other benefit programs in 2013.

The White House plan also counts about $1 trillion in spending cuts agreed to last year, as well as about $800 billion that the administration claims as savings because of the drawdown of troops from Iraq and Afghanistan.

Republicans said they were surprised at the plan, and Democrats wondered aloud why.

"Each side said they'd submit a down payment. We have. Our preference is revenue. What is theirs?" said Sen. Chuck Schumer, D-N.Y.

Republicans have an opening offer of their own, in line with their conservative anti-tax views, much as Obama's is designed to solidify his own political position. While agreeing to new revenue, GOP lawmakers want to extend expiring income tax cuts at all levels, including the top brackets. They also want to raise the age of eligibility for Medicare and curtail future cost-of-living adjustments for Social Security and other benefit programs. The same adjustment would raise revenue for the government by making a change in annual adjustments of tax brackets.

"We're the only ones with a balanced plan to protect the economy, protect American jobs and protect the middle class from the fiscal cliff," Boehner said on Friday.

That was a jab at Obama, who campaigned for re-election advocating a balanced approach to avoiding the fiscal cliff that combines higher taxes on the wealthy with spending cuts.

Said the president: "In Washington, nothing's easy, so there is going to be some prolonged negotiations."

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Surf Forecasts

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SATURDAY – **FAIR** – SURF: **3-5 ft** waist to head high occ. 6 ft
West-WNW swell tops out in the morning, then holds steady; Larger sets possible for stand-out spots in far western part of county; AM winds looking good

SUNDAY – **FAIR** – SURF: **2-4 ft** knee to shoulder high
West-WNW swell fades; keeping an eye on winds/weather

MONDAY – **FAIR** – SURF: **2-3 ft** knee to chest high
WNW swell fades; small new SSW swell fills in; favorable winds/weather

TUESDAY – **FAIR** – SURF: **2-3 ft** knee to waist high
Steadily dropping old WNW swell, best early; small SSW swell; nice AM conditions

Tides

Tide swings are fairly extreme this week. Deep mid morning high tides of 5.6'+ will slow the more tide sensitive breaks down before draining out to negative late afternoon low tides. Keep it in mind when planning when/where to surf.

BEACH REPORT CARD

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QUICK STATS (for the last 30 days)
Number of sewage spills -- 1
Number of beach closures due to a sewage spill -- 0
Number of wet days -- 4
Number of A grades for dry/wet weather -- 28 / 30
Number of (C,D,F) grades for dry/wet weather -- 0 / 0

The Beach Report Card is made possible by: The Oliver – von Furstenberg Family Foundation; Grousbeck Family Foundation; simplehuman; LAcarGUY; SBMA

Heal the Bay reminds you not to swim or surf within 100 yards of any flowing storm drain or for 3 days after a rainstorm. After a rain, indicator bacteria counts at beaches throughout California usually far exceed health criteria in the state's Beach Closure and Health Warning Protocol.

LOCATION	DRY	WET
Los Cerritos Beach, at Arroyo Seguit Creek mouth.	A+	A+
Nicholas Beach at San Nicholas Canyon Creek mouth.	A	A+
El Pescador State Beach, between Lechusa and Las Alisos creeks.	ns	ns
Encinal Canyon at El Matador State Beach.	A+	A+
Broad Beach at Trancas Creek mouth.	A+	A+
Zuma Beach at Zuma Creek mouth.	A+	A+
Winter Creek, projection of Wildlife Rd. (private).	A+	A+
Paradise Cove Pier at Flamingo Canyon Creek mouth.	A	A+
Escondido Creek, just east of Escondido State Beach.	A+	A+
Latigo Canyon Creek mouth.	A	A+
Solstice Canyon at Don Blocker County Beach.	A	A+
Puerco State Beach at creek mouth.	A+	A+
Marie Canyon storm drain at Puerco Beach, at 24572 Malibu Rd..	A	A+
Surfrider Beach at Malibu Colony fence.	A+	A+
Surfrider Beach (broach location)- daily.	A	A+
Malibu Pier - 50 yards east.	A+	F
Carbon Beach at Sweetwater Canyon.	A+	B
Las Flores State Beach at Las Flores Creek (point zero).	A	A+
Big Rock Beach at 19548 PCH stairs.	A+	A+
Pena Creek at Las Tunas County Beach.	A+	A+
Tuna Canyon.	ns	ns
Topanga State Beach at creek mouth.	A	A
Castlerock Storm Drain at Castle Rock Beach.	A+	A+
Santa Ynez Storm Drain at Castle Rock Beach.	B	ns
Will Rogers State Beach at 17208 PCH (1/4 mile east of Sunset drain).	A+	A+
Will Rogers State Beach at Bel Air Bay Club drain near fence.	A+	A+
Will Rogers State Beach at Pulga Canyon storm drain.	A+	A+
Will Rogers State Beach at Temescal Canyon drain.	A+	A+
Will Rogers State Beach at Santa Monica Canyon drain (Chautauqua).	A	C
Santa Monica Beach at Montana Ave. drain.	A+	A+
Santa Monica Beach at Wilshire Blvd. drain.	A+	A+
Santa Monica Municipal Pier.	B	A+
Santa Monica Beach at Pico/Kenter storm drain.	A	A+
Santa Monica Beach at Strand St. (in front of the restrooms).	A+	A+
Ocean Park Beach at Ashland Ave. drain.	A	A+
Venice City Beach, at the Rose Ave. storm drain.	A+	A+
Venice Beach at Brooks Ave. drain.	A+	A+
Venice Beach at Windward Ave. drain.	A	F
Venice Fishing Pier - 50 yards south.	A+	A+
Venice Beach- projection of Topsail St..	A+	F
Marina del Rey, Mothers' Beach- lifeguard tower.	F	F
Dockweiler State Beach at Ballona Creek mouth.	B	F
Dockweiler State Beach at Culver Blvd. drain.	A	A+
North Westchester Storm Drain at Dockweiler State Beach.	A+	A+
Dockweiler State Beach at World Way (south of ONW jetty).	A	C
Dockweiler State Beach at Imperial Hwy drain.	F	A+
Dockweiler Beach- opposite Hyperion Treatment Plant.	B	A+
Dockweiler State Beach at Grand Ave. drain.	A+	A+

LEGEND
DRY -- each location is graded on an A – F scale based on bacterial pollution levels present in the surf zone.
WET -- grades for days of recorded rainfall and the following 3 days
ns -- no sample taken

Heal the Bay is a non-profit environmental organization dedicated to making Santa Monica Bay and Southern California coastal waters safe and healthy for people and marine life.

Heal the Bay

Heal the Bay's Beach Report Card™ is based on weekly water quality monitoring data provided by the City of Los Angeles' Environmental Monitoring Division and the Los Angeles County Department of Health Services. Data is analyzed as soon as it is made available to us by the public agencies. Beaches are graded on an A-F scale based on the risk of ocean users becoming ill. Samples are analyzed for bacteria—enterococcus, total and fecal coliforms—that indicate biological pollution. A fact sheet detailing the exact methodology used in determining grades for each location is available from the office or on our web site. The report is not designed to measure the amount of trash or toxins found at local beaches.

The Beach Report Card is an indication of past water quality and is not a warranty of the current safety of those areas surveyed. Our lawyers are happy.

RULING
FROM PAGE 1

speech.

She also said that the city's lottery process was inarguably "content neutral," meaning that it treated every applicant the same regardless of message.

The coalition of churches that had put on the life-sized, 14-booth nativity display for decades argued the city banned it rather than referee a religious dispute that began three years ago when atheists first set up their messages alongside the Christmas dioramas.

In her ruling Thursday, Collins said the coalition has other options.

"For instance, plaintiff could erect displays in some public parks around the city (excluding Palisades Park) as part of a one-day community events permit, or plaintiff could erect attended displays in all of the city's public parks," Collins wrote in her 25-page ruling. "Plaintiff raises several arguments to suggest that these alternatives are not adequate, but none is persuasive."

Santa Monica city officials are largely mum on the subject because of the pending litigation, but City Councilmember Bob Holbrook, for one, wishes the vitriol and anger were over.

"I felt terrible about what happened in the park last year," Holbrook said. "It went beyond saying 'I don't believe in God' and became a battle."

After voting yes on the ban, Holbrook worked with the churches to find a new location on private property for the displays. A separate group is also planning to put up "living" displays in Palisades Park for two hours each day in December.

Such a move would allow them to celebrate the season without leaving the displays unattended, which is banned under the ordinance.

Those alternatives and solutions should be the focus, Holbrook said.

"I wish them well, but I don't wish them well in court, because I think it's a waste of time and energy on their part," Holbrook said.

The nativity scenes are not the only displays impacted by the law.

There will be no Christmas tree on the Third Street Promenade this year, and a tree and menorah that had been put up on the Santa Monica Pier by a local Jewish group and city employees, respectively, were both removed.

City Hall is "very attentive to these issues" because of the litigation, said Kate Vernez, deputy city manager of special projects.

The trouble in Santa Monica began three years ago, when atheist Damon Vix was granted a booth in Palisades Park alongside the story of Jesus Christ's birth.

Vix hung a sign that quoted Thomas Jefferson: "Religions are all alike — founded on fables and mythologies." The other side read "Happy Solstice." He repeated the display the following year but then upped the stakes significantly.

Vix recruited 10 others last year to inundate the city with applications for displays and the atheists used half their spaces, displaying signs such as one that showed pictures of Poseidon, Jesus, Santa Claus and the devil.

Most of the signs were vandalized and in response the City Council ended a tradition that began in 1953 and earned Santa Monica one of its nicknames, the "City of the Christmas Story."

The Associated Press contributed to this report.

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MOVIE TIMES

Aero Theatre
1328 Montana Ave.
(310) 260-1528

Saturday, Dec. 1

Back to the Future (PG) 1hr 57min
Who Framed Roger Rabbit? (PG) 1hr 43min
7:30pm

Sunday, Dec. 2

Flight (R) 2hrs 19min
7:30pm
This screening is sold out.

Cast Away (PG-13) 2hrs 23min
10:30pm
This screening is free to the public — first come, first served — and no tickets will be sold.

AMC Loews Broadway 4
1441 Third Street Promenade
(888) 262-4386

Red Dawn (PG-13) 1hr 54min
11:30am, 2:00pm, 4:45pm, 7:15pm, 9:50pm

Twilight Saga: Breaking Dawn - Part 2 (PG-13) 1hr 56min
12:15pm, 3:15pm, 6:15pm, 9:15pm

Life of Pi (PG) 2hrs 06min
10:30am, 1:30pm, 4:35pm, 7:45pm, 10:50pm

Anna Karenina (R) 2hrs 10min
10:15am, 1:15pm, 4:20pm, 7:30pm, 10:40pm

AMC 7 Santa Monica
1310 Third St.
(310) 451-9440

Life of Pi 3D (PG) 2hrs 06min
11:00am, 2:00pm, 5:05pm, 8:15pm, 11:15pm

Twilight Saga: Breaking Dawn - Part 2 (PG-13) 1hr 56min
10:50am, 1:45pm, 4:45pm, 7:45pm, 10:45pm

Skyfall (PG-13) 2hrs 23min
12:30pm, 4:05pm, 7:30pm, 10:55pm

Flight (R) 2hrs 19min
12:15pm, 3:45pm, 7:15pm, 10:30pm

Argo (R) 2hrs 00min
11:00am, 1:55pm, 4:55pm, 7:50pm, 10:50pm

Rise of the Guardians 3D (PG) 1hr 37min
11:45am, 2:30pm, 5:15pm, 8:00pm, 10:40pm

Lincoln (PG-13) 2hrs 30min
11:20am, 3:00pm, 6:30pm, 10:00pm

Laemmle's Monica Fourplex
1332 Second St.
(310) 478-3836

Royal Affair (En kongelig affaere) (R) 2hrs 13min
3:50pm

Chasing Ice (PG-13) 1hr 14min
3:30pm, 5:40pm, 7:50pm, 10:00pm

Middle of Nowhere (R) 1hr 39min
1:20pm, 7:00pm

Searching for Sugar Man (PG-13) 1hr 25min
4:40pm, 9:55pm

Sessions (R) 1hr 38min
1:00pm, 9:30pm

Perks of Being a Wallflower (PG-13) 1hr 42min
1:50pm, 7:20pm

Holy Motors (NR) 1hr 55min
4:20pm, 9:45pm

Late Quartet (R) 1hr 45min
1:40pm, 7:10pm

Addicted to Fame (Craptastic!) (PG-13) 1hr 39min
11:00am

AMC Criterion 6
1313 Third St.
(310) 395-1599

Twilight Saga: Breaking Dawn - Part 2 (PG-13) 1hr 56min
1:00pm, 4:00pm, 7:00pm, 9:55pm

Skyfall (PG-13) 2hrs 23min
11:15am, 2:45pm, 6:15pm, 9:45pm

Rise of the Guardians (PG) 1hr 37min
10:40am, 1:20pm, 4:05pm, 6:45pm, 9:30pm

Wreck-It Ralph (PG) 1hr 48min
10:50am, 1:40pm, 4:25pm, 7:15pm, 10:05pm

Silver Linings Playbook (R) 2hrs 00min
10:30am, 1:30pm, 4:45pm, 8:00pm, 11:00pm

Killing Them Softly (R) 1hr 40min
11:30am, 2:00pm, 4:30pm, 7:30pm, 10:15pm

For more information, e-mail news@smdp.com

Remain unavailable tonight, Leo

ARIES (March 21-April 19)
★★★ You might not respond well to a power play, but that's not surprising. Tension could build, even among family and friends. You are likely to need a way to relieve stress. Try some exercise. Tonight: Make your world lively.

TAURUS (April 20-May 20)
★★★★ Your ability to see through someone's behavior makes all the difference in how you relate to this person. Perhaps, at the right moment, you might choose to explain this. Tonight: At a favorite spot.

GEMINI (May 21-June 20)
★★★★ Treat someone to dinner or a movie earlier in the day. For whatever reason, this person is feeling less than OK. Your caring makes all the difference and helps this person calm down. See what a little nurturing can do? Tonight: Your treat.

CANCER (June 21-July 22)
★★★★ You might be taken aback by how difficult certain people are. Consider going off on your own until you find friends who are more easygoing. If you go shopping, you might have more than one reason to release some anger. Tonight: All smiles. Others will feel better soon.

LEO (July 23-Aug. 22)
★★★ Others are not looking at life the same way you are. You are about living well; they are about being right -- at least for today. And they are combative, too. Go off and do something you love until the situation calms down, and you will be better off. Tonight: Remain unavailable.

VIRGO (Aug. 23-Sept. 22)
★★★★ Focus on a friendship, and try to avoid any heavy conflicts. Others can get stuck on expressing their different points of view. Through your gentleness, you have the ability to warm the hearts of loved ones. Look the other way if you encounter a tantrum. Tonight: Off with a jovial pal.

LIBRA (Sept. 23-Oct. 22)
★★★ You want to claim your power, and others let you know that your attitude is unacceptable. You might get into a conflict, or you could choose to ignore the situation. Tonight: In the limelight.

SCORPIO (Oct. 23-Nov. 21)
★★★★ Speak your mind, and others will listen. Count on repeating the conversation at a later date. Unknowingly, you could be overbearing in how you express yourself right now. Tonight: Your smile is a winner.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ A loved one makes certain requests. Ask yourself if you can respond positively. Do try; otherwise, you could be arguing for quite a while. At least try to postpone your response until later. Tonight: Stay calm.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Defer to others, if possible. You might disagree about certain issues, so be careful. Expressing your feelings at this point could cause a control game to erupt. The less said the better. Save a discussion for a different day. Tonight: Sorting through invitations.

AQUARIUS (Jan. 20-Feb. 18)
★★★ Get into a project and allow others to do their thing. Maintain a caring and neutral stance, as people easily could become triggered and very disagreeable. Listen to news from an older friend or a family member. Accept this person's offer. Tonight: Know that you don't need to do anything.

PISCES (Feb. 19-March 20)
★★★★ While others moan and groan, you work to find solutions. Though many of your friends might not hear your ideas, some will. Allow more caring to flow between you and a loved one. Join this person and share a favorite pastime together. Tonight: Let the good times roll.

Happy birthday

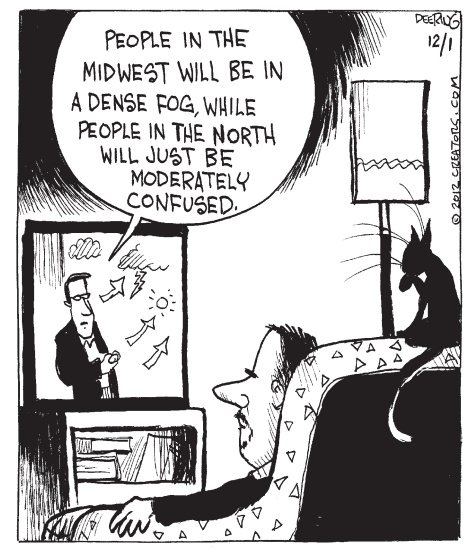
JACQUELINE BIGAR'S STARS
The stars show the kind of day you'll have:
★★★★★Dynamic ★★ So-So
★★★★ Positive ★ Difficult
★★★ Average

This year you have the ability to expand your inner circle, and you'll get to know your friends even better. This closeness could result in you meeting someone significant; however, be aware that your introduction might take place through a quarrel. If you are attached, you will work on trying not to argue about money. Perhaps having separate checking accounts would help; it is worth a try. CANCER can be very caring and vulnerable. Be careful, as he or she could develop a hard shell.

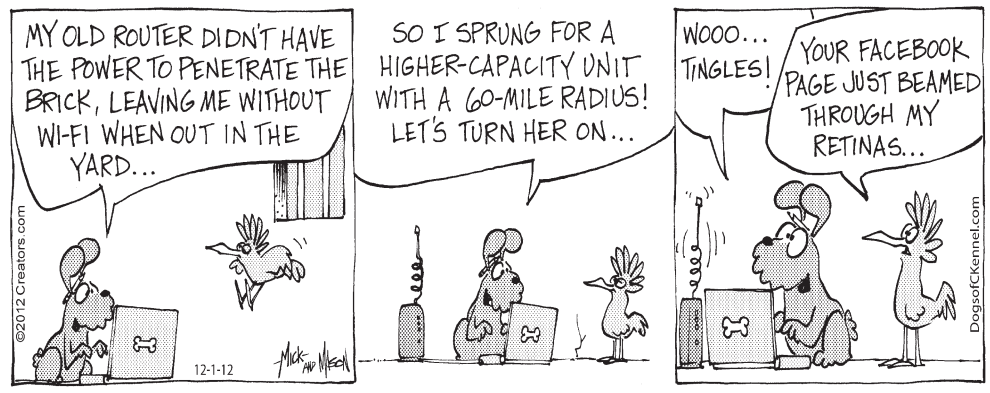
Speed Bump
By Dave Coverly



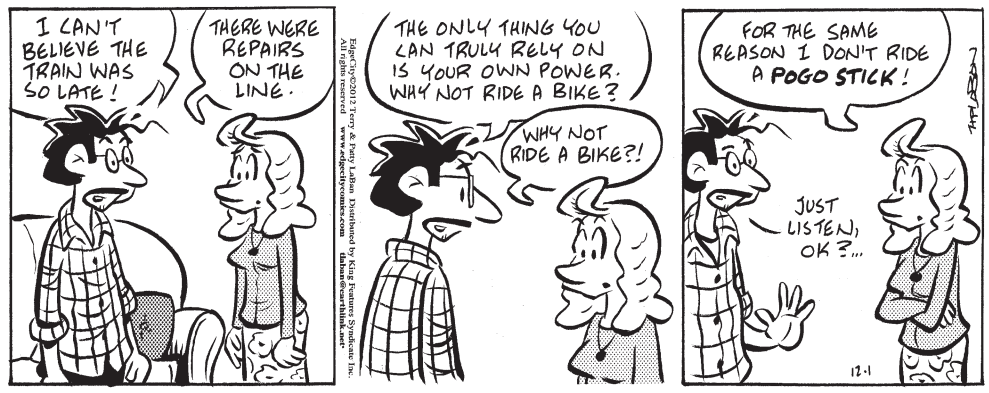
Strange Brew
By John Deering



Dogs of C-Kennel
By Mick and Mason Mastroianni



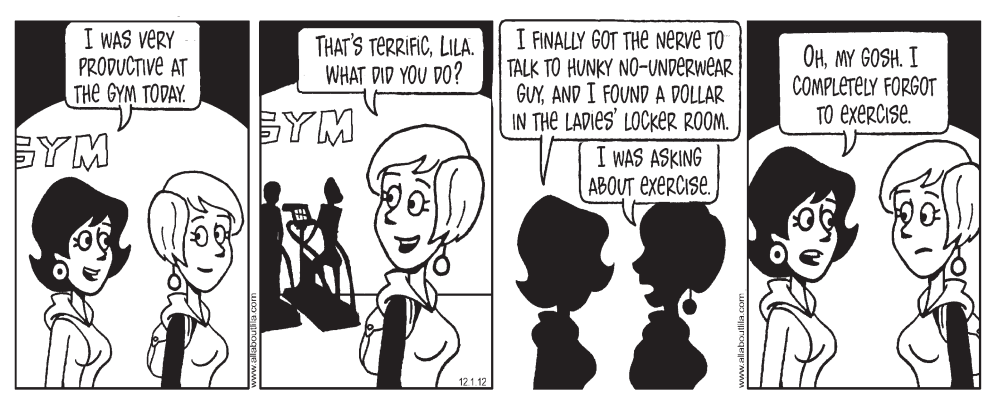
Edge City
By Terry & Patty LaBan



Garfield
By Jim Davis



The Meaning of Lila
By John Forgetta & L.A. Rose



Sudoku

Fill in the blank cells using numbers 1 to 9. Each number can appear only once in each row, column, and 3x3 block. Use logic and process of elimination to solve the puzzle. The difficulty level ranges from ★ (easiest) to ★★★★★ (hardest).

Difficulty Level ★★★★

7	8		3		9		1	6
		5				2		
1				7				8
			5		2			
9				6				7
		7				6		
8	9		1		3		5	4

King Features Syndicate

GETTING STARTED

There are many strategies to solving Sudoku. One way to begin is to examine each 3x3 grid and figure out which numbers are missing. Then, based on the other numbers in the row and column of each blank cell, find which of the missing numbers will work. Eliminating numbers will eventually lead you to the answer.

SOLUTIONS TO YESTERDAY'S PUZZLE

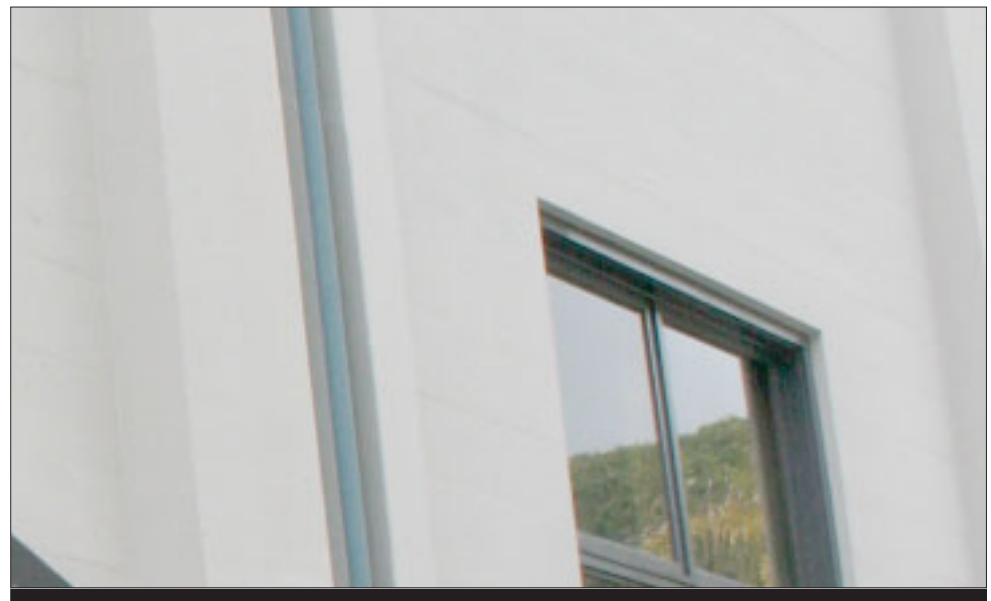
3	7	1	5	4	2	8	9	6
5	4	9	7	6	8	1	2	3
6	8	2	3	1	9	5	4	7
4	6	5	8	9	1	3	7	2
8	9	3	2	7	4	6	1	5
1	2	7	6	5	3	9	8	4
7	3	4	1	8	5	2	6	9
2	1	6	9	3	7	4	5	8
9	5	8	4	2	6	7	3	1

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Daniel Archuleta *daniela@smdp.com*

The first person who can correctly identify where this image was captured wins a prize from the Santa Monica Daily Press. Send answers to *editor@smdp.com*. Send your mystery photos to *editor@smdp.com* to be used in future issues.

CROSSWORD

By THOMAS JOSEPH

ACROSS

1 Travel document
5 Showy parrot
10 Some exams
12 Hersey's "A Bell for —"
13 Not dissonant
14 Slow tempo
15 Conclude
16 Roof ornament
18 Pole worker
19 Nursery item
21 Honey bunch
22 President before McKinley
24 Director DeMille
25 President after McKinley
29 Barracks beds
30 Foul up, as plans
32 Auction unit
33 Zodiac sign
34 Casual top
35 Last letter
37 Blazing
39 Feverishly excited
40 Baseball's Ralph
41 High homes
42 Olympus group

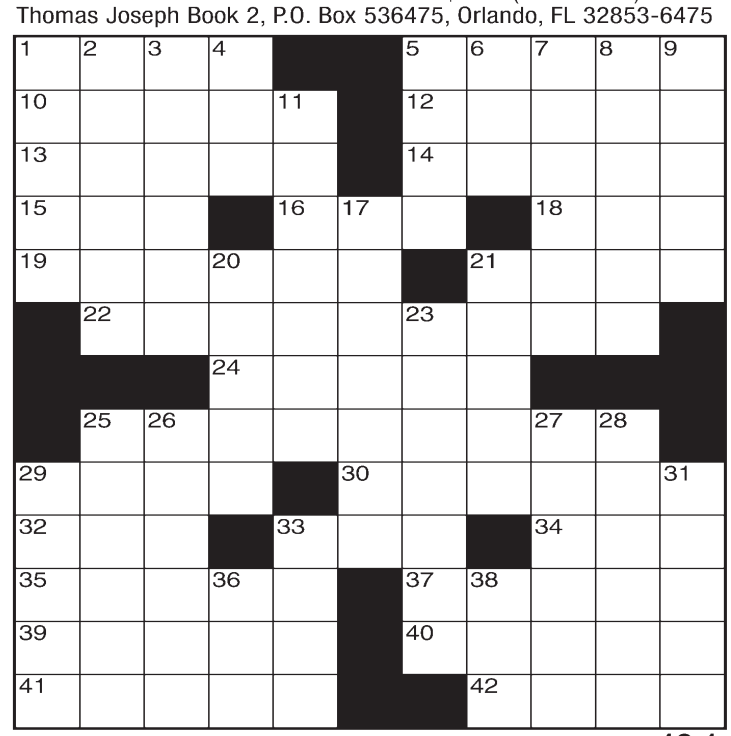
DOWN

1 Held a ballot
2 Sly, in a way
3 Open footwear
4 Copying
5 Niger neighbor
6 Oklahoma city
7 Lurch
8 Not straight
9 Pound sounds
11 Shirt parts
17 Come before
20 Texas river
21 Farm machine
23 Southern tree
25 Dorm sharer
26 Playful animals
27 Telemundo viewer
28 Like wedding cakes
29 Funny fellow
31 Wolfish looks
33 Young men
36 Acquire
38 Pear-shaped fruit

S	A	M	B	A	■	L	I	M	E	S
C	R	O	O	N	■	I	C	A	L	L
A	R	R	O	W	■	V	E	R	D	I
R	I	G	■	A	B	E	T	T	E	D
E	V	A	■	R	A	N	■	I	R	E
D	E	N	T	■	T	E	R	N	S	■
■	■	F	R	A	■	D	E	F	■	■
■	B	R	I	T	S	■	O	R	A	L
H	U	E	■	L	I	Z	■	E	E	E
I	T	E	R	A	T	E	■	E	R	A
T	A	M	E	S	■	L	A	M	A	S
I	N	A	N	E	■	I	R	A	T	E
T	E	N	T	S	■	G	E	N	E	S

Yesterday's answer

NEW CROSSWORD BOOK! Send $4.75 (check/m.o.) to Thomas Joseph Book 2, P.O. Box 536475, Orlando, FL 32853-6475



12-1



NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ Among the contestants so far on this year's The Learning Channel cable TV series "Extreme Cheapskates": "Roy" of Huntington, Vt., who reuses dental floss; Jeff Yeager of Accokeek, Md., who combs butcher shops for odd animal parts about to be discarded; and "Victoria" of Columbus, Ohio, who specializes in Dumpster-diving and infrequent toilet flushes that involve, according to one report, personalized urine jars. The season's star is expected to be "Kay," from New York, who is shown on camera demonstrating the nonessential nature of toilet paper by wiping herself with soap and water while seated on the throne.

■ Rookie Mistakes: (1) Arthur Bundrage, 28, was arrested in Syracuse, N.Y., in October after he returned to the Alliance Bank -- which he had just robbed minutes earlier -- because he discovered that the employee had given him less than the $20,000 his demand note ordered. Officers arrived to find Bundrage standing by the front doors, trying to get back in. (2) A September theft from a sofa superstore in Northampton, England, ended badly for two men, who had just loaded a pair of couches (worth the equivalent of about $650 each) into their truck and were about to drive off. However, the store manager rushed out and, noticing the truck's unfastened back door, reached in and pulled the sofas out, leaving the men to drive away empty-handed. The sequence was captured on surveillance video, leading store owner Mark Kypta to liken it to "something out of a Benny Hill film."

■ (1) In October, a 2-foot-long shark fell from the sky and landed near the 12th tee at the San Juan Hills Golf Club in San Juan Capistrano, Calif. A security guard saw the incident, and an attendant placed the shark in a bucket of water (with some salt) and drove it four miles to the Pacific Ocean. (Best guess among observers: An osprey or peregrine falcon had snatched it from the ocean but eventually lost its grip.) (2) In October, a major fire mysteriously started inside Red Lion Liquors (in, coincidentally, Burnsville, Minn.). Since nothing spark-producing was found, fire officials guessed that sunlight, magnified through vodka bottles, had ignited surrounding paper signs, and the heat eventually pressured the vodka bottles' tops to burst, exacerbating the flames. Firefighters, even, appeared amazed, with one quoted as saying, "This is so cool!"

Santa Monica Daily Press

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Announcements

DID YOU KNOW that Ten Million adults tweeted in the past month, while 164 million read a newspaper in print or online in the past week? ADVERTISE in 240 California newspapers for one low cost. Your 25 word classified ad will reach over 6 million+ Californians. For brochure call Elizabeth (916)288-6019. (Cal-SCAN)

Employment

ATTENTION LEGAL SECRETARIES, LEGAL AIDES, PARALEGALS, LAW OFFICE MANAGERS AND STAFF
Great opportunity for extra income through referrals. We are a legal document courier service looking to expand our business and pay top referral fees for new accounts set up at area law offices, to inquire further, please email bsberkowitz@aol.com or call 310-748-8019

COMMISSION SALES Position selling our messenger services. Generous on-going commission. Work from home. To inquire further please email bsberkowitz@aol.com or call 310-748-8019. Ask for Barry.

Editor, Research. MA; or BA & 5 yr exp reqd. Send resume to Impact Pictures, 9200 Sunset Blvd, #800, Los Angeles, CA 90069.

Taxi drivers needed. Age 23 or older, H-6 DMV report required. Independent Contractor Call 310-566-3300

Help Wanted

Apply Now, 13 Drivers Needed, Top 5% Pay & Benefits. Credential Fuel & Referral Bonus Available. Need CDL Class A Driving Exp. 877-258-8782 www.ad-drivers.com (Cal-SCAN)

Driver - $0.01 increase per mile after 6 months and 12 months. Choose your hometime. $0.03 Quarterly Bonus. Requires 3 months recent experience. 800-414-9569 www.drivek-night.com (Cal-SCAN)

NOW ACCEPTING!!! - up to $1000 WEEKLY PAID IN ADVANCE!!! MAILING BROCHURES or TYPING ADS ONLINE for our company. FREE Supplies! Genuine Opportunity. PT/FT. No Experience Needed!
www.HelpMailingBrochures.com

Help Wanted

Gen Maintenance Tech
Must be familiar with all aspects of general maintenance and repairs. Must be able to perform gardening duties, including mowing, edging, blowing and maintenance of garden plants. Clean and inspect all common areas. One full time temporary position available from February 1, 2013 - December 1, 2013 with hourly pay of $14.81. Job available as soon as possible. M-F 8AM to 5PM. Overtime not available. Please send resume to location of job: c/o Suzanne Padua, 1109 Westwood Blvd, Los Angeles, CA 90024.

Business Opps

Start Now! Open Red Hot Dollar, Dollar Plus, Mailbox, Discount Party, $10 Clothing Store, Teen Store, Fitness Center from $51,900 Worldwide! www.drss25.com 1-800-518-3064.(Cal-SCAN)

Adoption

PREGNANT? CONSIDERING ADOPTION? Talk with caring adoption expert. You choose from families nationwide. LIVING EXPENSES PAID. Call 24/7 Abby's One True Gift Adoptions 866-413-6296 Florida Agency #100021542

Internet

Highspeed Internet EVERYWHERE By Satellite! Speeds up to 12mbps! (200x faster than dial-up.) Starting at $49.95/mo. CALL NOW & GO FAST! 1-888-718-6268. (Cal-SCAN)

SAVE on Cable TV-Internet-Digital Phone. Packages start at $89.99/mo (for 12 months.) Options from ALL major service providers. Call Acceller today to learn more! CALL 1-888-897-7650. (Cal-SCAN)

Auto Donations

A-1 DONATE YOUR CAR! Breast Cancer Research Foundation! Most highly rated breast cancer charity in America! Tax Deductible/Fast Free Pick Up. 1-800-399-6506 www.carsforbreastcancer.org

CARS/TRUCKS WANTED! Top $$$$$ PAID! Running or Not, All Years, Makes, Models. Free Towing! We're Local! 7 Days/Week. Call Toll Free: 1-888-416-2330

DONATE YOUR CAR to CHILDREN'S CANCER FUND of AMERICA and help end CHILDHOOD CANCER. Tax Deductible. Next Day Towing. Receive Vacation Voucher. 7 Days 1-800-469-8593

Electronics

*LOWER THAT CABLE BILL! Get Satellite TV today! FREE System, installation and HD/DVR upgrade. Programming starting at $19.99. Call NOW 1-800-935-8195

AT&T U-Verse for just $29/mo! BUNDLE & SAVE with AT&T Internet+Phone+TV and get a FREE pre-paid Visa Card! (select plans). HURRY, CALL NOW! 800-418-8969

Bundle & Save on your CABLE, INTERNET PHONE, AND MORE. High Speed Internet starting at less than $20/mo. CALL NOW! 800-291-4159

ADVERTISE!
CALL US **(310) 458-7737**

Education

ATTEND COLLEGE ONLINE 100%. *Medical, *Business, *Criminal Justice, *Hospitality, *Web. Job placement assistance. Computer available. Financial Aid if qualified. SCHEV authorized. Call 888-210-5162 www.CenturaOnline.com (Cal-SCAN)

For Rent

HOWARD MANAGEMENT GROUP
(310)869-7901

1417 11th St. 1Bd + 1Bth. Parking. No laundry. Available after November 30th. $1475 per month.

1037 5th St. 1 Bd + 1 Bth. Top floor. Balcony. Pet friendly. $2095 per month.

11937 Foxboro Dr. 3Bd + 3Bth house in Brentwood. $4590 per month. No pets. Double garage. Hdwd floors. 2 fireplaces.

WE HAVE MORE VACANCIES ON THE WESTSIDE. MOST BUILDINGS PET FRIENDLY.

www.howardmanagement.com
rentals@howardmanagement.com

Real Estate

20 ACRES FREE! Own 60 acres for 40 acre price/payment. $0 down, $168/mo. Money Back Guarantee, NO CREDIT CHECKS. Beautiful Views, West Texas, 1-800-343-9444 (Cal-SCAN)

20 ACRES FREE! Own 60 acres for 40 acre price/payment. $0-Down, $168/mo. Money Back Guarantee, NO CREDIT CHECKS! West Texas. 1-800-843-7537 www.SunsetRanches.com

LUXURY OCEANFRONT CONDOS 2BR/2BA was $850k now $399,900 Resort Spa Restaurant Golf Marina www.MarinSemiahmoo.com 1-888-996-2746 x5464. (Cal-SCAN)

$7.50 A DAY LINER ADS!
For the first 15 words.
CALL TODAY **(310) 458-7737**

Autos Wanted

DONATE YOUR CAR, truck or boat to Heritage for the Blind. Free 3 Day Vacation, Tax Deductible, Free Towing, All Paperwork Taken Care Of. 888-902-6851. (Cal-SCAN)

Services

MEALS ON WHEELS WEST(Santa Monica, Pac.Pal, Malibu, Marina del Rey, Topanga)Urgently needed volunteers/drivers/assistants to deliver meals to the homebound in our community M-F from 10:30am to 1pm. Please help us feed the hungry.

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COULD RUN HERE!
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Services

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The Handy Hatts
Painting and Decorating Co.
SINCE 1967
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SPECIALISTS IN ALL
DAMAGE REPAIR
"EXPERT IN GREEN CONCEPTS"
Free estimates, great referrals
FULL SERVICE HANDYMAN FROM A TO Z
Call Brian @
(310) 927-5120
(310) 915-7907
LIC# 888736

Business Services

Many a small thing has been made large by the right kind of advertising – Mark Twain. ADVERTISE your BUSINESS CARD sized ad in 140 California newspapers for one low cost. Reach over 3 million+ Californians. Free brochure elizabeth@cnpa.com (916)288-6019. (Cal-SCAN)

The business that considers itself immune to advertising, finds itself immune to business. REACH CALIFORNIANS WITH A CLASSIFIED IN ALMOST EVERY COUNTY! Over 270 newspapers! Combo~California Daily and Weekly Networks. Free Brochures. elizabeth@cnpa.com or (916)288-6019. (Cal-SCAN)

Credit Services

GET FREE OF CREDIT CARD DEBT NOW! Cut payments by up to half. Stop creditors from calling. 888-416-2691. (Cal-SCAN)

Computer Services

MY COMPUTER WORKS. Computer problems? Viruses, spyware, email, printer issues, bad internet connections - FIX IT NOW! Professional, U.S.-based technicians. $25 off service. Call for immediate help. 1-888-865-0271 (Cal-SCAN)

Financial

Ever Consider a Reverse Mortgage? At least 62 years old? Stay in your home & increase cash flow! Safe & Effective! Call Now for your FREE DVD! Call Now 888-698-3165. (Cal-SCAN)

Health/Beauty

Canada Drug Center is your choice for safe and affordable medications. Our licensed Canadian mail order pharmacy will provide you with savings of up to 90 percent on all your medication needs. Call Today 866-723-7089 for $10.00 off your first prescription and free shipping. (Cal-SCAN)

Do you know your Testosterone Levels? Call 888-904-2372 and ask about our test kits and get a FREE Trial of Progene All-Natural Testosterone Supplement.
(Cal-SCAN)

Health/Beauty

Over 30 Million Women Suffer From Hair Loss! Do you? If So We Have a Solution! CALL KERANIQUE TO FIND OUT MORE 888-690-0395. (Cal-SCAN)

PELVIC/TRANSVAGINAL MESH? Did you undergo transvaginal placement of mesh for pelvic organ prolapse or stress urinary incontinence between 2005 and present time? If the patch required removal due to complications, you may be entitled to compensation. Call Johnson Law and speak with female staff members 1-800-535-5727 (Cal-SCAN)

VIAGRA 100MG and CIALIS 20mg! 40 Pills + 4 FREE for only $99. #1 Male Enhancement, Discreet Shipping. Save $500! Buy The Blue Pill! Now 1-888-796-8870

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Attention SLEEP APNEA SUFFERERS with Medicare. Get FREE CPAP Replacement Supplies at No Cost, plus FREE home delivery! Best of all, prevent red skin sores and bacterial infection! Call 888-699-7660. (Cal-SCAN)

Do you suffer from Arthritis? Local doctors need volunteers for research study comparing FDA-approved Arthritis medications. Compensation up to $50.00 per visit. Call: 866-925-6576 (Cal-SCAN)

Medical Alert for Seniors - 24/7 monitoring. FREE Equipment. FREE Shipping. Nationwide Service. $29.95/Month CALL Medical Guardian Today 866-944-5935. (Cal-SCAN)

Personals

MEET SINGLES RIGHT NOW! No paid operators, just real people like you. Browse greetings, exchange messages and connect live. Try it free. Call now 1-800-945-3392. (Cal-SCAN)

DBAS

FICTITIOUS BUSINESS NAME STATEMENT FILE NUMBER: 2012219131 ORIGINAL FILING This statement was filed with the County Clerk of LOS ANGELES on 11/02/2012 The following person(s) is (are) doing business as THE BULLSEYE COMPANY. The full name of registrant(s) is/are: SHARON BISCAYA 1900 BELMONT LANE REDONDO BEACH CA 90278. This Business is being conducted by: Husband and Wife. The registrant has not yet commenced to transact business under the fictitious business name or names listed above. /s/:SHARON BISCAYA. This statement was filed with the County Clerk of LOS ANGELES County on 11/02/2012. NOTICE: THIS FICTITIOUS BUSINESS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THAT DATE. The filing of this statement does not of itself authorize the use in this state of a fictitious business name statement in violation of the rights of another under federal, state, or common law (see Section 14411et seq.,Business and Professions Code). SANTA MONICA DAILY PRESS to publish 12/01/2012, 12/08/2012, 12/15/2012, 12/22/2012.

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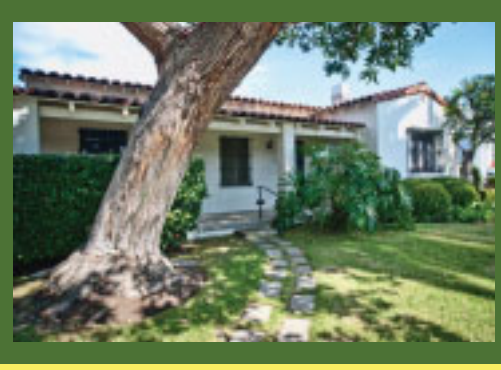
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$2,199,999

In Escrow

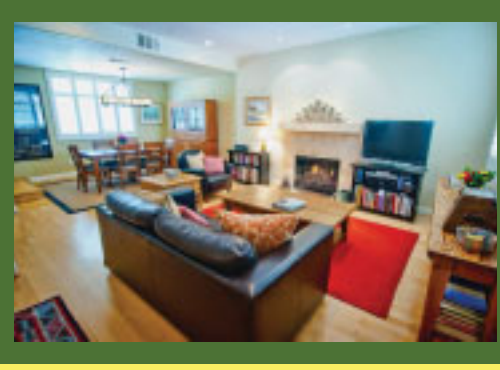
* Absolutely Charming, Vintage Spanish
* 2 Bedrooms + 2.5 Baths



954 14th Street #5

$1,249,000

* Wonderful Townhome
* 2 Bedroom + 2.5 Baths



603 16th Street
For Lease

Open House
Sunday, December 2nd
1pm to 4pm



* 3 Bedrooms
* 1 Bath with Vintage Tiles
* Newly Finished Beautiful Hardwood Floors
* Freshly Painted
* Washer, Dryer, Refrigerator & Stove included

1751 Appian Way
For Lease
$6,400 per month



* Prime Beach Location
* Single-Story Floor Plan
* Captivating Ocean Views
* New Construction
* Hampton's Style Appointed with Premium Finishes

Average Price of **ALL** Santa Monica Single Family Homes From **ALL** agents in **ALL** companies Listed for Sale As of the end of November 2012		
Santa Monica Canyon	=	$1,425,000
North of Montana	=	$4,230,929
Between Wilshire & Montana	=	$2,436,625
South of Wilshire	=	$ 944,000
Sunset Park	=	$1,301,544
Ocean Park	=	$2,072,000
Statistics updated every Friday		

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What is Your Home Worth? Contact Me to Find Out!

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