

Editorial

Khosla joins Eastwood in lawsuit hall of fame

FOURTEEN YEARS ago, Clint Eastwood was hauled into civil court by a wheelchair-bound woman who claimed she'd suffered discrimination at Mission Ranch because of inadequate handicapped access, and she asked the court to order Eastwood to pay her millions of dollars.

The problem was, she made up her story of not being able to get into the ranch's office or find an accessible restroom, and the jury saw right through the tale when it caught her in a lie about when she was there. The award: nothing.

That happy result wouldn't have happened if Eastwood had buckled under and paid the woman at the outset to avoid the expense and trouble of trial. Instead, knowing her claim was BS, he insisted on seeing the lawsuit all the way through.

For his determination, Eastwood deserves the thanks of the Carmel business community — and, indeed, of businesses throughout the state. He exposed a phony ADA lawsuit, not only discouraging that particular plaintiff from trying it again, but making it harder for fake ADA suits to be successful anywhere.

A couple of weeks ago, we reported about another abusive lawsuit — this one filed by environmentalists against a Silicon Valley entrepreneur. The lawsuit's claim — that a business can be forced to stay open to the public even though its owner wants to shut it down — is ridiculous on its face. Still, the lawsuit is getting lot of attention in the media and from publicity-hungry politicians. Why? Because the business provided access to the beach.

It's true that most California beaches are open to the public, but only below the mean high tide line. Above that, many beaches are private property, and it's very well settled in state law that nobody has the right to cross private property to reach a public beach. Don't believe us? Try to cross El Sur Ranch (pretty much everything between Hurricane Point and Andrew Molera State Park) to get to one of the highly scenic beaches that are so inviting from Highway 1, and see how long it takes you to be cited for trespassing.

The beach that's the subject of the lawsuit is called Martin's Beach, which is not far from Half Moon Bay, and it was open to the public for many years, upon payment of a small admission fee.

But does that mean it has to remain open forever? No. No more than Disneyland or the local shopping mall has to remain open just because it always has been. And it doesn't matter at all how much the public enjoys going to Disneyland or to the mall — the owners can shut them down any time they want to.

It also doesn't matter whether the public has been crossing private property to reach something that belongs to the public. One of the basic rights of property ownership is the right to decide who can set foot on it — regardless of how long it may have been open, or how desirable something is that's on the other side.

Since the law is firmly against them, the environmentalists who want Martin's Beach to be reopened have used every dirty trick in the book to try to intimidate the owner into unlocking the gate. But the owner — venture capitalist Vinod Khosla — has resisted their campaign of harassment and blackmail, and for that he is a hero.

Of course, it's true that access to beaches is a major public benefit, but it's not the only thing that matters. So does respect for private property and the law.

For his willingness to stand up for what's right despite intense pressure in the media and the courts, we hereby announce that Vinod Khosla has been selected, along with Clint Eastwood, for membership in the lawsuit hall of fame.

BEST of BATES



"I hear they run it just like a town. They have a mayor and everything."

Letters to the Editor

The Pine Cone encourages submission of letters which address issues of public importance. Letters cannot exceed 350 words, and must include the author's name, telephone number and street address. Please do not send us letters which have been submitted to other newspapers. We reserve the right to determine which letters are suitable for publication and to edit for length and clarity.

The Pine Cone only accepts letters to the editor by email. Please submit your letters to mail@carmelpinecone.com

Forest Theater doesn't belong on petition

Dear Editor,

If my reading of the petition to recall Jason Stilwell is correct, the group behind the petition cites the Forest Theater as a reason for recall.

As vice president of the Forest Theater Foundation, I feel the necessity to set the record straight. We have had nothing but encouragement and positive action from Stilwell to resolve the problems at the venue. The foundation has worked on the problem since 2000. Since then, different city administrations have tried to get something going but when the economy sank, so did any progress. The closing of the Forest Theater is the result of many, many years of neglect and postponements. You cannot blame any individual. Since Stilwell has assumed office, he has done all he can, sub-

ject to city council wishes, to find ways to repair and eventually preserve and upgrade this important Carmel fixture. I truly believe that we are now on a path to short term and long term solutions.

Walt deFaria, Carmel

Piling on never helps

Dear Editor,

Having perused the details of the petition to remove Jason Stilwell in last week's Pine Cone, I would like to address a major flaw that disturbs me greatly. I am referring to the mention of the Forest Theater, and the misguided attempt to blame city staff, specifically the city administrator, for a lack of plan for its re-opening. I am not familiar with many of the listed issues, but when it comes to the Forest Theater, I consider myself extremely well informed.

First, let's be clear: It was not the city administrator who closed the facility. It was our part-time building inspector from the City of Monterey. The city had a clear plan going forward — with renovation work expected in 2015 and 2016. This plan, unfeasible when the city lacked capital expense dollars, was made possible due to Measure K, whose passage can be credited to the current city council and staff. This was the first time in recent memory that fixing the Forest Theater was actually included in the city's annual goals and key initiatives.

The Stilwell budget included roughly \$1M for the theater in 2014-15, and listed another \$2M needed in 2015-16 to complete the work. Unfortunately, father time beat us to the punch. The old gal just

See LETTERS page 31A

- Publisher Paul Miller (paul@carmelpinecone.com)
- Production and Sales Manager Jackie Edwards (274-8634)
- Office Manager Irma Garcia (274-8645)
- Reporters Mary Schley (274-8660), Chris Counts (274-8665)
- Kelly Nix (274-8664)
- Advertising Sales Real Estate, Big Sur - Jung Yi (274-8646)
- Carmel-by-the-Sea, Carmel Valley & Carmel - Joann Kiehn (274-8655)
- Monterey, Pacific Grove, Pebble Beach, Seaside, Sand City
- Meena Lewellen (274-8590)
- Obits, Classifieds, Service Directory . Vanessa Jimenez (274-8652)
- Legal Notices Irma Garcia (274-8645)
- Advertising Design Sharron Smith (274-2767)
- Office Assistant Hannah Miller (274-8593)
- Circulation Manager Scott MacDonald (261-6110)
- Employees can also be emailed at firstname@carmelpinecone.com



www.carmelpinecone.com

PUBLISHED EVERY FRIDAY

Vol. 100 No. 31 • August 1, 2014

©Copyright 2014 by Carmel Communications, Inc. A California Corporation

734 Lighthouse Ave., Pacific Grove, California 93950
Mail: P.O. Box G-1, Carmel CA 93921
Email: mail@carmelpinecone.com
or firstname@carmelpinecone.com
Telephone: (831) 624-0162
Fax: (831) 375-5018

The Carmel Pine Cone

was established in 1915 and is a legal newspaper for Carmel-by-the-Sea, Monterey County and the State of California, established by Superior Court Decree No. 35759, July 3, 1952