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By Alexandra Schwappach

Isaac Arjonilla / Special to the Daily Journal

Michael A. Sherman of Stubbs Alderton & Markiles LLP represents former California state treasurer Phillip Angelides and his wife in a challenge to the 40-foot hedge in his neighbor's yard.

There will be no hedging the legal battle that has stemmed from an overgrown piece of garden shrubbery between two Santa Monica properties. Despite efforts to bury the hatchet, Santa Monica neighbors - well-known local plaintiffs' attorney Browne Greene and former California state treasurer Phillip N. Angelides - are instead opting to go to court in September over the 40-foot hedge between their two homes.

It wasn't long after purchasing their beachfront condo in 2007 that Angelides and his wife, Julanne, noticed a hedge on the Greenses' property was encroaching on their living space. Now, they say, the plant is blocking their views altogether.

"Phil and his wife live on the top floor of their condo and they can't see the beach, the oceans or the mountains because there's a massive green wall in the way," said Michael A. Sherman, attorney at Stubbs Alderton & Markiles LLP who is representing the Angelides.

The Angelides have coupled with the city in directing the Greenses to trim the hedge and, following a row of complaints, hearings and citations, are now set to appear in Superior Court on Sept. 9.

The Santa Monica Municipal Code states that hedges are not to exceed 12 feet in height, but nonconforming hedges could be grandfathered in prior to November 2007 as long as they were registered with the city. The Greenses registered their hedge in October 2007 at a height of 28 feet, according to court documents.

The Greenses claim that the hedge is still the same height as it was in 2007, but Sherman said in the past five years the hedge has grown at least 15 more feet. The Angelides tried reasoning with the Greenses to no avail, Sherman said so in January they filed a complaint with the city.

"The Greenses are flaunting and continuously violating Santa Monica's hedge ordinance," Sherman said.

After an investigation by Santa Monica code enforcement officer Roberto Trejo confirming the allegation, the city issued a compliance order to the Greenses, asking them to reduce the hedge to the registered 28 feet. After a month with no change to the hedge, the city issued a \$250 administrative citation to the Greenses.

Greene's wife, Leana, requested a review of the citation and testified before a hearing officer in April that her dyslexia caused her to make a mistake when registering the hedge. Instead of 40 feet, she registered the hedge at 28 feet.

The administrative citation was upheld, which Leana and Browne Greene appealed.

The Greenses could not be reached for comment after several tries.

"We appreciate and wholeheartedly support the city of Santa Monica's efforts to enforce the law," Phillip Angelides said in a statement to the Daily Journal. "We are deeply disappointed that Browne and Leana Greene have decided to continue to violate the law and to clog our overburdened courts with their frivolous appeal."

Quarrels over garden dÃ(C)cor are not uncommon in Santa Monica. "Hedge Wars" have been waged since 2003 when the city began enforcing hedge height limits established in the 1940s. The hot-button issue launched the political career of Bobby Shriver, who ran for a seat on Santa Monica City Council based on the fact that the city had ordered him to trim his hedge or else pay a \$25,000 fine.

Other big names have been involved in thorny hedge issues, including playwright David Mamet, who joined in protests and testified in hearings when the city told him to trim the hedges around his home.

Philip D. Kohn, a partner in the government and regulatory law section at Rutan & Tucker LLP, said fights over foliage don't often end up in courts since most cities have processes in place that encourage neighbors to work it out amongst themselves.

"Virtually all cities see an enforcement action as the absolute last resort," he said. "For people who do end up in court, they sincerely see it as a matter of principle - that neither their neighbor nor the city has any right to dictate how their property is maintained."

Kohn, who just finished a two-year-long court battle between two neighbors over unkempt shrubbery in Laguna Beach, said the cost of doing whatever corrective action is needed to a property is often far outweighed by litigation expenses.

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