



1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833  
(800) 541-4591 Fax (916) 244-1199  
<https://www.planjpa.org/>

---

## **CLAIMS COMMITTEE MEETING AGENDA**

**Thursday, October 28, 2021  
1:30 p.m.**

**Zoom**

**Please Contact Katie Sullivan for Videoconference Information**

---

*All portions of this meeting will be conducted via teleconference in accordance with Government Code Section 54953.*

*Members of the public may observe and listen to the meeting via teleconference. No physical location will be available from which members of the public may observe the meeting and offer public comment. Public comments may be submitted in advance of the meeting by emailing Katie Sullivan at [katie.sullivan@sedgwick.com](mailto:katie.sullivan@sedgwick.com). Emails can also be sent to Ms. Sullivan during the meeting and, if timely received, Ms. Sullivan will read or summarize the email to the Committee members. Members of the public may also speak when public comment is requested at the beginning of the meeting.*

*In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Ms. Sullivan. Requests must be made as early as possible, and preferably at least one full business day before the start of the meeting. Documents and materials relating to an open session agenda item that are provided to the Committee will be available for public inspection.*

*Documents and materials relating to an open session agenda item that are provided to the Committee less than 72 hours prior to a regular meeting will be available for public inspection.*

---

- |                    |   |
|--------------------|---|
| <b><u>Page</u></b> | <b>1. CALL TO ORDER</b>                             |
|                    | <b>2. INTRODUCTIONS</b>                             |
|                    | <b>3. APPROVAL OF AGENDA AS POSTED (OR AMENDED)</b> |

- Page**
- 4. PUBLIC COMMENTS** - The Public may submit any questions in advance of the meeting by contacting Katie Sullivan at: katie.sullivan@sedgwick.com. This time is reserved for members of the public to address the Committee relative to matters of the Claims Committee not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
- 5. CONSENT CALENDAR**  
If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.
- 5** \*A. Minutes from the September 30, 2021, Claims Committee Meeting  
*Recommendation: Staff recommends the Committee approve the Consent Calendar.*
- 6. AB361 Update**
- 7** \*A. Update on AB361 and Virtual Committee Meetings  
*Recommendation: Staff recommends the Claims Committee adopt Resolution 2021-03 that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees, and the meeting should be held by teleconference as authorized by subdivision (e)(1)(C) of section 54943 of the Government Code.*
- 7. CLAIMS MATTERS**
- 10** \*A. Consideration of Defense Counsel Panel  
*Recommendation: Staff recommends the Committee approve the proposed 2021 PLAN JPA Defense Counsel Panel List.*
- 38** \*B. Consideration of Increase to Panel Rate  
*Recommendation: Staff recommends the Committee approve the proposed panel rate increase.*
- 8. CLOSED SESSION**
- A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Anza Pump Station
  - San Pedro Outfall
  - Rodoni v. Town of Atherton
  - Awash & Khalif v. Town of Tiburon
  - Beam, Nathan v. Town of Los Gatos
  - Liu, Zheng v. City of Foster City
- B. Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.

**9. CLOSING COMMENTS**

This time is reserved for comments by Claims Committee members and/or staff and to identify matters for future Claims Committee business.

- A. Claims Committee
- B. Staff

**10. ADJOURNMENT**

**NOTICES:**

- The next Claims Committee meeting will be held on Thursday, November 18, 2021, 2021 via Zoom videoconference.

October 28, 2021

Agenda Items 5.A.

**CONSENT CALENDAR**

**SUBJECT: Consent Calendar**

---

**BACKGROUND AND HISTORY:**

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and require no discussion. If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.

**STAFF RECOMMENDATION:**

*Staff recommends the Committee approve the Consent Calendar.*

**REFERENCE MATERIALS ATTACHED:**

A. Minutes from the September 30, 2021, Claims Committee Meeting

**POOLED LIABILITY ASSURANCE NETWORK JOINT  
POWERS AUTHORITY  
(PLAN JPA)**

**MINUTES OF THE CLAIMS COMMITTEE  
MEETING OF SEPTEMBER 30, 2021**

---

A regular meeting of the Claims Committee was held on September 30, 2021, via videoconference.

**MEMBERS PRESENT:** Donald Larkin, Chair, Morgan Hill  
Ann Ritzma, Hillsborough  
Michael Guina, Burlingame  
Marc Zafferano, San Bruno  
Rebecca Mendenhall, San Carlos  
Robert Schultz, Los Gatos

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jon Paulsen, PLAN JPA General Manager (*arrived during 5.A*)  
Katie Sullivan, PLAN JPA Assistant General Manager  
Susan DeNardo, PLAN JPA Litigation Manager  
Greg Rubens, Board Counsel

**1. CALL TO ORDER:**

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:30 p.m.

**2. INTRODUCTIONS:**

A roll call was taken and it was determined there was a quorum present.

**3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED):**

*Michael Guina moved to approve the agenda as posted. Ann Ritzma seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, Marc Zafferano, Rebecca Mendenhall, and Robert Schultz.*

**4. PUBLIC COMMENTS:**

None.

**5. CONSENT CALENDAR:**

*Michael Guina moved to approve the following items: A) Minutes from the August 26, 2021, Claims Committee Meeting. Rebecca Mendenhall seconded the motion. A roll call vote was taken, and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, Marc Zafferano, Rebecca Mendenhall. Robert Schultz abstained.*

**6. CLOSED SESSION:**

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:31 p.m. to discuss the following claims:

- City of San Bruno – Crestmoor Canyon Slide
- Calles v. City of San Carlos
- Zelnik v. City of San Carlos

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:07 p.m. The following actions were taken under closed session:  
*No reportable action was taken during closed session.*

**7. CLOSING COMMENTS:**

**A. Claims Committee**

Everyone was reminded the next meeting will be on October 28, 2021 at 1:30pm via videoconference.

It was requested staff and Board Counsel do research into AB361.

**B. Staff**

None.

**8. ADJOURNMENT**

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 2:20 p.m.



Katie Sullivan, Assistant General Manager

October 28, 2021

Agenda Items 6.A.

**AB361 UPDATE**

**SUBJECT: Update on AB361 and Virtual Committee Meetings**

---

**BACKGROUND AND HISTORY:**

PLAN JPA staff consulted with Board Counsel regarding recently passed legislation, AB361, pertaining to teleconference and virtual meetings. Under AB361, local agency boards may conduct meetings by teleconference subject to modified rules during a State-proclaimed state of emergency when either (1) social distancing measures are required or recommended by state or local officials, or (2) the governing board determines meeting in person would present imminent risks to the health or safety of attendees.

To continue to meet virtually, and because the Board does not meet monthly and its next meeting is in December, we are recommending PLAN JPA's Executive Committee, Claims Committee, and Board of Directors adopt a resolution to continue remote meetings based on the findings made in the resolution attached. To continue with remote meetings, reauthorization must occur at each meeting or at least once a month.

**STAFF RECOMMENDATION:**

*Staff recommends the Claims Committee adopt Resolution 2021-03 that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees, and the meeting should be held by teleconference as authorized by subdivision ©(1)© of section 54943 of the Government Code.*

**REFERENCE MATERIALS ATTACHED:**

- Draft Resolution No. 2021-03

RESOLUTION NO. 2021--03

A RESOLUTION OF THE CLAIMS COMMITTEE OF THE POOLED LIABILITY ASSURANCE NETWORK JOINT POWERS AUTHORITY (PLAN JPA) ADOPTING A RESOLUTION REGARDING THE RALPH M BROWN ACT AND FINDING OF IMMINENT RISK TO HEALTH AND SAFETY OF IN PERSON MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM.

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government code Section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, the California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and,

WHEREAS, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases; and,

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

WHEREAS, various PLAN JPA member counties currently have a Community Transmission metric of “high” which is the most serious of the tiers; and,



WHEREAS, due to the seriousness of the current pandemic situation, the CDPH has required that all unvaccinated persons wear facial coverings indoors, and the CDC and CDPH recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and,

WHEREAS, the Claims Committee of PLAN JPA is empowered to take actions necessary to protect public, health, welfare, and safety within the region; and,

WHEREAS, PLAN JPA has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of PLAN JPA's various legislative bodies subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the PLAN JPA Claims Committee deems it necessary to find that meeting in person for meetings of all PLAN JPA related legislative bodies as well as subcommittees of the Board of Directors subject to the Ralph M. Brown Act, would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

WHEREAS, all teleconferenced meetings of the PLAN JPA Board of Directors, PLAN JPA Executive Committee, as well as all subcommittees of the Board of Directors shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953;

NOW, THEREFORE, BE IT RESOLVED that the Claims Committee of PLAN JPA does hereby approve as follows:

1. The Claims Committee finds that meeting in person for meetings of all PLAN JPA related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees.
2. This finding applies to all PLAN JPA related legislative bodies subject to the Brown Act, including but not limited to, the PLAN JPA Board of Directors meeting; the PLAN JPA Executive Committee; and any other standing subcommittees (Claims, Finance, Risk Management).
3. Staff is directed to return to the Board of Directors no later than thirty (30) days after the adoption of this resolution, or by the next Board of Directors meeting (whichever comes first), with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. The PLAN JPA General Manager and PLAN JPA Board Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED this 28<sup>th</sup> day of October 2021

ayes:  
noes:  
absent:  
abstain:

October 28, 2021

Agenda Items 7.A.

**CLAIMS MATTERS**

**SUBJECT: Consideration of Defense Counsel Panel**

---

**BACKGROUND AND HISTORY:**

PLAN JPA added attorneys to its panel generally with respect to the practice area of dangerous condition and appellate cases in October 2020. Litigation Management has found an increase in police liability claims being filed and the need for additional counsel with similar expertise in that area given the retirement of panel counsel. Litigation Management requested applications from law firms with lawyers known to have expertise defending police cases.

Susan DeNardo, Litigation Manager, will be present to discuss findings and answer any questions of the Committee.

**STAFF RECOMMENDATION:**

*Staff recommends the Committee approve the proposed 2021 PLAN JPA Defense Counsel Panel.*

**REFERENCE MATERIALS ATTACHED:**

- Proposed 2021 PLAN JPA Defense Counsel Panel List
- Attorney Applications

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

Firm	Address	Phone	Email	Attorneys	Rates	Rates Police Federal ADA
<b>Allen, Glaessner, Hazelwood &amp; Werth</b>	180 Montgomery St. 12 <sup>th</sup> Floor, San Francisco CA 94104	(415) 697- 2000	MHazelwood@aghwlaw.com DAllen@aghwlaw.com PGlaessner@aghwlaw.com	<b>Mark Hazelwood Dale Allen Peter Glaessner</b>	210-P 190-A 90-PL	225-P 195-A 95-PL
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
<b>Bertrand, Fox, Elliot Osman &amp; Wentzel</b>	2749 Hyde Street San Francisco, CA 94109  1300 Clay Street Suite 58 Oakland, CA 9461	(415) 353- 0999  (510) 466- 6380	GFox@BFESF.com ROsman@BFESF.com EElliot@bfesf.com MWenzel@bfesf.com	<b>Greg Fox Richard Osman Gene Elliott - ADA Michael Wenzel</b>	215-P 190-A 110-PL	
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence, Sexual Abuse and Molestation</i>						
<b>Clapp Moroney Vucinich Beeman &amp; Scheley</b>	1111 Bayhill Dr. San Bruno, CA 94066	(650) 989- 5400	JVucinich@ClappMoroney.com	<b>Jeffrey Vucinich</b>	190-P 180-A 95-PL	
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
<b>Law Offices of Dawn Ceizler</b>	165 Lennon Lane, Suite 101, Walnut Creek, CA 94598	925)932-8225	dc@ceizler.com	<b>Dawn Ceizler</b>	\$215-P	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

<b>Hayes, Scott, Bonino, Ellingson, McKay LLC</b>	203 Redwood Shores Pkwy 4 <sup>th</sup> Floor, Suite 480 Redwood City 94065	(650) 486-2869	mbonino@hayesscott.com	<b>Mark Bonino</b>	195-P 175-A 100-PL	
<i>Practice Areas: Appellate</i>						
<b>Kaufman, Dolowich &amp; Voluck, LLP</b>	425 California Street, Suite 2100, San Francisco, 94104	(415) 926-7600	ahamoy@kdvlaw.com agaus@kdvlaw.com rserrano@kdvlaw.com	<b>Aimee Hamoy Arthur Gaus Roger Serrano</b>	TBD	
<i>Practice Areas: Police liability, Civil Rights, Dangerous Condition/Premises Liability, ADA</i>						
<b>Howard, Rome, Martin, Ridley</b>	1900 O'Farrell Street, San Mateo, CA 94403, Ste 280	(650) 365-7715	tmaster@hrmlaw.com sridley@hrmlaw.com lrauch@hrmlaw.com bgundert@hrmlaw.com	Todd Master Shawn Ridley Lisa Rauch Bob Gundert	230 – P 225-A 130-PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
<b>Leone and Alberts</b>	2175 N. California Street Boulevard Walnut Creek CA 94596 Suite 900	(925) 974-8600	bduus@leonealberts.com	Brian Duus	230 – P 220/ 200 – A 100- PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
<b>McDowell - Cotter</b>	2070 Pioneer Court San Mateo CA 94403	(650) 324-9300	drosenbaum@mcdlawyers.net jemmaneel@mcdlawyers.net	David Rosenbaum Jennifer Emmaneel	210 – P 200 – A 120 - PL	

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
<b>Matheny, Sears, Linkert and Jaime</b>	3638 American River Drive, Sacramento, CA 95864-5901	(916)978-3434	RBangle@mathenysears.com	<b>Ray Bangle</b>	\$185-P \$165-A \$80-PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						
<b>McNamara, Ney, Beatty, Slattery, Borges &amp; Ambacher</b>	3480 Buskirk Ave Suite 250 Pleasant Hill, CA 94523	(925) 939-5330	James.Fitzgerald@Mcnamaralaw.com Noah.Blechman@Mcnamaralaw.com	James Fitzgerald Noah Blechman	180-P 175-A 90-PL	
<i>Practice Areas: Police</i>						
<b>RIVERA HEWITT PAUL LLP</b>	11341 Gold Express Drive Suite 160 Gold River, California 95670	916-922-1200	SHewitt@rhplawyers.com JPaul@rhplawyers.com DChopra@rhplawyers.com CJanof@rhplawyers.com WMotooka@rhplawyers.com JNathan@rhplawyers.com	<b>Shannan Hewitt Jonathan Paul Dalbir Chopra Christopher Janof Wendy Motooka Jill Nathan</b>	<i>TBD</i>	
<i>Practice Areas: Police, Civil Rights, Dangerous Condition/Premises Liability, ADA</i>						
<b>Suzanne M Nicholson, Attorney at Law</b>	770 L St Ste 950, Sacramento, CA 95814-3361	(916) 361-6551	suzanne@smnlegal.com	Suzanne Nicholson	\$225 - P	
<i>Practice Areas: Appellate</i>						
<b>Law Office of Matthew Orebic</b>	1870 San Antonio Ave. Berkeley, CA 94707	(510) 808-2000	Matthew@OrebicLaw.com	Matthew Orebic	220-P	

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
<b>Rankin, Stock &amp; Heaberlin</b>	96 N. 3 <sup>rd</sup> Street, Suite 500 San Jose, CA 95112	(408) 293-0463	Jon@RankinStock.com David@RankinStock.com	Jon Heaberlin David Stock	190-P 175-A 90-PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						
<b>Selman-Breitman</b>	33 New Montgomery 6 <sup>th</sup> Floor San Francisco, CA 94105	(415) 979-2027	DLewis@SelmanBreitman.com	Danielle Lewis	215-P 200-A 150-PL	
<i>Practice Areas: Dangerous Conditions/Premises Liability, Direct Negligence, Civil Rights</i>						

October 15, 2021

Ms. Susan DeNardo, Litigation Manager  
PLAN JPA  
1750 Creekside Oaks Drive, Suite 200  
Sacramento, CA 95833  
[susan.denardo@sedgwick.com](mailto:susan.denardo@sedgwick.com)

By 5:00 p.m. October 15, 2021 – Via Email

Dear Ms. DeNardo:

Please allow this letter to serve as the application for Ms. Aimee Hamoy, Esq. to be added to Pooled Liability Assurance Network's (PLAN JPA) panel of defense counsel. We appreciate your consideration and are available for any questions or concerns at [ahamoy@kdvlaw.com](mailto:ahamoy@kdvlaw.com) or (510) 282-5816.

### **Biographical Information**

**Aimee Hamoy, Partner, KDV Law**, 425 California Street, Suite 2100, San Francisco, California 94104, Cell: (510) 282-5816, Main (415) 926-7600, Fax: (415) 926-7600, [ahamoy@kdvlaw.com](mailto:ahamoy@kdvlaw.com)

[Aimee Hamoy](#) is a litigation partner at Kaufman, Dolowich & Voluck, LLP with extensive trial experience. Her practice focuses on the defense of public entities in cases alleging violations of civil rights/excessive force, and the defense of national retailers in serious personal injury and premises liability matters.

Ms. Hamoy started her legal career as a deputy district attorney and has represented public entity clients and large national retailers in all aspects of conflict resolution from pre-litigation negotiations through verdict and appeal. Some of her most interesting and challenging work has been in the defense of law enforcement officers across Northern California in civil rights, excessive force, and wrongful death claims. Ms. Hamoy's trial experience includes excellent results involving traumatic brain injury claims, wrongful death, and catastrophic injury matters. She is admitted to practice law in the State of California, and all courts in the Eastern District of California, Northern District of California, Southern District of California, and Central District of California. Ms. Hamoy graduated from Seton Hall University Law School with a J.D., and from Loyola Marymount University with a B.A. Contact information.

[Kaufman Dolowich & Voluck, LLP](#) (KDV) has three offices in California: Los Angeles, San Francisco, and Sonoma. A fourth office location is opening in 2021 in Oakland. KDV has 193 attorneys nationwide. Headquartered in Woodbury NY, KDV attorneys represent national and global clients of all sizes from a dozen offices in six states: California, Florida, Illinois, New Jersey, New York, and Pennsylvania. KDV is a Mansfield Certified law firm in recognition of its diverse and inclusive employment strategies. KDV attorneys are licensed to practice law in the following states: Alabama, California, Colorado, Connecticut, District of Columbia, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Nebraska, New Jersey, New York, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Vermont, and Wisconsin.

## **2. Narrative of the Attorney's experience in public sector general liability litigation.**

Aimee Hamoy is a litigation partner with extensive trial experience. She started her legal career as a deputy district attorney (2002 to 2005) and for the last 15 years has represented public entity clients and large national retailers in all aspects of conflict resolution from pre-litigation negotiations through verdict and appeal. The handling of public sector work has included trip-and-fall/premises liability cases for cities, as well as defense of law enforcement officers across Northern California in civil rights, excessive force, and wrongful death claims. Aimee's trial experience includes excellent results involving TBI claims, wrongful death, and catastrophic injury matters.

- Defense of public entities, including cities, counties, and educational institutions regarding civil rights, excessive force, serious personal injury, and premises liability in all phases of litigation, including trial through to appeal.
- Representative clients include City of Oakland, City of Livermore, Oakland Police Department, and California State University, in civil rights matters involving allegations of excessive force, through pre-trial preparation, mediation, and trial.

### **Litigation Experience**

- Over 15 years civil trial experience in defense of catastrophic injury, excessive force, and wrongful death cases.
- Experience in handling discovery motions, dispositive motions, and various civil motions.

### **Successes**

- July 2018: Trial counsel for fire loss/property damage case where plaintiff sought an excess of \$600,000 in lost property and expenses. Jury awarded less than \$278,000 in damages with 32% fault to our clients. - Contra Costa County Superior Court.
- February-March 2017: Trial counsel for premises liability case for national home improvement retailer where plaintiff alleged mild traumatic brain injury (mTBI) seeking over \$12 million in damages. Jury found Plaintiff 60% at fault and Defense 40%. Plaintiff received \$365,000. - Kern County Superior Court.
- June 2015: Argued and prevailed on behalf of Defendants-Appellees in Jones v. City of Oakland, et al (Case No. 13-15673) to preserve unanimous jury verdict that police officers' conduct was objectively reasonable.
- May 2015: Obtained dismissal of excessive force claim against Oakland Police Captain through motion for summary judgment.
- July 2014: Trial counsel for premises liability case for national home improvement retailer where plaintiff sought over \$1 million in damages. Verdict was Defendant was not negligent. - Los Angeles County.

## **3. A narrative of the Attorney's experience in public sector general liability counseling or litigation prevention. For example, legal advice or training provided to municipalities regarding law enforcement practices and procedures.**

Aimee has continued to provide assistance to the City of Oakland in response to SB 1421 (CPRA) requests for information as to use of force and sexual harassment claims involving officers. In addition, Aimee has assisted public entities in representing current city employee's in ongoing



litigation where a conflict has been identified. Prior experience also includes interview and analysis of police-related incidents wherein a complaint by a citizen is anticipated. Aimee has also presented to the Bay Area City Attorneys (BACA) group regarding the use of automated license plate readers and to the Alameda County Bar Association regarding the implementation of SB 1421.

#### **4. PLAN JPA Additional KDV Attorneys:**

**Arthur Gaus, Of Counsel, KDV Law**, 425 California Street, Suite 2100, San Francisco, California 94104, Direct (415) 523-4992, Cell (415) 839-1581, [agaus@kdvlaw.com](mailto:agaus@kdvlaw.com). [Arthur Gaus](#) focuses his practice on Labor and Employment, ADA Defense, Data Privacy and Cyber Security. Mr. Gaus is an experienced litigator in state and federal courts, representing defendants in a variety of matters including class-action labor and employment claims, ADA access cases and commercial breach of contract actions, including FEHA discrimination, harassment, retaliation, wrongful termination, wage and hour, civil rights and in administrative actions before the Department of Labor Standards Enforcement, and the Worker's Compensation Appeals Board. Additionally, Mr. Gaus has experience representing restaurant franchises, small businesses, contractors and transportation companies in business and employment matters with an emphasis on employment law compliance and risk management. Mr. Gaus counsels businesses on privacy policy and compliance including compliance with the California Consumer Privacy Act (CCPA) and General Data Protection Regulation (GDPR) including development of policies, disclosures, notifications, and best practices surrounding data collection and use. Mr. Gaus is admitted to practice law in the State of California, and the U.S. Court of Appeals, Ninth Circuit, the U.S. District Court, Central District of California, the U.S. District Court, Eastern District of California, the U.S. District Court, Northern District of California, and the U.S. District Court, Southern District of California. Mr. Gaus received his bachelor's degree from the University of California, Santa Cruz, and his Juris Doctor from the University of San Francisco, School of Law. He is a member of the Alameda Bar Association, and the International Association of Privacy Professionals.

**Roger "Rogelio" Serrano", Associate, KDV Law**, 425 California Street, Suite 2100, San Francisco, California 94104, Direct: (510) 630-7647 Cell (510) 928-3637, [rserrano@kdvlaw.com](mailto:rserrano@kdvlaw.com). [Roger "Rogelio" Serrano](#): focuses his practice on general liability defense. Mr. Serrano also has experience in the areas of commercial litigation, professional liability, real estate, and public sector law matters. He represents individuals, public entities, and businesses matters concerning premises liability, commercial litigation, catastrophic personal injury claims, wrongful death claims, professional liability, and real estate. Mr. Serrano's legal experience also includes serving as a legal research training facilitator, and as a legal strategist for underserved communities in the areas of criminal defense, family law, traffic warrants, and debt relief. He is admitted to practice law in California, and in the U. S. District Court, Eastern District Court, Northern District Court. He received his Juris Doctor from Pepperdine University School of Law. As well as his Certificate in Dispute Resolution. He received his bachelor's degree, cum laude, from the University of La Verne, California.

**5. A list of clients for whom similar services have been performed by key personnel on the team. The following must be included for each client:**

a. Name, address, and phone number of contact person

Stephen Silver  
Assistant Vice Chancellor & Chief Counsel – Civil Rights  
The California State University – Office of General Counsel  
401 Golden Shore  
Long Beach, CA 90802-4210  
562.951.4500

Jason Alcala  
City Attorney – City of Livermore  
1052 S. Livermore Ave  
Livermore, CA 94550 1052  
925.960.4150

Maria Bee  
Chief Assistant City Attorney  
Office of Oakland City Attorney Barbara J. Parker  
One Frank H. Ogawa Plaza, Sixth Floor  
Oakland, California 94612  
510.238.3814

b. Overview of services performed

- Complete file handling including police litigation up to mediation and motions for summary judgment for CSU.
- Complete file handling involving general liability/premises liability matters up to mediation for City of Livermore.
- Complete file handling, through trial and appeal regarding police matters for City of Oakland.

c. Number of years providing services

- CSU – 7+ years
- City of Livermore – 4+ years
- City of Oakland – 10+ years

**6. A list of three public entity references from the Law Firm's list of clients.**

*Stephen Silver*  
Assistant Vice Chancellor & Chief Counsel – Civil Rights  
The California State University – Office of General Counsel  
401 Golden Shore  
Long Beach, CA 90802-4210  
562.951.4500

*Jason Alcala*  
City Attorney – City of Livermore  
1052 S. Livermore Ave  
Livermore, CA 94550 1052

925.960.4150

*Maria Bee*

Chief Assistant City Attorney  
Office of Oakland City Attorney Barbara J. Parker  
One Frank H. Ogawa Plaza, Sixth Floor  
Oakland, California 94612  
510.238.3814

**B. Law Firm Philosophy – A description of the Law Firm’s philosophy in litigation where the applying attorney works, including a description of the Law Firm’s strategy and approach to defending a claim it is assigned.**

KDV addresses budgeting, exposure risk assessment and cost-benefit analysis in its initial assessment analysis, as well in each of its subsequent comprehensive reports. Additionally, the partner is involved in the day-to-day representation of the client, so s/he is aware which matters run the risk of future, unanticipated costs based upon additional motion practice, substantial documentary discovery, learning of additional nonparty witnesses, and the prospects of potential appeals. The approval of a claims representative to incur time performing specific tasks is not only sought when required by litigation guidelines but also sought in any instance where an attorney anticipates spending significant time associated with a particular task. In addition, the Firm does track litigation costs comparative to the budget. If it appears that the budget will be exceeded and needs revision, the claim representative is notified at that time irrespective of when the next comprehensive report will be provided. Likewise, in that the claim representative is notified of significant litigation events as they occur, it is the Firm's practice to comment on whether the potential exposure has increased or decreased.

For efficient resolution of matters in advance of litigation, Aimee Hamoy has extensive experience in early resolution and investigation of claims. This allows clients to potentially avoid the need for protracted litigation. This includes making efforts to start negotiations early in cases where liability is established and working cooperatively with opposing counsel to complete essential investigation into the facts and circumstances of an incident. These strategies allow us to evaluate a claim prior to the filing of a complaint and explore early resolution of sensitive matters.

**C. Law Firm’s litigation hourly fee for Associates, Partners/Shareholders, and Of Counsel.**

- Partners – 265/hr
- Associates – 240/hr
- Of Counsel – 240/hr
- Paralegals – 110/hr

**D. Attorneys must agree to follow PLAN JPA’s litigation policies including but not limited to its Litigation Management Guidelines and Procedures including the current guidelines attached as Exhibit A.**

Kaufman Dolowich & Voluck, LLP agrees to abide by the Litigation Management Guidelines set forth by PLAN JPA.

**E. Law Firm Technology – A description of the Law Firm’s and Attorney’s technology capabilities, including but not limited to, ability to send online documents, time tracking software, access to online research, including identification of electronic research providers.**

KDV utilizes internal software with controls to staff cases with the attorney teams best equipped to handle the matter of the case. These statistics are based on previous results and current capacity to ensure that the most cost-efficient resolution will be found. We also utilize internal eDiscovery vendor, case management systems and a robust billing system to efficiently manage cases and their controls. We also utilize a claims management system as needed and provide access if warranted. These systems have proven to reduce our “case to close” times and costs. Web based document management system that allows for efficiencies - ie: Net Docs, Coyote, Relativity, Zoom.

**F. Information Protection – A description of the Law Firm’s and Attorney’s controls to preserve confidentiality and integrity of information belonging to the Authority and its members.**

We utilize NetDocuments for document storage. The entire NetDocuments platform is regularly audited by independent third parties to ensure compliance with relevant laws and regulations including GDPR, HIPAA, and FINRA. To help validate its compliance status, NetDocuments maintains a current ISO 27001 certification, including the additional controls from ISO 27017 and ISO 27018, a current Privacy Shield certification, and we undergo an annual Type 2 SOC 2 audit for the Trust Services criteria of Security, Availability, and Privacy.

**G. Malpractice Litigation Claims – Applications shall identify any and all malpractice suits or suit arising out of the Law Firm’s or its attorneys’ practice of law, including resolution of the same.**

KDV has been sued or received demand letters in four cases over the past few years. None of these have resulted in an adverse judgment. In three of the cases, we believe the allegations to be frivolous contentions by former clients, raising after the fact questions over litigation and trial decisions by our attorneys. A fourth case involves real estate structuring advice provided to a former client by one of our former attorneys. While we are confident of prevailing at the trial of any of these matters, we may pursue settlements to avoid further costs of time and expense.

**V. INSURANCE REQUIREMENTS**

To be considered, attorneys submitting a proposal shall maintain during the entire term of the agreement insurance pertaining to the activities associated with the agreement. Specifically, attorneys will be required to obtain, at its own cost and expense, all insurance endorsements required below and shall provide evidence of such insurance and endorsements to PLAN JPA prior to commencing work.

**Kaufman Dolowich & Voluck, LLP agrees to carry insurance coverage as described. Please see the attached document.**

*Workers' Compensation Insurance* as required by the Labor Code of the State of California with statutory limits and Employer's Liability insurance not less than \$1,000,000 per accident and/or disease.

*Errors and Omissions Liability* (Legal Malpractice) - not less than \$1,000,000 per claim.

*Commercial General Liability & Property Damage* - not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability insurance or other form with general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate limit shall be twice the required occurrence limit.

*Business Automobile Liability* - not less than \$1,000,000 per accident for bodily injury and property damage.

## RIVERA HEWITT PAUL LLP APPLICATION FOR PLAN JPA

<b>Firm Name and Year Formed</b>	<i>Rivera Hewitt Paul LLP</i> (August 2019 to present), formerly <i>Rivera &amp; Associates</i> (2011 to July 2019), formerly <i>Moreno &amp; Rivera</i> (1990 to 2011)
<b>Primary Contact</b>	Shanan L. Hewitt, Partner (916) 922-1200 Email: <a href="mailto:shewitt@rhplawyers.com">shewitt@rhplawyers.com</a>
<b>Office Location</b>	11341 Gold Express Drive, Suite 160, Gold River CA 95670
<b>Total Attorneys</b>	7 Attorneys
<b>Total Support Staff</b>	1 Paralegal; 2 Legal Secretaries; 1 Receptionist
<b>Narrative of Public Sector General Liability Experience</b>	<p>The attorneys of Rivera Hewitt Paul LLP have successfully defended public entities and their employees in both state and federal courts in a wide array of suits including:</p> <ul style="list-style-type: none"> <li>• Civil Rights</li> <li>• Police Practices</li> <li>• Employment Wrongful Termination</li> <li>• Employment Discrimination</li> <li>• Personal Injury</li> <li>• Premises Liability</li> <li>• ADA Claims</li> <li>• Medical Malpractice/Deliberate Indifference to Serious Medical Needs</li> <li>• Religious Expression</li> </ul>
<b>Narrative of Public Sector General Liability Counseling/Litigation Prevention</b>	<i>RHP LLP</i> works with clients in a proactive approach to help avoid or limit liability exposure. <i>RHP LLP</i> has assisted clients by providing advice and counsel regarding issues that commonly lead to litigation and liability exposure, including employment and law enforcement matters. <i>RHP LLP</i> has given presentations to public entities on issues impacting the public sector such as civil rights, law enforcement and religious matters.
<b>List of Attorneys who would be assigned to PLAN JPA</b>	Shanan Hewitt, Jonathan Paul, Dalbir Chopra, Christopher Janof, Wendy Motooka, Jill Nathan (see attached Firm Prospectus for attorneys' biographies)
<b>List of Public Entity Clients/References</b>	<p>Michael Mueller, Attorney IV, Office of Legal Affairs California Department of Corrections and Rehabilitation PO Box 942883 Sacramento CA 94283-0001 (916) 445-6896 <a href="mailto:Michael.Mueller@cdcr.ca.gov">Michael.Mueller@cdcr.ca.gov</a></p> <p><i>RHP LLP</i> has served as Panel Counsel representing CDCR officials in civil rights and employment litigation cases in state and federal court for over 20 years.</p>
	<p>Randy Rendig, President, Claims Administration George Hills Company PO Box 278 Rancho Cordova, CA 95741 (916) 859-4811 <a href="mailto:randy.rendig@georgehills.com">randy.rendig@georgehills.com</a></p> <p><i>RHP LLP</i> has served as Panel Counsel representing the County of Sacramento and its officials in a broad range of civil suits for multiple county departments including actions involving law enforcement, civil</p>

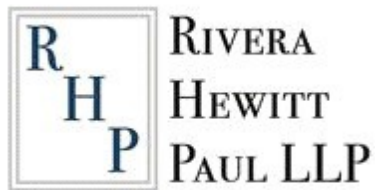
## RIVERA HEWITT PAUL LLP APPLICATION FOR PLAN JPA

	rights, employment litigation, and premises liability in state and federal court for over 20 years.
	<p>Robert J. Taro, County Counsel  Stanislaus County  1010 10th Street Suite 6400  Modesto CA 95354  (209) 525-6376  <a href="mailto:TAROR@stancounty.com">TAROR@stancounty.com</a></p> <p><i>RHP LLP</i> has served as litigation counsel representing the County of Stanislaus, the Stanislaus County Sheriff's Department and its officials in law enforcement litigation in state and federal court since 2014.</p>
	<p>Andrew W.B. Fischer, ARM-P  Trindel Insurance Fund  Director, Property and Liability Claims  PO Box 2069  Weaverville, CA 96093  (530) 623-2322  <a href="mailto:afischer@trindel.org">afischer@trindel.org</a></p> <p><i>RHP LLP</i> has represented Trindel member counties and their officials in litigation including law enforcement and personal injury actions since 2018.</p>
<b>Law Firm Philosophy</b>	<p>For over 22 years, the attorneys of <i>Rivera Hewitt Paul LLP</i> have focused their practice on providing the best possible representation for their clients at reasonable rates. The strength of <i>Rivera Hewitt Paul LLP</i> lies in the experience, teamwork and collaboration between our attorneys, staff, and insurance professionals. Our lawyers have more than 100 years of combined experience and are recognized for their expertise in the profession throughout the Greater Sacramento, Central Valley, and Bay Area. We are proud to be a minority and woman-owned law firm and offer the experienced advocates that our clients deserve.</p> <p>When an impending lawsuit looms, it is more critical than ever for Third Party Administrators, Insurers, County Counsel, and General Counsel to partner with legal counsel who have a proven track record of success. Without the right team in place, trial costs skyrocket, risks increase exponentially, and courtroom strategies may fail. <i>Rivera Hewitt Paul LLP</i> has a team of experienced trial attorneys with an extensive record of achieving successful outcomes and meeting client expectations both in and outside the courtroom.</p> <p><i>Rivera Hewitt Paul LLP</i> brings keen strategic insights and innovative ideas to all types of civil litigation. Our approach is to be proactive as we pride ourselves on developing strategies in collaboration with our clients that prioritize their objectives and exceed their definition of success. In addition to our trial experience, <i>Rivera Hewitt Paul LLP</i> knows how to effectively manage significant and complex cases. Our staffing helps you achieve your objectives for any given case and put forward the most persuasive argument at mediation, arbitration, or trial. We utilize an array</p>

## RIVERA HEWITT PAUL LLP APPLICATION FOR PLAN JPA

	of technology enabling us to collaborate closely with our clients, manage litigation budgets, and effectively communicate with in-house counsel and claims administrators. We pride ourselves on seamless collaboration with clients at every stage of the case.
<b>Hourly Fees and Costs</b>	Partners: \$275/hr Associates: \$250/hr Of Counsel: \$250/hr Paralegals: \$125/hr
<b>PLAN JPA Litigation Policies</b>	<i>RHP LLP's</i> attorneys agree to follow the PLAN JPA's litigation policies, including but not limited to its Litigation Management Guidelines and Procedures including the current guidelines provided to <i>RHP LLP</i> as Exhibit A.
<b>Law Firm Technology</b>	<i>RHP LLP</i> utilizes secure, password-protected electronic document transfer (Dropbox, WeTransfer); time tracking software (Timeslips, Clio); online legal research (Westlaw); and webcams and secure videoconferencing software for meetings, court hearings, mediations, and depositions (Zoom, Microsoft Teams).
<b>Information Protection</b>	<i>RHP LLP</i> Client information and data is safely stored in Clio Manage, recognized for its high security standards and recommended by the American Bar Association. Clio's high-level security includes password protection, two-factor authentication, in-transit and at-rest encryption to ensure data is stored and transmitted securely; web interfaces verified by DigiCert, a certificate authority; regular cybersecurity testing; and daily audit and certification by McAfee Secure.
<b>Malpractice Litigation Claims</b>	None
<b>Insurance Coverage</b>	Workers' Compensation: \$1,000,000 per accident/disease  Errors & Omissions (Legal Malpractice): \$2,000,000 per claim  Commercial General Liability & Property Damage: \$2,000,000 per occurrence  Business Auto Liability: \$2,000,000 per accident for bodily injury and property damage





RIVERA  
HEWITT  
PAUL LLP

11341 Gold Express Drive, Suite 160  
Gold River, CA 95670  
Ph: (916) 922-1200  
Fax: (916) 922-1303  
[firm@rhplawyers.com](mailto:firm@rhplawyers.com)

---

LAW OFFICE

---



# LAW FIRM PROSPECTUS

## **FIRM OVERVIEW:**

For over 22 years, the attorneys of *Rivera Hewitt Paul LLP* have focused their practice on providing the best possible representation for their clients at reasonable rates. The strength of *Rivera Hewitt Paul LLP* lies in the experience, teamwork and collaboration between our attorneys, staff, and insurance professionals. Our lawyers have more than 100 years of combined experience and are recognized for their expertise in the profession throughout the Greater Sacramento, Central Valley, and Bay Area. We are proud to be a minority and woman-owned law firm and offer the experienced advocates that our clients deserve.

When an impending lawsuit looms, it is more critical than ever for Third Party Administrators, Insurers, County Counsel, and General Counsel to partner with legal counsel who have a proven track record of success. Without the right team in place, trial costs skyrocket, risks increase exponentially, and courtroom strategies may fail. *Rivera Hewitt Paul LLP* has a team of experienced trial attorneys with an extensive record of achieving successful outcomes and meeting client expectations both in and outside the courtroom.



*Rivera Hewitt Paul LLP* brings keen strategic insights and innovative ideas to all types of civil litigation. Our approach is to be proactive as we pride ourselves on developing strategies in collaboration with our clients that prioritize their objectives and exceed their definition of success.

In addition to our trial experience, *Rivera Hewitt Paul LLP* knows how to effectively manage significant and complex cases. Our staffing helps you achieve your objectives for any given case and put forward the most persuasive argument at mediation, arbitration, or trial. We utilize an array of technology enabling us to collaborate closely with our clients, manage litigation budgets, and effectively communicate with in-house counsel and claims administrators. We pride ourselves on seamless collaboration with clients at every stage of the case.

## **PRACTICE AREAS:**

- **Public Entity Defense** - The attorneys of *Rivera Hewitt Paul LLP* have successfully defended public entities and their employees in both state and federal courts in a wide array of suits including:
  - Civil Rights
  - Police Practices
  - Employment Wrongful Termination
  - Employment Discrimination/Harassment
  - Personal Injury
  - Premises Liability
  - ADA Claims
  - Medical Malpractice/Deliberate Indifference to Serious Medical Needs
  - Religious Expression
- **Civil Rights/Law Enforcement Defense** - The attorneys of *Rivera Hewitt Paul LLP* have extensive experience representing law enforcement agencies and officials in litigation involving an array of civil rights issues including excessive force, unreasonable search and seizure, and deliberate indifference to serious medical needs, and numerous other claims by arrestees.
- **Employment Discrimination/Harassment** - The attorneys of *Rivera Hewitt Paul LLP* have defended employers against a wide range of employment claims. We handle claims against employers involving issues such as harassment and discrimination based on protected status (e.g. race, gender, ethnicity, disability, etc.), failure to accommodate, whistle blower claims, retaliation, and wrongful termination. Our expertise and strong rapport with our clients, their management teams, and their employees enable us to provide exceptional legal services with outstanding results. Our priority is to attain the best resolution for our clients while providing advice and counsel to help avoid future litigation.

- **Insurance Defense/Commercial Claims** - The attorneys of *Rivera Hewitt Paul LLP* have successfully handled a significant number of cases for insurance carriers including motor vehicle negligence, slip & falls, wrongful death, bodily injury & property loss, and ADA claims as well as bad faith cases. Our experience allows us to provide our clients with efficient and thoughtful analysis.
- **Defective Products** - The attorneys of *Rivera Hewitt Paul LLP* have effectively litigated a wide range of defective product lawsuits. Whether the matter involves a claim of failure to warn or defective manufacturing or design, our attorneys specialize in discovering the relevant facts of each case and providing the necessary legal background so that our clients may decide which means of resolution is most effective.
- **Construction Litigation** - The attorneys of *Rivera Hewitt Paul LLP* have experience in successfully defending Developers, Subcontractors and Property Management Companies, as well as litigating Cross-Complaints for Indemnity. Whether it be single family residences, commercial buildings or personal injury, the expertise and reputation of our attorneys as well as our centralized location make *Rivera Hewitt Paul LLP* a respected name in the ever-evolving field of construction litigation. Further, our attorneys take pride in working closely with risk managers to resolve construction matters by the most cost-effective means possible.
- **Appeals** - The attorneys of *Rivera Hewitt Paul LLP* have significant experience in appellate practice, particularly before the United States Court of Appeals in and for the Ninth Circuit and the Third District Court of Appeal. We are particularly proud of our success in the matter of *Jeffers v. Gomez*, 267 F.3d 895 (9th Cir. 2001) which helped to define the evolving qualified immunity doctrine in excessive force cases. Additionally, we are proud to say that three of our lawyers are members of the bar of the Supreme Court of the United States of America.
- **Legal Malpractice** - The attorneys of *Rivera Hewitt Paul LLP* have experience representing the interests of counsel before the State Bar. Our handling of these cases is discreet in order to maintain not only the confidence of our clients but the integrity of the judicial system as a whole. We have successfully tried cases before the State Bar Court in addition to reaching successful pretrial resolutions for our clients.

## **COMMITMENT TO DIVERSITY:**

*At Rivera Hewitt Paul LLP, we believe:*

"We need to give each other the space to grow, to be ourselves, to exercise our diversity. We need to give each other space so that we may both give and receive such beautiful things as ideas, openness, dignity, joy, healing, and inclusion."

*- Max de Pree*

*Rivera Hewitt Paul LLP prides itself in offering a workplace that reflects the diversity of our state. For Rivera Hewitt Paul LLP valuing diversity means maintaining a work environment that respects and includes different opinions and embraces the unique contributions offered by individuals from a variety of backgrounds and experiences. At Rivera Hewitt Paul LLP, we pride ourselves in maximizing the benefit of our workforce's different viewpoints to help achieve the goals of our clients.*



## **ATTORNEY PROFILES:**



### ***Jesse M. Rivera - Founder***

Jesse earned his J.D. from the University of the Pacific, McGeorge School of Law in 1978. He started his career at the Sacramento County Public Defender's Office where for a decade he tried hundreds of cases in all areas of criminal law including serious felonies and homicides. In 1987, Jesse joined the law firm of Porter, Scott, Weiberg & Delehant where he spent three years honing his trial skills in the arena of civil litigation. Jesse is our resident trial expert having tried in excess of one hundred jury trials.

Since entering private practice, in addition to having tried numerous automobile claims in state court, Jesse has successfully defended to verdict over ten civil rights jury trials in the United States District Court for the Eastern District of California which requires a unanimous verdict. He has handled and tried cases before the California State Bar Trial Court, regarding attorney malfeasance and he has also successfully defended several construction defect claims to verdict in Sacramento, Placer, and Stanislaus Counties, among others. Additionally, he has argued before the United States Court of Appeals for the Ninth Circuit and the Third and Fifth District Courts of Appeals for the State of California. As a result of his trial successes, in 2007 he was invited to join the membership of the prestigious American Board of Trial Advocates (ABOTA). He served as President of the Sacramento Valley Chapter of ABOTA in 2016 and is currently a Lifetime Fellow and National ABOTA Board Member.

Jesse is authorized to practice law throughout the State of California; the United States District Courts for the Central, Eastern, and Northern Districts of California; the United States Court of Appeals for the Ninth and Eleventh Circuits; and the Supreme Court of the United States of America. He is also a member of the Sacramento County Bar Association, Association of Defense Counsel (ADC), and Cruz Reynoso Bar Association of Sacramento. Jesse is fluent in Spanish and has spoken as Guest Lecturer at American River College, the McGeorge School of Law, and the Sacramento County District Attorney's Office for MCLE credit through the California State Bar.



***Shanan L. Hewitt - Partner***

Shanan earned her law degree on a scholarship from Willamette University College of Law in Salem, Oregon, where she was Production Editor of the Willamette Law Review, a Trustee Merit Scholar, and member of the Inns of Court. While attending law school, she also served as clerk for a labor law arbitrator, focusing on labor contract disputes and employee discipline.

With over twenty years of experience, Shanan focuses her practice on civil rights, public entity defense, employment law, and insurance defense in both federal and state court. Her litigation expertise encompasses every phase of civil litigation from motion practice to trial and appellate review. Shanan has not only successfully obtained unanimous jury verdicts for her clients, but has championed their positions before the appellate courts, including oral argument before the Ninth Circuit Court of Appeals on numerous occasions.

Over the last two decades, she has successfully defended law enforcement agencies and officials in numerous lawsuits including in custody death, use of force, and vehicle pursuit cases. She also serves as a member of the committee for the California Commission on Peace Officer Standards and Training (POST) responsible for reviewing and revising POST vehicle pursuit guidelines.

Shanan is authorized to practice in all California state courts, and admitted to practice in the United States District Court for the Eastern, Central, Northern, and Southern Districts of California, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. She is a member of the Federal Bar Association; California Lawyers' Association Labor and Employment Section and Litigation Section; Women Lawyers of Sacramento; Sacramento County Bar Association; and Association of Defense Counsel of Northern California and Nevada (ADCNC). She served as Article Editor for the California Litigation Review.

Shanan received the Bank of America Local Hero Award for community service for her involvement in non-profit programs helping people throughout Northern California.



***Jonathan B. Paul - Partner***

Jonathan has acquired a reputation for being not only a passionate and hardworking trial attorney, but a knowledgeable appellate advocate. His courtroom development began as an intern in the Major Crimes Unit of the Sacramento County District Attorney's Office. Thereafter, he served as a certified law student for the McGeorge School of Law Community Legal Services Clinic during which time he successfully tried his first civil case before the Sacramento Superior Court while only a second year law student. Jonathan went on to serve as a member of the McGeorge School of Law Appellate Advocacy Moot Court Competition Team and later became a Teaching Assistant within the Appellate Advocacy Program.

In 2001, Jonathan joined the Law Offices of Moreno & Rivera as an associate engaging in all aspects of civil litigation. In October 2003, Mr. Paul joined the Freidberg & Parker Law Corporation to practice in the areas of Personal Injury, Complex Business Litigation and Legal Malpractice. While there, he litigated and obtained multi-million dollar settlements for his clients and successfully negotiated a variety of partnership and real estate developer disputes. However, finding little fulfillment in plaintiff's work, Jonathan returned to work with Jesse Rivera to grow an insurance defense practice.

Jonathan has successfully tried cases before the Sacramento Superior Court, United States District Court for the Eastern District of California, and argued cases before the United States Court of Appeals for the Ninth Circuit. He is admitted as a member of the bar of the State of California; the United States District Courts for the Central, Eastern, Northern and Southern Districts of California; the United States Court of Appeals for the Ninth Circuit; and the Supreme Court of the United States of America. Jonathan is also a member of the Cruz Reynoso Bar Association, the Sacramento County Bar Association, the Eastern District Historical Society and the Litigation Section of the California Lawyers' Association. Jonathan also serves as a Committee Member for the Litigation Section's Committee on the Federal Courts, a Board Member of the Eastern District Historical Society and Chair of the Judicial Advisory Committee for the United States District Court in and for the Eastern District of California.





***Jill B. Nathan - Attorney***

Jill is a Central Valley native of California. She studied at the University College in Galway, Ireland, and earned a degree in Psychology from UC Irvine. Jill had worked in juvenile probation in Kern County before pursuing a law degree from the University of the Pacific, McGeorge School of Law. She was active in McGeorge's Community Legal Services for two years, earning a mentoring position as a Student Governing Board Member.

After earning her Juris Doctorate degree in 1996, Jill was engaged in Estate Planning and Probate practice until 2007. While still pursuing her legal career, she was a research associate for a U.C. Berkeley project aimed at improving math learning abilities in children of low income families. She expanded her legal knowledge to include public entity defense working on behalf of the Office of the Governor and the State Board of Parole authoring oppositions to inmates' efforts to be paroled.

In 2012, Jill joined the attorneys of *Rivera Hewitt Paul LLP* and now enjoys the writing demands of law and motion practice, working with clients to prevail in both the Superior Courts and the Federal District Courts of California. The majority of her current defense work involves arguing for the application of governmental immunities in Fourth and Fourteenth Amendment civil rights claims. Jill is authorized to practice law in the State of California, the United States District Court for the Eastern District of California, the United States Court of Federal Claims, and the United States Court of Appeals for the Ninth Circuit.

### ***Wendy Motooka - Attorney***

Wendy Motooka specializes in civil litigation, primarily in the areas of public entity defense (government tort claims and Section 1983 actions) and employment law. She earned her J.D. at the University of the California, Davis School of Law in 2004 where she was a member of Order of the Coif and served as Executive Editor of the UC Davis Law Review. Wendy is admitted to practice in all California State Courts, in the U.S. District Court for the Eastern District, the Northern District, and the Central District, and in the Ninth Circuit Court of Appeals.

Before joining *Rivera Hewitt Paul LLP*, Wendy was with the Cregger & Chalfant firm from 2007 to 2018, practicing in the areas of public entity defense, employment law, and railroad defense. From 2004 to 2007, while at the firm of Brian Taugher P.C., Wendy did litigation and transactional work primarily involving the False Claims Act and government contracting.

Wendy also holds a Ph.D. from the University of Michigan – Ann Arbor, and prior to entering the legal profession, taught English and American literature for approximately 10 years at Oberlin College in Oberlin, Ohio, and Harvard University in Cambridge, Massachusetts.



***Chris Janof - Attorney***

Chris Janof was born and raised in Sacramento, CA. He studied at UC Berkeley, majoring in Business Administration and minoring in English. Chris worked as a pharmaceutical sales representative for a Fortune 500 company in the Bay Area. He returned to Sacramento to earn his teaching credential at Sac State, and he taught high school English in inner-city Los Angeles.

Chris earned his law degree from the William S. Boyd School of Law at the University of Nevada, Las Vegas. He graduated in the top half of his class and earned Pro Bono Honors for his community service. While attending law school, Chris clerked at a law firm focused on commercial litigation. He also clerked at a plaintiff's law firm and gained valuable insight into how the other side thinks in personal injury cases.

At Rivera Hewitt Paul LLP, Chris works on cases involving public entity, including law enforcement defense, and insurance defense.

### ***Dalbir K. Chopra - Attorney***

Dalbir K. Chopra is our newest addition to *Rivera Hewitt Paul LLP*, practicing in the areas of public entity defense and insurance defense. Dalbir comes from a diverse legal background, starting her career as an attorney in India representing clients in civil and criminal matters before trial as well as appellate court. After moving to the United States, Dalbir continued her passion for legal work by pursuing career as a civil litigation paralegal/law clerk for both public and private entities in Illinois and California.

Before joining *Rivera Hewitt Paul LLP*, Dalbir practiced workers' compensation law representing clients in hearings and trials before Workers' Compensation Appeals Boards throughout California.

Dalbir is admitted to practice in all the California State Courts, in the U.S. District Court of Eastern District and the Southern District.

Dalbir believes in employing her advocacy skills to zealously represent clients and make a meaningful difference by providing clients with ways to achieve their objectives.

## **REPRESENTATIVE CLIENT LIST:**

- California Department of Corrections & Rehabilitation
- California Department of Consumer Affairs
- California Department of Child Support Services
- California Department of State Hospitals
- Alpine County
- Calaveras County
- El Dorado County
- Inyo County
- Mono County
- Nevada County
- Placer County
- Plumas County
- Sacramento County
- Stanislaus County
- Trinity County
- Yuba County
- City of Sacramento
- George Hills Company, Inc.
- State of Delaware
- State of New Mexico
- Travelers Insurance Company
- USAA
- York Risk Services Group
- Zurich North America

## **REFERENCE LIST:**

- **Randy Rendig**  
President, Claims Administration  
George Hills Company  
PO Box 278  
Rancho Cordova, CA 95741  
(916) 859-4811  
[randy.rendig@georgehills.com](mailto:randy.rendig@georgehills.com)
- **Robert J. Taro**  
County Counsel, Stanislaus County  
1010 10th Street Suite 6400  
Modesto CA 95354  
(209) 525-6376  
[TAROR@stancounty.com](mailto:TAROR@stancounty.com)
- **Andrew W.B. Fischer, ARM-P**  
Trindel Insurance Fund  
Director, Property and Liability Claims  
PO Box 2069  
Weaverville, CA 96093  
(530) 623-2322  
[afischer@trindel.org](mailto:afischer@trindel.org)
- **Michael Mueller**  
Attorney IV, Office of Legal Affairs  
California Department of Corrections and Rehabilitation  
PO Box 942883  
Sacramento CA 94283-0001  
(916) 445-6896  
[Michael.Mueller@cdcr.ca.gov](mailto:Michael.Mueller@cdcr.ca.gov)

## **ADDITIONAL INFORMATION:**

If you would like additional information about *Rivera Hewitt Paul LLP*, our rates, or would like to request a proposal for legal services, please contact us at [firm@rhplawyers.com](mailto:firm@rhplawyers.com) or we invite you to contact Shanan L. Hewitt or Jonathan B. Paul at (916) 922-1200 and we would be happy to assist you.

October 28, 2021

Agenda Items 7.B.

**CLAIMS MATTERS**

**SUBJECT: Consideration of Increase to Panel Rate**

---

**BACKGROUND AND HISTORY:**

PLAN JPA has not increased its max defense panel rate in several years. Currently, PLAN JPA's max panel rate is on the lower end of attorney hourly rates paid by similar pools and public agencies. Litigation Management has found a need to increase PLAN JPA panel rate to compete for talented attorneys and to retain attorneys who continue to resolve claims in an effective and efficient manner based on their experience and expertise.

Susan DeNardo, Litigation Manager, will be present to discuss findings and answer any questions of the Committee.

**STAFF RECOMMENDATION:**

*Staff recommends the Committee approve the proposed max rate for general liability and police cases.*

**REFERENCE MATERIALS ATTACHED:**

- Proposed PLAN JPA Panel Rate (*will be provided with the Closed Session documents*)