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**CLAIMS COMMITTEE MEETING  
AGENDA**

**Thursday, June 22, 2023  
1:30 p.m.**

**Zoom**

**Please contact Katie Sullivan for videoconference information.**

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All or portions of this meeting will be conducted by teleconferencing in accordance with Government Code Section 54953(b). Teleconference locations are as follows: Sedgwick, 1750 Creekside Oak Drive, Suite 200, Sacramento, CA 95833; City of Burlingame, 501 Primrose Rd, Burlingame, CA 94010; Town of Los Gatos, 110 East Main St., Los Gatos, CA 95030; City of Morgan Hill, 17575 Peak Ave, Morgan Hill, CA 95037; and City of San Carlos, 600 Elm St, San Carlos, CA 94070.

Each location is accessible to the public, and members of the public may address the Claims Committee from any teleconference location.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Katie Sullivan at [katie.sullivan@sedgwick.com](mailto:katie.sullivan@sedgwick.com) (916) 244-1164 or (916) 244-1199 (fax). Requests must be made as early as possible, and 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 Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA) Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection at 1750 Creekside Oaks Dr., Suite 200, Sacramento, CA 95833.

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| <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> |

\* Reference materials enclosed with staff report.

- 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.
- 3**        **5.**        **CONSENT CALENDAR**
- 4**        \*A.        Minutes from the May 10, 2023, Claims Committee Meeting  
*Recommendation: Staff recommends the Claims Committee approve the Consent Calendar.*
- 6.**        **CLAIMS MATTERS**
- 6**        \*A.        Consideration of Addition to Defense Counsel Panel  
*Recommendation: Staff recommends the Claims Committee approve Proposed Defense Counsel Panel June 22, 2023.*
- 83**        \*B.        Approval of Defense Counsel Rates  
*Recommendation: Staff recommends the Claims Committee approve Attachment E to the Litigation Management Guidelines setting the “do not exceed” rates for general liability matters as follows:*
- \$255 per hour for partners and shareholders
  - \$235 per hour for associate attorneys
  - \$140 per hour for paralegal and law clerks
- For police and civil rights matters, the “do not exceed” rate shall be \$285 per hour for partners and shareholders*
- 7.**        **CLOSED SESSION**
- A.        Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Pfeister v. Town of Hillsborough
  - Chen v. City of Milpitas
  - Salah v. City of San Bruno
- B.        Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.
- 8.**        **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
- 9.**        **ADJOURNMENT**

\* Reference materials enclosed with staff report.

June 23, 2023

Agenda Item 5.A

**CONSENT CALENDAR**

**SUBJECT: Consent Calendar**

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**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 Claims Committee approve the Consent Calendar.*

**REFERENCE MATERIALS ATTACHED:**

A. Minutes from the May 10, 2023, Claims Committee Meeting

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

**MINUTES OF THE SPECIAL CLAIMS COMMITTEE  
MEETING OF MAY 10, 2023**

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A special meeting of the Claims Committee was held on May 10, 2023, via videoconference.

**MEMBERS PRESENT:** Donald Larkin, Chair, Morgan Hill  
Michael Guina, Burlingame  
Rebecca Mendenhall, San Carlos  
Gabrielle Whelan, Los Gatos

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Eric Dahlen, PLAN JPA General Manager  
Katie Sullivan, PLAN JPA Assistant General Manager  
Susan DeNardo, PLAN JPA Litigation Manager

**1. CALL TO ORDER:**

The Special Meeting of the PLAN JPA Claims Committee meeting was called to order at 11:01 a.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 amended agenda. Rebecca Mendenhall seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Rebecca Mendenhall, and Michael Guina. Gabrielle Whelan was not present for voting.*

**4. PUBLIC COMMENTS:**

None.

**5. CONSENT CALENDAR:**

*Michael Guina moved to approve the following items: A) Minutes from the March 16, 2023, Claims Committee Meeting. Donald Larkin seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Rebecca Mendenhall, and Michael Guina. Gabrielle Whelan was not present for voting.*

**6. CLOSED SESSION:**

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 11:05 a.m. to discuss the following claims:

- Michael Martuscello v. City of Benicia
- Paper and Petals Bridal et al. Claims v. City of Burlingame
- Hanhong Chen v. City of Milpitas
- Jose Mendiola v. City of Newark

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 11:34 a.m. The following actions were taken under closed session:

*No reportable action was taken during closed session.*

**7. CLOSING COMMENTS:**

**A. Claims Committee**

None.

**B. Staff**

None.

**8. ADJOURNMENT**

The Special Meeting of the PLAN JPA Claims Committee was adjourned at 11:35 a.m.



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Katie Sullivan, Assistant General Manager

June 23, 2023

Agenda Item 6.A

**CLAIMS MATTERS**

**SUBJECT: Consideration of Addition to Defense Counsel Panel**

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**BACKGROUND AND HISTORY:**

PLAN JPA maintains a panel of approved attorneys to handle the defense of members. Litigation Department periodically reviews its list of panel counsel to confirm appropriate coverage for different types of claims. Jury awards have been sharply increasing in recent years for all types of claims and in particular civil rights cases with attorney fee exposure and dangerous condition.

As set forth in the proposed June 2023 Approved Panel of Defense Counsel attached, attorneys Tony Sain and his team from Lewis, Brisbois, Bisgaard and Smith are recommended for addition to the panel. Tony Sain is a recognized expert in the defense of police litigation. Mr. Sain was recently added to the defense panel for Municipal Pooling Authority of Northern California and Bay Cities Joint Powers Insurance Authority.

Carolee Kilduff and Bruce Kilday from Angelo Kilday & Kilduff have specialized in the defense of public entities since the formation of their firm in 1997. The firm has done work for many joint powers association including CJPRMA, PRISM, YCPARMIA, as well as many cities. Mr. Kilday is a speaker for Peace Officer Standards and Training (POST). Mrs. Kilduff, Mr. Kilday and their team are recommended to be added to PLAN's Panel.

Litigation Manager Susan DeNardo will be present to discuss suggestions and answer questions.

**STAFF RECOMMENDATION:**

*Staff recommends the Claims Committee approve Proposed Defense Counsel Panel June 22, 2023.*

**REFERENCE MATERIALS ATTACHED:**

- Proposed June 22, 2023, PLAN JPA Defense Counsel Panel List
- January 23, 2023, PLAN JPA Defense Counsel Panel List
- Lewis Brisbois Proposal to PLAN JPA
- Angelo Kilday & Kidluff Proposal to PLAN JPA

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## **REQUEST FOR APPLICATION**

### **Pooled Liability Assurance Network's Panel of Defense Counsel**

May 2023

# INTRODUCTION

Thank you for considering Tony Sain of Lewis Brisbois Bisgaard & Smith LLP (Lewis Brisbois) to defend the Pooled Liability Assurance Network (PLAN) in its police/civil rights-related litigation. If, upon review of our proposal, you have any further questions, please do not hesitate to contact Mr. Sain at 213.358.6041 or at Tony.Sain@lewisbrisbois.com. We look forward to discussing how we can best defend the PLAN's interests.

## RESPONSE TO APPLICATION REQUIREMENTS

### A. Biographical Information

#### 1. Attorney's resume which includes:

##### a. Member's name

Lewis Brisbois Bisgaard & Smith LLP (Lewis Brisbois)

##### b. Office locations in California

Lewis Brisbois has eight locations in California:

- Indian Wells
- Los Angeles
- Orange County
- Sacramento
- San Bernardino
- San Diego
- San Francisco
- Temecula

##### c. Total number of attorneys in the firm

Lewis Brisbois has more than 1,600 attorneys across the U.S.

#### 2. A narrative of the Attorney's experience in public sector general liability litigation.

Lewis Brisbois is proud to have one of the strongest trial benches in the nation. Our trial lawyers regularly handle the most difficult cases, including those involving police defense, wrongful death, traumatic brain injury, and ones with seven- and eight-figure demands. We have a group of elite trial attorneys who specialize in parachuting in to matters regardless of the stage of litigation or venue, even days before trial. And among the hundreds of trial lawyers practicing in our offices across the nation, 49 are members of the prestigious American Board of Trial Advocates (ABOTA), distinguished among their peers by their diverse and extensive trial experience.



Mr. Sain has served as lead trial attorney in multiple high-profile jury and administrative trials, consistently securing defense verdicts, complete dismissals of claims, and other favorable outcomes on behalf of his clients. Many of these trials have involved the defense of law enforcement personnel, as have a large percentage of the trials handled by the other lawyers highlighted in this proposal.

Recent trial experience of our attorneys includes:

- Obtained a defense verdict for a county sheriff's department in a Riverside County Superior Court civil rights jury trial involving allegations of excessive force arising from an officer-involved shooting of a knife-armed subject. After a six-week trial, the jury returned a verdict in favor of the defendants – one of the first pro-police verdicts after the anti-police demonstrations of 2020.
- Obtained a unanimous defense verdict for a county sheriff's department in a Central District of California civil rights jury trial involving allegations of excessive force arising from a police canine bite. After a five-day trial and less than 90 minutes of deliberations, the jury returned a verdict in favor of the defendants. When the court later amended the defense judgment into a judgment for the plaintiff, we successfully restored the defense judgment by a reversal on appeal to the U.S. Court of Appeals for the Ninth Circuit.
- Obtained a unanimous defense verdict for a county sheriff's department in a Riverside federal court in a matter filed by a high-profile plaintiff's attorney where the plaintiff became paralyzed from the waist down after he fell out of an attic and then had an encounter involving a TASER.
- Obtained a complete defense verdict for two Southern California police officers in a jury trial concerning an incident in which the decedent plaintiff incurred a skull fracture of unknown origin during a pursuit following a traffic stop. The plaintiff's counsel alleged excessive force and made a damages demand of eight figures. Following a week-long trial, with jury deliberations split over two days, the jury rendered a complete defense verdict for both officers.
- Obtained a defense verdict for a Southern California county in a negligent use of force trial in San Bernardino County Superior Court. The plaintiff's counsel claimed that the plaintiff, a 16-year-old Latino, was approached by police officers who assumed he was a gang member and told him to place his hands on his head and drop to his knees. The officers then allegedly opened fire on the plaintiff, damaging his abdomen, liver, and kidneys. As the plaintiff was lying bleeding on the ground, the officers allegedly handcuffed him without providing prompt medical attention, and then allegedly gave false public statements about the incident. After an 11-day trial, the jury found in favor of our client.
- Secured an appellate victory when the U.S. Court of Appeals for the Fifth Circuit affirmed the lower court's dismissal of a lawsuit alleging that police officers used excessive force when apprehending a suspect in an ATM break-in incident.
- Obtained affirmation of a defense verdict in a wrongful death case. At trial, the plaintiffs' counsel demanded \$153 million in damages for the parents of a deceased pedestrian who was struck by a City of Phoenix police officer. The plaintiffs alleged that the police officer's speed at the time of the accident and his use of a standard-issue mounted laptop while retrieving information on a call was negligent and a cause of the pedestrian's death.
- Represented the City of Fullerton in a high-profile police brutality case. The plaintiffs, parents of the decedent, alleged that police officers attempted to arrest the decedent, a schizophrenic homeless man. When he was unable to comply with the police's directions, the police began to beat him, allegedly for nearly ten minutes. The decedent died of his injuries five days later. We successfully settled the matter during trial.

**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.**

Lewis Brisbois considers the business-minded solution first by attempting to work amicably with opposing counsel before the need for full-blown litigation arises. We focus on early case assessment and work backward from the client's desired result, rather than forward to dispute to dispute or issue to issue, in order to determine the most cost-effective path to that preferred resolution.

Internally, our strategy to resolve matters promptly and cost-effectively includes keeping the same attorneys as counsel on related matters in order to achieve the full benefit of their prior experience. We set and keep reasonable deadlines and budgets, both of which are discussed and agreed upon by our attorneys and the client in advance.

Outside of his practice at Lewis Brisbois, Mr. Sain serves on the panel for prosecuting criminal cases for the Los Angeles County District Attorney's office on a pro bono basis. He has also trained multiple public entities on the legal implications of changes to key statutes affecting policing, and he has served as a lead lecturer for the California Peace Officers' Association's (CPOA) seminar series. Moreover, Mr. Sain is the author of "The Pitchess Privileges: A Guide to Understanding Police Officer Personnel Record Procedural Protections In Civil Cases," a leading resource manual on the intricacies of California's complex officer privacy laws and their intersection with the California Public Records Act.

**Notable professional presentations or roles include:**

- Professor, Trial Advocacy, Loyola Law School of Los Angeles, Spring 2023
- Speaker, PARMA Annual Conference for Risk Managers, 02.28.2022
- Speaker, "Cross-Exam Survival Tactics," F.B.I. National Academy, Southern California, 10.06.2021
- Speaker, "Police Records — One Year Later," 2020 Open Meetings and Open Records Digital Conference for the California Lawyers Association (CLA), 05.13.2020
- Panelist, "California Public Records Act (CPRA): Legal Updates & Debates," California Peace Officers Association speaker series, March-October 2019
- Panelist, "Cops, Cameras, and Race in America," 05.12.2015
- Speaker, PARMA's 40th Annual Conference for Risk Managers, 02.09.2014

**4. A list of attorneys who would be assigned to work on PLAN JPA matters with the applying attorney, as well as those attorney's professional biographies.**

Attorneys who may be assigned to work on PLAN JPA matters along with Mr. Sain include:

- [Tony Sain](#)
- [Dana Fox](#)
- [Lann McIntyre](#)
- [Matt Harrison](#)
- [Abigail McLaughlin](#)
- [Tori Bakken](#)

Full attorney resumes are linked above and may also be found in **Attachment A**.

**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**
- b. Overview of services performed**
- c. Number of years providing services**

**County of Riverside**

- a. Mike Bowers, Dir. Of HR & Risk Mgmt.; 4080 Lemon St., 7th Fl.; Riverside, CA 92501; 951.743.4412. Lari Camarra, Risk Mgr.; P.O. Box 1210; Riverside, CA 92502; 951.955.3532.
- b. Litigation defense through jury trials and appeals on police/civil rights matters, and on public entity employment matters not involving law enforcement officers; legal counseling on CPRA/Pitchess matters, and related litigation defense.
- c. Since ~2016 (~7 years).

**City of Fresno**

- a. Tina Griffin, Chief Asst. City Attorney; 2600 Fresno St.; Fresno, CA 93721; 559.621.7500.
- b. Litigation defense through jury trials and appeals on police/civil rights matters.
- c. Since ~2010-2021, 2023-present (~12 years).

**City of Chula Vista**

- a. Karen Rogan, Dep. City Attorney; 276 4th Ave.; Chula Vista, CA 91910; 619.409.5816.
- b. Litigation defense through jury trials and appeals on police/civil rights matters; legal counseling on CPRA/Pitchess matters, and related litigation defense.
- c. Since ~2020 (~3 years).

**County of Tulare**

- a. Amy Myers, Dep. County Counsel; 2900 W. Burrel; Visalia, CA 93291; 559.636.4978.
- b. Litigation defense through jury trials and appeals on police/civil rights matters.
- c. Since ~2022 (~1+ year).

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

Please refer to the previous question, which includes reference contact information for the cities of Fresno and Chula Vista and the counties of Riverside and Tulare. A non-exhaustive selection of other public entities Mr. Sain has represented in civil litigation in the past include:

- Regents of the University of California/UCLA Police Department — police/civil rights, including one jury trial (defense verdict), and public property conditions/personal injury
- County of Los Angeles — police-related employment, including one jury trial
- County of San Bernardino — police/civil rights, including one jury trial (defense verdict)
- City of Los Angeles — police/civil rights
- City of Redondo Beach — police/civil rights
- City of Manhattan Beach — police/civil rights, including one jury trial (defense verdict)
- City of Gardena — police/civil rights, including one jury trial
- City of Colton — police/civil rights
- City of San Bernardino — police/civil rights
- City of Rialto — public entity property conditions/personal injury

**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.**

Lewis Brisbois focuses on providing comprehensive litigation services to our clients. We know early resolution and cost control are of the utmost importance, and we always strive to achieve the most favorable results. However, when litigation and trial become necessary, there are few firms who can match the efficiency, effectiveness, and experience that Lewis Brisbois brings to the table. Whether through settlement or trial, our attorneys are always prepared. Our litigation approach begins with pre-suit counseling and problem-solving based on a structured and accurate analysis of likely outcome. We know our clients’ objectives are often best served by a pre-suit resolution, and many clients evaluate us by the advice and counsel we provide toward that end. Among the hundreds of trial lawyers practicing in our offices across the nation, 49 are members of the prestigious American Board of Trial Advocates (ABOTA), distinguished among their peers by their diverse and extensive trial experience. We have also developed sophisticated proprietary risk evaluation and litigation management processes that many of our clients have incorporated into their business practices, to avoid and reduce losses that impact their bottom lines.

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

Proposed hourly rates for this engagement are as follows.

Professional	Hourly Rate
Partners	\$270
Associates	\$250
Paralegals	\$180

**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.**

Lewis Brisbois confirms we agree to follow PLAN JPA's litigation policies including but not limited to its Litigation Management Guidelines and Procedures and the current guidelines as attached as Exhibit A of the RFP.

**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.**

Lewis Brisbois is continually seeking ways to provide technology to its workforce that will increase workflow efficiency while maintaining appropriate security. As an example, Lewis Brisbois recently transitioned to iManage to increase the efficiency of document management, while maintaining appropriate security. Both applications utilize appropriate encryption to protect client data, yet iManage provides certain options to enhance efficiency. Similarly, Lewis Brisbois transitioned from Smart Time to iTimeKeep to increase the efficiency of timekeeping for attorneys.

Technology available to our clients includes:

- **BigHand Now:** Efficient workflow, resource, and task management system.
- **iManage Drive:** Allows attorneys and staff to easily and efficiently self-service the sharing of documents with clients, co-counsel, experts, opposing counsel, and others.
- **Aderant Drive:** Enables data-rich collaboration sites that allows the firm and clients to share and interact with information.
- **LexisAdvance:** Access allows us to conduct sophisticated legal research from the world's largest electronic database for legal and public-records-related information, monitor files and view the latest updates on current employment matters. We are happy to provide Primark access to LexisAdvance at no cost to you.
- **eDockets:** Our flagship docketing and calendaring platform, eDockets brings tremendous efficiency, expert risk management, and enhanced workflow processes to our firm.
- **NQ ZebraWorks: PrintQ, MailQ and ScanQ:** The NQ software suite is a workflow system that allows documents to be rapidly routed prior to final disposition in the firm's document management system. This allows, for example, physical mail to be digitally scanned, identified, and delivered electronically to attorneys located anywhere in the nation. The NQ system also automatically establishes print limits and other restrictions that reduce overhead costs.
- **Litera (Workshare) Compare:** Facilitates the rapid review of various legal documents.
- **Litera Contract Companion:** Facilitates the rapid drafting and review of contracts.
- **Litera Litigation Companion:** Facilitates the rapid drafting and review of litigation pleadings.
- **Litera (DocsCorp) cleanDocs:** Software that rapidly analysis and prepares documents for external sharing. cleanDocs directly integrates with the firm's Document Management System.

- **Microsoft Office 365:** Reduces insourced IT staff costs.
- **Microsoft Intune:** Securely and remotely manages all firm IT assets and reduce insourced IT staff costs.
- **Zoom:** We leverage Zoom as a video conferencing platform, allowing users to connect online for video conference meetings, webinars and live chat.

**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.**

Lewis Brisbois is staunchly committed to ensuring communications between an attorney and the client remain confidential. This privilege applies to communications made for the purpose of obtaining legal advice or representation. To maintain attorney-client privilege, attorneys must take several steps, including:

- **Advising their clients:** Attorneys must advise their clients about the existence and scope of attorney-client privilege and the importance of maintaining confidentiality.
- **Limiting access:** Attorneys must limit access to confidential information to only those who need to know it, such as support staff or co-counsel working on the case.
- **Secure communication:** Attorneys must take reasonable steps to ensure that confidential communications with their clients are secure, such as using secure communication channels or encrypting emails.
- **Keeping records:** Attorneys must keep records of all communications and documents related to the representation, and take steps to ensure that these records are kept confidential.
- **Waiver:** Attorney-client privilege can be waived if the client consents to disclosure, or if the communication was not made for the purpose of obtaining legal advice or representation.

**Cyber Security**

The firm takes a multilayered approach to cyber security — designed to ensure the efficiency of the firm’s lawyers, while providing the highest level of protection for client information.

The firm’s mature cyber security program is led by a Head Information Security Officer (HISO) with a CISSP certification and was designed in conjunction with the firm’s CIO (previously an ISSM for a DoD/DARPA lab).

At a network layer, the firm utilizes both Sophos XG firewalls and Cisco Meraki MX firewalls to provide network segmentation and Intrusion Detection and Prevention (IDS/IPS). The firm employs Cisco Viptela SD-WAN appliances, which provide VPN tunnels to encrypt traffic between all branch offices and data centers. Cisco’s Umbrella service enables an additional layer of DNS and IP filtering to block malicious websites and other unwanted network traffic. Mimecast provides email filtering, threat detection, and domain spoofing and reputation monitoring.

These firewalls and other monitoring systems generate a very large volume of data. Every day, over 100 gigabytes of the firm’s internal security data logs are analyzed by Lumen (previously CenturyLink). Lumen correlates these logs against known threat actions and actors across their global network, and provides the firm with 24/7/365 live-person alerting if a P1 or P2 alert is triggered.

**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.**

Like most firms of our size, Lewis Brisbois may have open professional liability claims at any given time. The firm maintains professional liability insurance to respond to such claims (as shown in response to **Attachment B**). Within the last five years cases have either resolved by way of motion practice or settlement. These claims should not present any conflicts of interest with regard to this proposed engagement.

# **ATTACHMENT A:**

## **Attorney Resumés**





## TONY M. SAIN

Partner, Los Angeles

213.358.6041 | [Tony.Sain@lewisbrisbois.com](mailto:Tony.Sain@lewisbrisbois.com)

[LewisBrisbois.com](http://LewisBrisbois.com)

### Primary Practice(s)

- General Liability
- National Trial Practice
- Appellate

### Additional Experience

- Crisis Management Practice

### Education

- Loyola Law School, Loyola Marymount University, *Juris Doctor*, 2007
- Princeton University, Bachelor of Arts, Public & International Affairs (Mgmt), 1993

Tony M. Sain is a partner in the Los Angeles office of Lewis Brisbois and a member of the General Liability and National Trial Practices. He focuses his practice on high exposure, high-stakes, high-profile matters in a wide variety of catastrophic injury and wrongful death cases across a number of practice areas, including personal injury, tort litigation, as well as police civil rights and public entity defense. Throughout his career, Mr. Sain has served as lead trial attorney in multiple high-profile jury and administrative trials, consistently securing defense verdicts, complete dismissals of claims, and other favorable outcomes on behalf of his clients, as well as racking up an impressive number of wins as an appellate court advocate.

Outside of his practice at Lewis Brisbois, Mr. Sain serves on the panel for prosecuting criminal cases for the Los Angeles County District Attorney's office on a pro bono basis. He has also trained multiple public entities on the legal implications of changes to key statutes affecting policing, and he has served as a lead lecturer for the California Peace Officers' Association's (CPOA) seminar series. Moreover, Mr. Sain is the author of "The Pitchess Privileges: A Guide to Understanding Police Officer Personnel Record Procedural Protections In Civil Cases," a leading resource manual on the intricacies of California's complex officer privacy laws and their intersection with the California Public Records Act.

Mr. Sain is also a member of the American Board of Trial Advocates (ABOTA) Side Bar program. Named a Rising Star by *Super Lawyers* from 2013-2017, he is currently recognized by that publication and by the *Los Angeles Business Journal* as a top-rated civil rights attorney in Los Angeles. Before practicing law, Mr. Sain served as a senior executive in a variety of corporate and non-profit organizations, where he specialized in high-stakes organizational overhauls and community outreach.

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Mr. Sain is a graduate of Princeton University's elite School of Public and International Affairs, where he learned executive-level governance. He is also a graduate of Loyola Law School of Los Angeles's prestigious Hobbs Trial Advocacy Program, and the Williams Civil Rights Litigation Program, and in law school, he also won the Best Advocate in California award in the National Moot Court competition for appellate advocacy.

## Associations

Los Angeles Chapter's ABOTA Side Bar program

## Awards & Honors

- 2019 Top Litigator and Trial Attorney – *Los Angeles Business Journal*
- *Super Lawyers* Rising Star 2013-2017
- Best Advocate in California award — Scott Moot Court Board (competitive appellate advocacy)

## Professional Presentations

- Professor, Trial Advocacy, Loyola Law School of Los Angeles, Spring 2023
- Speaker, PARMA Annual Conference for Risk Managers, 02.28.2022
- Speaker, "Cross-Exam Survival Tactics," F.B.I. National Academy, Southern California, 10.06.2021
- Speaker, "Police Records—One Year Later," 2020 Open Meetings and Open Records Digital Conference for the California Lawyers Association (CLA), 05.13.2020
- Panelist, "California Public Records Act (CPRA): Legal Updates & Debates," California Peace Officers Association speaker series, March-October 2019
- Speaker, PARMA's 40th Annual Conference for Risk Managers, 02.09.2014
- Panelist, "Cops, Cameras, and Race in America," 05.12.2015

## Advocacy Video Exemplars

- GUEVARA (Officer-Involved Shooting v. Knife):
  - Mock Trial - Opening: <https://youtu.be/Zxvj86V3o7c>
  - Mock Trial - Closing: <https://youtu.be/wQ78iGHbjIE>
  - Outcome: Plaintiffs abandoned case for below-market value settlement
  - Note: Please keep this work product confidential. It is not publicly available.
- TUCKER (Officer-Involved Shooting v. Knife):
  - Mock Trial - Opening: <https://youtu.be/ypSuSx2DI9g>
  - Mock Trial - Closing: [https://youtu.be/1v\\_nY0j8Uag](https://youtu.be/1v_nY0j8Uag)
  - Outcome: Case continued to real trial; unanimous jury verdict for defense.
  - Note: Please keep this work product confidential. It is not publicly available.
- MILLS (Unlawful Search; Issue on Appeal = Statute of Limitations)
  - Ninth Circuit Oral Argument: <https://youtu.be/rd8pl9wW8Vk>
  - Outcome: 9th Cir. affirmed judgment for defendants based on time-bar of statute of limitations and lack of probable cause' cert. denied by the Supreme Court.
  - Note: This video is publicly available.
- CENTENO (Officer-Involved Shooting v. Reported-Gun; Issue on Appeal = Qualified Immunity)
  - Ninth Circuit Oral Argument: [https://youtu.be/tbVTRk\\_2v4g](https://youtu.be/tbVTRk_2v4g)

- TMS Main Argument start = 0:20
- TMS Rebuttal Argument start = 28:49
- Outcome: 9th Cir. reversed denial of qualified immunity to federal claims; judgment for defendants; state-law claim now on remand before state court.
- Note: This video is publicly available.
- SLATER-SALAZAR (Restraint “Asphyxia” Case; Issue on Appeal = Qualified Immunity)
  - Ninth Circuit Oral Argument: <https://youtu.be/rO-nogIVv9yk>
  - TMS Argument start = 18:17
  - Outcome: 9th Cir. affirmed in part; en banc petition denial drew highly-publicized dissent; cert. denied by U.S. Supreme Court.
  - Note: This video is publicly available.

## Representative Matters

- Mr. Sain and his team won an overwhelming defense verdict for the Riverside County Sheriff’s Department in a state civil rights jury trial involving allegations of excessive force arising from an officer-involved shooting of a knife-armed subject. After a six-week trial, the jury returned a verdict in favor of the defendants: one of the first pro-police verdicts after the anti-police demonstrations of 2020.
- Mr. Sain and his team won a unanimous defense verdict for the Riverside County Sheriff’s Department in a federal civil rights jury trial involving allegations of excessive force arising from a police canine bit. After a five-day trial and less than 90 minutes of deliberations, the jury returned a verdict in favor of the defendants. When the district court later amended the defense judgment into a judgment for plaintiff, Mr. Sain and his team successfully restored the defense judgment by a reversal on appeal to the U.S. Court of Appeals for the Ninth Circuit.
- Mr. Sain and his team obtained an appellate victory when the U.S. Court of Appeals for the Ninth Circuit upheld the district court’s dismissal of a civil rights case involving an alleged Fourth Amendment violation, concluding that the suit was time-barred. The court also affirmed judgment on the pleadings in favor of the defendants in the same action alleging that the plaintiff was falsely arrested and maliciously prosecuted. The case established new precedent that: (1) California Code sec. 356 does not toll the statute of limitations while a criminal appeal is pending; and (2) a reversal on appeal does not necessarily support a malicious prosecution cause of action.
- Mr. Sain and his team secured a win for the Riverside County Sheriff’s Department against claims of negligence, excessive force, and wrongful death in an officer-involved shooting case. During the six-day trial, the defense team established that the defendant deputies had reasonably followed their training. The jury ultimately rendered a unanimous defense verdict after three hours of deliberations.
- Mr. Sain and his team secured the affirmance of summary judgment in favor of the City of Gardena when a California appeals court held that the promulgation provision of Vehicle Code § 17004.7, which provides immunity for public entities that adopt and implement appropriate vehicle pursuit policies, “does not require proof of compliance by every officer with the written certification requirement as a prerequisite to immunity.” The California Supreme Court subsequently adopted this ruling, emphasizing that immunity depends upon agency compliance with the statute, not officer completion of the certification mandate.
- Mr. Sain and his team obtained a unanimous defense verdict against a high-profile plaintiff’s attorney in a matter where the plaintiff became paralyzed from the waist down after an encounter with the San Bernardino Sheriff’s Department involving a TASER.

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- Mr. Sain and his team secured a win for two Manhattan Beach officers in a case alleging excessive force that ended in a mysterious fatality. The decedent incurred a skull fracture of unknown origin during a pursuit following a traffic stop. Plaintiffs' counsel made a damages demand of eight figures. Following a week-long trial, with jury deliberations split over two days, the jury rendered a complete defense verdict for both officers.
  - On behalf of a California government entity, Mr. Sain and his team secured the denial of a petition filed pursuant to the California Public Records Act (CPRA) following the death of a suspect in police custody. Citing to provisions that temporarily exempted from disclosure the police investigatory materials that the plaintiffs sought, the defense team assembled clear and convincing evidence that justified the client's withholding of records. The court also denied the plaintiffs' request for attorneys' fees.
  - Mr. Sain and his team successfully convinced the plaintiff to dismiss her case with prejudice for zero dollars and to assign a full release of claims in a matter involving wrongful death and excessive force claims against police officers. After successfully convincing the court to dismiss the wrongful death claim for lack of standing, the defense team prepared a persuasive motion for summary judgment on the excessive force claim, which ultimately prompted the plaintiff to stipulate to the dismissal of the matter.

## Publications

- "The Pitchess Privileges: A Guide to Understanding Police Officer Personnel Record Procedural Protections In Civil Cases" – available on Amazon and Google
- "Emerging Exception to Pitchess discovery requirements" – Daily Journal, 07.15.2020

## Media Coverage

- "GBI and the CPRA: Debate over 'great bodily injury' heats up," *Daily Journal*, 03.22.2022
- Quoted in *Daily Journal* article "SB 1286 proposes greater access to law enforcement records in misconduct cases," 03.01.2016

## Admissions

- State Bar Admissions:
  - California
- United States District Courts:
  - United States District Court for the Central District of California
  - United States District Court for the Eastern District of California
  - United States District Court for the Northern District of California
  - United States District Court for the Southern District of California
- United States Courts of Appeals:
  - United States Court of Appeals for the Ninth Circuit
- United States Supreme Court



## **DANA ALDEN FOX**

**Partner, Los Angeles**

213.680.5104 | Dana.Fox@lewisbrisbois.com

[LewisBrisbois.com](http://LewisBrisbois.com)

### **Primary Practice(s)**

- General Liability
- National Trial Practice
- Transportation

### **Additional Experience**

- Crisis Management Practice

### **Education**

- McGeorge School of Law, University of the Pacific, *Juris Doctor*, with distinction, 1985
- California State University at Los Angeles, Bachelor of Arts, 1982
- University of Connecticut, 1978-1979

Dana Alden Fox is a partner in the Los Angeles office of Lewis Brisbois, co-chair of the firm's General Liability practice, and a member of the Crisis Management, Transportation, and National Trial Practice groups. As a result of his defending the most difficult, high exposure cases in California and his being admitted in Colorado, Mr. Fox has become one of the most heralded trial attorneys, consistently obtaining results not thought possible for his clients, including multiple defense jury verdicts in prominent cases. Mr. Fox, who is a Fellow in the American College of Trial Lawyers and holds the elevated rank of Advocate with The American Board of Trial Advocates (ABOTA), has developed a well-earned reputation as the "go-to" attorney in high profile, high exposure catastrophic accident, police use of force, premises and product liability, public entity, and general liability cases.

Mr. Fox was named one of the top 100 attorneys in California by *The Los Angeles Daily Journal* in 2014, 2020, and 2021. He has defended and tried many complex and high-profile cases. Mr. Fox is currently representing Walmart in the August 2019 mass shooting in El Paso, represented Live Nation in the litigation arising from the mass shooting in Las Vegas on October 1, 2017, was lead trial counsel for the Los Angeles Dodgers and Frank McCourt in the highly publicized trial arising from the assault of a spectator after a Dodgers game in 2011, and represented the City of Santa Monica in the Santa Monica Farmers' Market litigation which involved 36 coordinated actions after a vehicle drove through a crowded farmers' market.

Mr. Fox has tried to verdict cases involving wrongful death, traumatic brain injury, paralysis and similar catastrophic injuries. He is also a sought-after speaker on topics including defending trucking entities, defending police officers in use of force cases, catastrophic case evaluation, jury selection, defending high exposure cases, and opening and closing argument presentation.



## Associations

- American Board of Trial Advocates (ABOTA)
- Trucking Industry Defense Association
- Association of Southern California Defense Counsel

## Awards & Honors

- Lifetime Achievement Honor among America's Top 100 Attorneys™ for Southern California
- [AV Preeminent rating by Martindale-Hubbell®](#)
- 2020—2021 Top 100 Lawyers in California, *Daily Journal*
- 2015 Southern California's Top 100 Lawyers, Super Lawyers
- 2013 AV® Preeminent™ peer review rated by Martindale-Hubbell, reflecting the highest peer recognition for both legal ability and ethical standards.

## Published Opinions

*Stein-Brief Group, Inc. v. Home Indemnity Company* (1998) 65 Cal. App. 4th 364.

## Publications

*Regulating the Professional Sports Agent: Is California in the Right Ballpark*, 15 Pacific Law Journal 1231 (1984).

## Admissions

- State Bar Admissions:
  - California
  - Colorado
- State Supreme Courts:
  - California Supreme Court
- United States District Courts:
  - United States District Court for the Central District of California
  - United States District Court for the Eastern District of California
  - United States District Court for the Northern District of California
  - United States District Court for the Southern District of California
- United States Courts of Appeals:
  - United States Court of Appeals for the Ninth Circuit



## **MATTHEW P. HARRISON**

**Partner, Los Angeles**

213.580.3845 | [Matthew.Harrison@lewisbrisbois.com](mailto:Matthew.Harrison@lewisbrisbois.com)

[LewisBrisbois.com](http://LewisBrisbois.com)

### **Primary Practice(s)**

- General Liability
- National Trial Practice

### **Education**

- Southwestern University School of Law, *Juris Doctor*, 2002
  - Southwestern Law Review, 2000-2002
- Arizona State University, Bachelor of Science, 1999

Matthew Harrison is a partner in the Los Angeles office of Lewis Brisbois and a member of the General Liability Practice. He is experienced in all phases of litigation with an emphasis on civil defense litigation including cases involving catastrophic personal injury, product liability, premises liability, governmental entity defense and toxic tort.

Matt, who has been in practice for 18 years, has represented numerous governmental agencies in Federal and State Courts involving Section 1983 Civil Rights violation claims, including use of force, false arrest, unreasonable search and seizure, and malicious prosecution from initial incident (walk-through/de briefs) through verdict. Matt has defended in excess of 30 cases on behalf of law enforcement and municipalities. Matt has second chaired and been lead counsel in 1983 trials. Matt has represented law enforcement agencies throughout California, including San Bernardino County, Orange County, Merced County, the City of Long Beach, the City of South Gate, and the City of Coronado. Matt has tried federal and state court cases in Los Angeles, San Diego, Orange County, San Bernardino, and Fresno.

### **Associations**

Association of Southern California Defense Counsel

### **Admissions**

- State Bar Admissions:
  - California
- State Supreme Courts:
  - California Supreme Court
- United States District Courts:
  - United States District Court for the Central District of California
  - United States District Court for the Eastern District of California



## ABIGAIL MCLAUGHLIN

Associate, Los Angeles

213.358.6001 | [Abigail.McLaughlin@lewisbrisbois.com](mailto:Abigail.McLaughlin@lewisbrisbois.com)

[LewisBrisbois.com](http://LewisBrisbois.com)

### Primary Practice(s)

- General Liability

### Education

- University of Oklahoma College of Law, *Juris Doctor*, 2016
- University of Texas at Austin, Bachelor of Arts in English, 2013

Abigail McLaughlin is an associate in the Los Angeles office of Lewis Brisbois and a member of the General Liability Practice.

Abigail graduated from the University of Texas at Austin in 2013 with a B.A. in English. She attended the University of Oklahoma College of Law. While at the University of Oklahoma College of Law, she was the Managing Editor of the Oklahoma Law Review. She also served as research assistant to Professor Sarah Burstein and assisted with her publications on intellectual property law, specifically design patents. She was a member of the Saul Lefkowitz Moot Court Team, which placed first at regional competition and seventh at national competition. She was inducted into the Order of the Barristers.

While in law school, Abigail clerked with the Texas Attorney General in their Antitrust division and the Federal Trade Commission. After graduating in 2016, she passed the California Bar. For four years, she was an associate at a boutique probate litigation firm and handled all aspects of cases from inception to settlement or trial. Then, she joined a mid-size firm as a member of their strategy, writs, and appeals team.

### Admissions

- State Bar Admissions:
  - California
- United States District Courts
  - United States District Court for the Central District of California





## **TORI BAKKEN**

**Associate, Los Angeles**

213.680.5172 | [Tori.Bakken@lewisbrisbois.com](mailto:Tori.Bakken@lewisbrisbois.com)

[LewisBrisbois.com](http://LewisBrisbois.com)

### **Primary Practice(s)**

- [General Liability](#)

Tori Bakken is an associate in the Los Angeles office of Lewis Brisbois and a member of the General Liability Practice. A rising star at trial, Ms. Bakken regularly outmaneuvers trial attorneys with decades more experience; and she is fast developing renown as one of the most effective cross-examiners of her generation.

### **Admissions**

- State Bar Admissions:
  - California
- United States District Courts
  - United States District Court for the Central District of California
  - United States District Court for the Southern District of California

**ATTACHMENT B:**  
**Certificates of Insurance**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/31/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

949-365-5156

**PRODUCER**  
Brakke-Schafnitz Ins. Brokers  
License #0K07568  
3 Polaris Way, 4th Floor  
Aliso Viejo, CA 92656  
Craig Lewis

**CONTACT NAME:** Loida Jalandra  
**PHONE (A/C, No, Ext):** 949-365-5156 **FAX (A/C, No):** 949-313-3287  
**E-MAIL ADDRESS:** loida.jalandra@sig.us

**INSURED** Lewis, Brisbois, Bisgaard & Smith, LLP  
633 W. 5th Street, Suite 4000  
Los Angeles, CA 90071

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Federal Insurance Company	20281
INSURER B :	Ironshore Specialty Ins. Co.	25445
INSURER C :	Axis Surplus Insurance Co.	26620
INSURER D :		
INSURER E :		
INSURER F :		

### COVERAGES

### CERTIFICATE NUMBER:

### REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			35293188	04/01/2022	04/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			74970352	04/01/2022	04/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE			79611475	04/01/2022	04/01/2023	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000
	DED RETENTION \$						
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A			71636981	04/01/2022	04/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	<b>E&amp;O/PL-Primary</b> Claims-Made			LPL7NABZWZ003 (DED: 500K/1M)	05/25/2022	05/25/2023	Ea Claim 10,000,000 Aggregate 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

\*See Notepad for Cyber Policy.

### CERTIFICATE HOLDER

### CANCELLATION

**PROOF OF INSURANCE**  
Lewis, Brisbois, Bisgaard & Smith LLP  
633 W. 5th Street, Suite 4000  
Los Angeles, CA 90071

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CYBER: Cyber/Privacy Liability - Policy No. B1820WLS22C902  
INSURER C: Axis Surplus Insurance Company  
Limit \$10,000,000  
Policy Term: 09/01/2022-09/01/2023

Angelo  
Kilday  
Kilduff

601 University Avenue Suite 150  
Sacramento, CA 95825  
Telephone No. (916) 564-6100  
Telecopier No. (916) 564-6263  
E-Mail: [ckilduff@akk-law.com](mailto:ckilduff@akk-law.com)

Bruce A. Kilday\*  
Carolee G. Kilduff\*  
Serena M. Warner  
Kevin J. Dehoff  
Derick E. Konz

William J. Bittner  
Jacob J. Graham  
Ashley E. Riser  
Kathryn A. Hulse

John A. Whitesides, Senior Counsel  
J. Scott Smith, Senior Counsel

Robert K. Gaultney, Of Counsel

\*Member of American Board  
of Trial Advocates (ABOTA)

June 9, 2023

**Application to be on Pooled Liability  
Assurance Network's (PLAN JPA) Panel of Defense Counsel  
By: Angelo, Kilday & Kilduff**

Dear Ms. Denardo:

As you know Angelo, Kilday & Kilduff has specialized in defense of public entities since it was formed in 1997 by Larry Angelo, Bruce Kilday and Carolee Kilduff. We currently have eleven attorneys: two senior partners (Bruce and me); three full-time active partners, Serena Warner, Kevin Dehoff and Derick Konz; two senior attorneys, Scott Smith and John Whitesides; four associate attorneys, Bill Bittner, Jacob Graham, Ashley Riser and Kathryn Hulse; and an of counsel senior attorney, Bob Gaultney. All attorneys, paralegals and staff are familiar with and enjoy working primarily on public entity cases.

**A. BIOGRAPHICAL INFORMATION**

**1. Attorney Resumes:**

- a. Attorney's Resumes:** (attached). Brief biographies of the partners and senior attorneys below. We would propose the two primary attorneys for PLAN cases be partners Kevin Dehoff and Serena Warner.

Kevin Dehoff—Partner

After obtaining his undergraduate degree from UC Davis in genetics, Kevin Dehoff obtained a master's degree in forensic science, a discipline he found fascinating, which lead him to a decision to attend law school. Upon graduation, he started his legal career as a personal injury Plaintiff's attorney, but found he is philosophically more aligned with the defense, and so came to work at AKK in 2011. He has had four recent first chair civil jury trials. He handles dangerous condition cases for a number of public entities as well as inverse condemnation and environmental cases. In his most recent trial involving a paraplegic, he did such a good job of presenting the defense, the

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Re: *AKK Application*  
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Plaintiff dropped the demand by fifteen million, and they were able to settle the case. He has also had good success in obtaining voluntary dismissal of cases, On demurrer and summary judgment. He has been able to tender defense and indemnity to insurance companies of co-defendants. By eliminating most of the causes of action in a complicated subsidence case in 2022, he was able to achieve a very favorable settlement for a public entity. He is an acclaimed graduate of the ABOTA trial academy.

Serena Warner—Partner

Partner Serena Warner has handled cases for public entities involving child removal, sex abuse (negligence/mandatory duty claims), defamation, first amendment retaliation, due process, tortious interference with contract, and police matters involving excessive force/unreasonable search and equal protection. She has argued appeals before the 3rd DCA and 9th Circuit. (See *Bonilla-Chirinos v. Maggiano*, 776 Fed.Appx. 520 (9th Cir. 2019) – unpublished.) She has several jury trials to verdict as first chair, obtaining a recent defense verdict in a five-week sex harassment case for Solano County. A Superior Court Judge in Sacramento noted that he appreciated her briefing and argument on issues because he could rely on accurate citation and description of legal authorities. She is a frequent speaker on government tort claims filing procedures, defenses and statutes of limitations. She is also an acclaimed graduate of the ABOTA trial academy.

Derick Konz—Partner

Derick Konz has experience defending public entities in personal injury, dangerous condition, and civil rights actions. In April 2023, he obtained a defense verdict for individual correctional officers in a 42 U.S.C. Section 1983 jury trial in federal court. In 2022, he was first chair defense attorney for an individual defendant in a sexual harassment jury trial. Afterward two of the jurors requested his business card. At his prior firm he handled several Plaintiff's cases, but came to our firm in part because he prefers to be on the defense side of cases against public entities. He has drafted over 30 successful dispositive motions, as well as a successful appeal to the 9th Circuit overturning an Eastern District Court decision involving police liability. He served as second chair, with Bruce Kilday, in a volatile wrongful death shooting case for a public entity client and received positive feedback from Magistrate Judge Carolyn Delaney. He is frequently asked by the Judicial Council to defend judges in matters brought by pro se and prisoner litigants.

Bruce Kilday—Founding Partner

Founding Senior Partner Bruce Kilday is a member of ABOTA. He has extensive trial

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experience, in the last decade defending several highly emotional police liability cases. In a recent wrongful death shooting case with a multi-million-dollar demand brought by John Burris, he had a 6-2 hung jury in favor of the defense, which enabled the public entity client to reach a favorable settlement with a minimum of negative publicity. For many years he taught the officer involved shooting course for POST. Bruce has been an active participant in the American Inns of Court, Anthony M. Kennedy Chapter, since the mid-90's and has formed collegial relationships with a number of local judges and appellate court justices. He is highly regarded by the local bench and bar for his experience and skill as a trial attorney, his humor, and collegiality, all of which facilitate his ability to establish a good rapport with jurors, individual clients and witnesses.

Carolee Kilduff—Founding partner

Carolee Kilduff is the current managing partner of the firm. Although over the last fifteen years her practice has been primarily employment-related litigation defense, she has handled dangerous condition and negligence cases for public entities, including through trial. She is also a member of ABOTA. Recently a local public entity reached out to ask her to try a case involving a debilitating accident to a young woman. The defendant's vehicle had crossed the centerline and hit Plaintiff's car head-on. The entity felt its defense would be best presented by a female attorney/mom/grandmother. Through her efforts in discovery and negotiations, however, a favorable settlement was obtained instead. She has been generally successful in settling cases for her clients, although noting a trend in recent years, especially with attorneys from Los Angeles, for making impossible, ridiculous demands.

John Whitesides—Senior Attorney

John Whitesides principally handles complicated motions and appeals in complex employment and civil rights cases. He has had remarkable success, in one police liability case, achieving dismissal of all thirty-five individual defendants, a result that reduced the settlement demand in the case by approximately 30 million dollars. He is expert at legal writing and analysis, frequently sought out as a resource by other attorneys at AKK to assist with legal arguments to obtain dismissal and/or summary adjudication of various causes of action, and in some cases of the entire case.

Scott Smith—Senior Attorney

While Scott Smith has had good success defending public entities in trial, his specialty is summary judgment motions, demurrers, motions to dismiss in federal court and appeals. He enjoys complicated motions and legal arguments. He recently obtained summary judgment for a public entity in a termination case in which Plaintiff was

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Re: *AKK Application*  
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claiming PTSD excused his abusive conduct. Currently Scott is drafting a complex motion to dismiss in a section 1983 housing discrimination case.

**b. Office Location:** 601 University Avenue, Suite 150, Sacramento, CA 95825

**c. Total Number of Attorneys in the firm:** 11 attorneys

**2. Attorney Experience in public sector general liability litigation:**

Bruce Kilday—43 years; Carolee Kilduff—40 years; Serena Warner—14 years; Kevin Dehoff—15 years; Derick Konz—10 years; John Whitesides—37 years; Scott Smith—24 years; Bill Bittner—8 years public entity related compliance, writs and appeals—2 years with AKK on public entity litigated cases; Jacob Graham—2 years; Ashley Riser—3 years criminal defense, 7 months with AKK on public entity cases; Kathryn Hulse—2 ½ years state government attorney, 10 months civil litigation.

**3. Attorney Experience in public sector general liability counseling or litigation prevention:**

Serena Warner and I recently presented a seminar to CAJPA on statutes of limitations, claims and litigation handling tips. For one JPA, Serena is on a panel called “Ask an attorney” for client reference in litigation prevention. She presents seminars to our public entity clients at least once/year on a variety of litigation topics, as requested. Derick Konz and Bruce Kilday present seminars on police liability matters, law enforcement practices and procedures approximately twice/year to police chiefs, JPAs and/or third-party administrators. Kevin Dehoff has given public entity presentations on torts, dangerous condition, public works, facility ADA, and police practices. Associates assist with research and presentation.

Claims people frequently contact Bruce and Derick after hours for advice and defense planning if there is a concerning police incident. Kevin is called on dangerous condition cases, such as a recent fatal accident where a tree fell on a young mother at a park. Our attorneys are available to respond to calls in the evenings and on weekends/holidays.

**4. Attorneys who will be assigned to PLAN JPA matters:**

Primary attorneys for assignments will be Kevin Dehoff, Serena Warner, and Derick Konz, assisted by the other partners, as well as by senior attorneys and associates, and our very experienced and skilled paralegal, Tami Redding.

Contact attorneys would be Serena Warner or Kevin Dehoff.



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Re: *AKK Application*  
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June 9, 2023

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**5. Client List:**

- a. See attachment

**6. List of 3 public entity references:**

- a. Marinda Griese  
CJPRMA  
3201 Doolan Road, Suite 285, Livermore, CA 94551  
925-837-0667  
[marinda@cjprma.org](mailto:marinda@cjprma.org)
- b. Cynthia Gordon-Foreman  
Solano County Counsel  
675 Texas Street, Suite 6600  
Fairfield, CA 94533  
707-784-6140  
[Cgordon@solanocounty.com](mailto:Cgordon@solanocounty.com)
- c. Gabrielle Daniel, CRM, ARM-P, AIC, PHR-CA, SHRM-CP  
Director, Claims and Loss Prevention  
Schools Insurance Group  
P.O. Box 278  
Rancho Cordova, CA 95741  
(530) 823-9582 office  
(916) 217-5911 (cell)

**B. LAW FIRM PHILOSOPHY:**

Our firm philosophy is to provide quality legal representation at reasonable cost. We believe in preventative efforts to head off litigation whenever possible, attempting to resolve litigation on behalf of our clients early when we believe early resolution is in their best interests. However, we do the work needed to take the case to trial if necessary and successfully defend the case. We avoid getting into battles over discovery, which we find to be a waste of time and money, but if necessary we assert and preserve the rights of our clients, for example in privileged confidential information. The two senior partners have each been awarded the ABOTA civility award for the Sacramento Valley Chapter of ABOTA, and set the tone for the firm's attorneys. We analyze each case as to whether it is possible to bring motions to eliminate all or some of the causes of action, but with the understanding it may be necessary to defend the case through trial. We have had excellent success with dispositive motions.

To: Susan Denardo  
Re: *AKK Application*  
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June 9, 2023

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**C. HOURLY FEES:**

1. Senior Partners and Appeals: \$280/hour
2. Partners: \$250/hour
3. Associates: \$225/hour
4. Senior Counsel (not appeals): \$250/hour
5. Paralegals: \$120/hour

**D. AGREEMENT TO FOLLOW PLAN JPA'S LITIGATION POLICIES:**

We agree and have no problem abiding by policies. These are similar to other entities we serve.

**E. LAW FIRM TECHNOLOGY:**

We have several highly rated software applications to help our people do their work efficiently. This includes MS Office for word processing; TABS for time & billing; PracticeMaster for case management, group calendaring, and case deadlines; Worldox for document management; CaseMap as a factual and legal database for use in discovery and motions; TextMap for deposition transcripts and exhibits, useful for witness preparation and trial.

All attorneys have laptops that allow them to work remotely and connect to the applications on our office network or on the Web.

**F. INFORMATION PROTECTION:**

Security is provided by an aggressive Barracuda Firewall and we use a daily back-up system with a hard-drive and redundant cloud storage for all files. Our tech people are constantly trained and training us on spotting and filtering out spam, phishing and other internet dangers.

**G. MALPRACTICE LITIGATION CLAIMS:**

None

  
CAROLEE G. KILDUFF

{00229370;1}

## Kevin J. Dehoff

### Partner

[kdehoff@akk-law.com](mailto:kdehoff@akk-law.com)



T (916) 564-6100 ext. 228

F (916) 564-6263

#### **Practice Areas:**

Public Entity Defense; Employment Litigation; Police Practices Defense; Personal Injury Litigation; Environmental & Toxic Torts

#### **Significant Cases:** (Partial List)

- *Bennett v. Union Pacific Railroad* (2018) Placer County Superior Court No. SCV040404 – Demurrer
- *Broadnax v. Fairfield-Suisun Unified School District* (2017) Solano County Superior Court Case No. FC047914 – Voluntary Dismissal
- *Sheffield v. City of Lodi* (2017) San Joaquin County Superior Court Case No. 2017-6940 – Voluntary Dismissal
- *Salsberry v. Western Placer Unified School District, et al.* (2017) Placer County Superior Court Case No. SCV0038780 - Demurrer
- *Suit v. City of Folsom, et al.* (2016) Sacramento Superior Court Case No. 24-2016-00204549 -
- *Garcia v. City of Isleton* (2016) Sacramento County Superior Court Case No. 34-2016-00200786 – Motion for summary Judgment
- *Canulli v. City of Auburn, et al.* (2016) Placer County Superior Court Case No. SCV0037612 – Contractual Indemnity
- *Sowers v. City of Roseville.* (2015) Placer County Superior Court Case No. SCV0035958 - Demurrer
- *Barbour vs. City of Winters.* (2014) Yolo County Superior Court Case No. ED14-527 - Demurrer
- *Niesen v. County of Yolo, et al.* (2014) United States Eastern District of California Case No. 2:14-cv-02921-WBS-CKD – Motion for Summary Judgment
- *Catlin v. City of Isleton.* (2013) Sacramento Superior Court Case No. 34-2013-00146861- Demurrer

- *O’Roy v. Thunder Cuts, Inc., et al.* (2013) California Unemployment Insurance Appeals Board, Ab No. AO-3340018 - Appeal
- *Bellamy v. City of Isleton.* (2012) Sacramento Superior Court Case No. 34-2012-00133018 – Contractual Indemnity
- *Cardoza v. Tann, et al.* (2011) United States Eastern District Court Case No. 1:11-cv-01386-RRB – Obtained Summary Judgment
- *Perez v. City of Stockton, et al.* (2010) San Joaquin Superior Court Case No. 39-2010-00242664-CU-CR-STK – Motion for Summary Judgment
- *Fonseca v. City of Red Bluff* (2010) Eastern District of California Case No. 2:10-cv-02685-MCE-CMK – Motion to Dismiss
- *Thompson, et al. v. City of Redding, et al.* (2009) Eastern District Case No. 2:09-cv-01609-WBS-CMK – Motion for Summary Judgment
- *White v. City of Stockton.* (2005) San Joaquin Superior Court Case No. SV254167 – Motion for Judgment on the Pleadings

Mr. Dehoff joined Angelo, Kilday & Kilduff in 2011. Prior to joining the firm, he spent several years practicing insurance litigation specializing in personal injury. Before becoming an attorney, Mr. Dehoff worked in the science industry. Specifically, he worked for scientific research laboratories, crime laboratories, and as a field scientist conducting research into disease outbreaks. His extensive background and training in forensic science and epidemiology assists him in analyzing complicated legal fact patterns on behalf of his clients.

Mr. Dehoff prides himself on his responsive and attentive contact with clients. His colleagues recognize his good litigation instincts and dedicated work ethic. Mr. Dehoff has been recognized as a Rising Star by California Super Lawyers in the area of Civil Rights. He also has been recognized by the Sacramento Magazine as a Top Lawyer in 2017, 2018 and 2019 for his work in personal injury.

Mr. Dehoff enjoys trial advocacy and has tried first chair civil jury trials to verdict. These include cases based on a purported dangerous condition of public property and police practices defense. Further, in 2019, Mr. Dehoff graduated from the ABOTA National Trial Academy. Held annually at the National Judicial College, the Trial Academy allows practicing attorneys to hone their trial skills by competing against other attorneys from around the country.

Outside of work, Mr. Dehoff has been enjoying his new role as a father and spending time with his family. In his spare time, he can be found hiking, running or finding other ways to keep active.

### **Admitted to Practice**

All California State courts

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States Court of Appeals for the Ninth Circuit

United States Patent and Trademark Office

## **Experience**

- 1/2011 – Present     Angelo, Kilday & Kilduff – Partner  
Presently defends public entities and employees in federal and state courts primarily in the areas of personal injury, police practices, employment litigation & environmental and toxic torts.
- 2007 – 2010         Stawicki & Maples – Associate  
Managed a caseload ranging from 150-200 personal injury cases from initial client consultation to settlement or verdict. Cases included motor vehicle accidents, animal attacks, electrical injuries, medical malpractice, premises liability, wrongful death and survival actions, and public entity lawsuits. Responsibilities included negotiating settlements in personal injury cases, law and motion, written discovery and deposition practice, mediation, mandatory settlement conferences, and trial co-counsel.

## **Education**

Santa Clara University School of Law, J.D. (2006)  
Dean's List

The George Washington University, Masters of Forensic Science (2002)

University of California, Davis, B.S. Genetics with honors (1999)  
The Golden Key Honors Society  
Phi Kappa Phi Honor Society  
Phi Sigma Honor Society  
Department of Genetics Outstanding Achievement in Genetics (1999)

## **Presentations**

Annual Northern California County Counsel Meeting, Guest Speaker, 2019

CAJPA Litigation, Insurance & Tort Liability (LITL) Program, Guest Speaker, Tort Liability and Litigation, 2018

NCCSIF Police Risk Management Program, Guest Speaker, Police Practices, 2018

Central Valley City Attorney Association, Guest Speaker, On-Street Parking and the ADA, 2016

**Professional Memberships**

- Federal Bar Association
- Association of Defense Counsel of Northern California and Nevada

## Serena M. Warner

Associate

sWarner@akk-law.com



T (916) 546-6100 ext. 235

F (916) 564-6263

### **Practice Areas:**

Public Entity Defense; Civil Rights Litigation; Employment Litigation; Constitutional Cases; Police Practices Defense, and General Torts.

### **Significant Cases:**

- *Jeffries v. City of Galt* (2014) Sacramento Superior Court Case No. 34-2011-00115333 – Second Chair Jury Trial, former Parks and Recreation Director alleged age discrimination, Defense Verdict (Employment)
- *Zochlinski v. The Regents of the University of California, et. al* (2013) Ninth Circuit Case No. 10-15917 – plaintiff alleging discrimination and equal protection violations due to his receipt of numerous nuisance violations, District court granted Defendants’ Motion to Dismiss, Judgment upheld on appeal (Code Enforcement/Civil Rights/Appeal)
- *Hanson v. Elks Lodge, et al.* (2013) Yolo Superior Court Case No. 2011033 – dangerous condition of public property case, negotiated settlement.
- *ANDCO Farms v. Yolo County* (E.D. Cal. 2012) –Case No. 2:08-CV-01553 – CERCLA case involving cost of remediation for former County dump site, negotiated settlement (Environmental)
- *Sherman v. City of Davis* (2012) Yolo Superior Court Case No. 2:11-cv-00820 – vexatious pro per litigant alleging numerous federal causes of action for alleged violations of his civil rights, Motion to Dismiss granted (Civil Rights)
- *Westfall v. City of Crescent City* (N.D. Cal. 2011) 2011 U.S. Dist. LEXIS 101710 - City Councilperson sues City for First Amendment violations due to her censure by Council at a public meeting, Motion to Dismiss and anti-SLAPP motions granted, attorney’s fees awarded (Civil Rights)
- *Richards v. Prieto* (E.D. Cal 2011) Case No. 2:09-CV-01235-MCE-DAD – Second Amendment challenge to Sheriff’s concealed weapon permitting policy, Summary Judgment granted in favor of Defendant, Plaintiff’s appeal pending in Ninth Circuit (Civil Rights/Appeal)

- *Patche v. Dept. of General Services* (Sacramento Superior Court) Case No. 06AS03408 – plaintiff alleged numerous incidents of retaliatory conduct in three separate lawsuits, consolidated and Motion to Dismiss consolidated case granted (Employment)

Since joining Angelo, Kilday & Kilduff in early 2010, Ms. Warner has managed a diverse case load involving defamation, excessive force, and personal injury allegations, nuisance regulations, claims under CERCLA, constitutional challenges to gun control regulations, and a number of employment cases where age, religious, and/or disability discrimination was alleged. Ms. Warner had developed an emphasis in employment litigation, and defense against DFEH complaints and wage and hour claims. Ms. Warner and Ms. Kilduff successfully tried a ten-week age discrimination trial in Sacramento Superior Court in 2014 and Ms. Warner second-chaired an eight-week wrongful termination trial in Solano Superior Court in 2016. Ms. Warner was recognized as a Rising Star among Northern California attorneys by Super Lawyers.com in 2016-2020.

Ms. Warner is a California-native, raised locally in Elk Grove, CA. She received her bachelor of arts with high honors from the University of California Santa Barbara and graduated law school, cum laude, from the University of California, Hastings College of the Law. In law school, she maintained a wide-variety of interests. She served as President of the “Pilipino” American Law Society, Senior Articles Editor of the Hastings Race and Poverty Law Journal, and competed at the Wagner Labor Law Competition as a member of the moot court team. She is a member of the Filipino American Bar Association of Northern California. Ms. Warner is also the proud mom of a strong-willed, sweet-spirited three-year old and just started to find the time to go to yoga class, start brewing beer again and crochet.

### **Admitted to Practice**

- All California State courts
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California

### **Experience**

2010 – Present	Angelo, Kilday & Kilduff –Associate and Partner Areas of emphasis: Public Entity Defense; Employment Litigation; Constitutional Cases; Civil Rights Litigation; Police Practices Defense; General Torts.
2009 - 2010	Health Law Consortium – Legal Research Fellow
Summer 2008	Thelen Reid Brown Raysman & Steiner, LLP – Summer Associate
Summer 2007	United States Court of Appeals for the Ninth Circuit – Extern for the Honorable John Noonan



## **Education**

- University of California, Hastings College of the Law, J.D., *cum laude* (2009)
  - Hastings Public Interest Honoree
  - Best Moot Court Oral Argument Award Recipient
  - Moot Court Team Competitor & Brief Editor
  - Race and Poverty Law Journal Outreach Editor & Senior Articles Editor
  - Pilipino American Law Society, President, Historian and Social Chair
  - Independent Scholar for the U.S. Department of Education, Office of Civil Rights
  - Legal Research and Writing and Moot Court Teacher's Assistant
- University of California, Santa Barbara, B.A. English and Sociology with high honors, Leadership Certificate (2004)

## **Presentations**

- Co-Presenter on the issue of police liability for the California Joint Powers Risk Management Authority Conference (May 2012)

## **Professional Memberships**

- Filipino Bar Association of Northern California

## **Community Involvement**

- Participant, Sacramento County Bar Association Kids Law Day (Feb. 2018)
- Mira Loma High School Moot Court Team Coach for Sacramento County Office of Education, Gordon D. Schaber Moot Court Competition (2014 - 2020)
- Volunteer Judge, New York Bar Association and American College of Trial Attorneys' National Moot Court Competition (Nov. 2012)
- Volunteer judge, Sacramento County Office of Education, Gordon D. Schaber Moot Court Competition (Feb. 2012).
- Volunteer Judge, UC Davis Law School Intraschool Moot Court Competition (Oct. 2011).

Super Lawyers, Rising Star – Civil Rights Litigation (2018, 2019, 2020, 2021)  
Admitted in the Eastern and Northern U.S. District Courts of California and the Ninth Circuit



### **EDUCATION**

*McGeorge School of Law*

**JD, May 2012;** Evening Division: 19/91; Combined: 67/315

Dean's Honor List, Traynor Honor Society, Criminal Procedure Witkin Award

*Saint Mary's College of California*

**Philosophy BA, 2001;** Saint Mary's College Radio, General Manager

### **EMPLOYMENT**

July 2017–Present

**Senior Associate Attorney - Angelo, Kilday & Kilduff, LLP**

- First Chaired defense of individual in two week sexual harassment trial.
- Contract litigation counsel for public entities and public employees in state and federal court; primarily police, general, and employment liability.
- Handle all aspects of litigation, including responsive pleadings, discovery, discovery motions, dispositive motions, trial, and appeal.
- Taken and defended approximately 70 depositions.
- Informally negotiated resolution of approximately 25 cases.
- Attended approximately 30 settlement conferences and mediations; private and in court.
- Drafted approximately 50 successful dispositive motions.
- Second-chaired a federal jury trial on a fatal police shooting case.
- Drafted and argued a successful appeal to the Ninth Circuit.
- Draft litigation status reports.
- Supervise associate attorneys.
- Represent Judicial Council clients, including Appellate Justices, Superior Court Judges, and Courtroom Clerks.
- Work closely with City Attorneys, City Councils, County Counsels, and County Boards of Supervisors on litigated cases and a variety of non-litigated issues.
- Delivered case law updates and litigation presentations to public entities.

March 2013–July 2017

**Associate Attorney - Mayall Hurley, P.C.**

- Contract litigation counsel for public entities, public employees, private individuals, and private entities; primarily defense of employment claims, police liability claims, and general liability claims.
- Handled all aspects of litigation from pleading to trial preparation.
- Took and defended approximately 20 depositions.
- Tried a dangerous condition case at arbitration and obtained a defense ruling.
- Litigated approximately 20 employment cases on the plaintiffs' side involving claims of discrimination, harassment, wage/hour violations, and PAGA violations.
- Filed approximately 20 DFEH and LWDA complaints.
- Represented approximately 10 clients at unemployment appeal hearings.
- Represented private entities at OSHA proceedings.
- Developed policies and procedures for private entities regarding, *inter alia*, paid and unpaid time off, independent contractor/employee designations, workplace harassment, and hiring practices.

August 2004–March 2013

**High School Math Teacher - Lodi Unified School District, McNair High School**

- McNair High School mathematics teacher at all levels, successfully implementing state-mandated curriculum to 9-12 grade students.
- Taught summer school and tutored high school and middle school students.
- Worked collaboratively with school counselors, administrators, school resource officers, parents, and other teachers toward achieving pedagogical goals.

### **LEGAL INTERNSHIPS**

May 2010–December 2011

**Certified Law Student - San Joaquin County Public Defender's Office**

- Drafted and argued evidentiary motions in San Joaquin County Superior Court, interviewed clients, drafted an appellate writ petition, second-chaired a murder trial, and assisted Deputy Public Defenders during mental health competency proceedings.

February 2010–June 2010

**Law Clerk - California Rural Legal Assistance**

- Conducted client intake interviews involving employment and housing issues and created and delivered a constitutional law presentation at the Youth Empowerment Academy in Stockton.

### **COMMUNITY INVOLVEMENT**

I am a member of the Federal Bar Association, have volunteered as a judge for the National Ethics Trial Competition at the Robert T. Matsui U.S. Courthouse in Sacramento, and have attended the annual Eastern District Conference. For the last ten years, I have been a coach and field maintenance volunteer for the City of Lodi and the Lodi Boosters of Boys and Girls and worked on the volunteer cleanup crew for the Lodi Lake Nature Area/Mokelumne River.

## **Bruce A. Kilday**

**Partner**

bkilday@akk-law.com



T (916) 546-6100 ext. 202

F (916) 564-6263

### **Practice Areas:**

Civil Rights Litigation; Police Liability Defense; Employment Litigation; Public Entity Defense; Torts.

### **Significant Cases:**

- *Smith-Downs v. Stockton* (2019) E.D. Cal. No. 2:10-cv-2495 CKD – Mistrial, hung 6-2 for defense.
- *Gutierrez v. County of Yolo* (2012) Eastern District of California No. 2:10-cv-01142 – Trial; Unanimous Defense Verdict
- *Moua v. Chico et al* (E.D. Cal. 2004) 324 F. Supp. 2d 1132 – Summary Judgment
- *Ford v. Ramirez-Palmer et al* (9th Cir. 2002) 301 F. 3d 1043 – Summary Judgment
- *Davis v. City of Sacramento* (3d DCA1994) 24 Cal. App. 4th 393 – Trial; Unanimous Defense Verdict
- *Orozco v. Yolo et al* (E.D. CA 1993) 814 F. Supp. 885 – Settlement
- *Sullivan v. Sacramento* (3d DCA 1987,) 190 Cal. App. 3d 1070 – Demurrer, Affirmed on Appeal

Mr. Kilday represents public entities and public employees in all types of cases including ADA litigation, dangerous conditions, and matters affecting school districts and teachers. A large percentage of Mr. Kilday's practice is focused on the representation of law enforcement personnel; from street level officers to elected officials in cases involving false arrest, excessive force, shootings, pursuit and everything in between. He creatively explores early resolution of cases and has been successful in getting a number of cases dismissed with a minimum of expense to the client. He has a fondness for humor which enhances his ability to communicate, and helps build effective rapport with clients, judges and juries. His associates respect his ability to communicate complicated issues in an approachable manner and address difficult situations with humor and empathy.

Prior to moving into civil practice, Mr. Kilday was in the District Attorney's Office for five years trying criminal cases including felony cases of robbery, rape, arson and the first consumer fraud case to go to trial. He has taught CEB courses for over 25 years (Depositions, Effective Direct & Cross-Exam) and has been the POST (Peace Officer Standards and Training) instructor for the Officer Involved Shootings course for Northern California for over 15 years. He has also been on the faculty of the Hastings College of Advocacy, a guest lecturer in the trial advocacy program and in civil rights classes at local law schools and several times a year is asked to speak at seminars and conferences, often in the area of police liability. Mr. Kilday was also elected to the American Board of Trial Advocates (ABOTA) in 2010.

In addition to Angelo, Kilday & Kilduff surviving years with Bruce as Managing Partner, he is most proud of his children, Elisabeth (who he says runs the Smithsonian) and Patrick (who is in surgical practice in Sacramento), and his wife, Sue (a retired teacher with boundless patience). Mr. Kilday was relieved to finish a 4-day hike along the Inca Trail into Machu Picchu with his family in June, 2011.

### **Admitted to Practice**

- All California State courts - 1975
- United States Supreme Court - 1984
- United States Court of Appeals for the Ninth Circuit - 1983
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California - 1995

### **Experience**

1997- Present	Angelo, Kilday & Kilduff - Partner and firm founder Specializing in defense of public employees and employers in civil litigation in both state and federal courts. Cases include defense of excessive force, false arrest, civil rights cases and officer-involved shootings; sexual harassment, discrimination and wrongful termination and ADA cases; dangerous condition and premises liability and products liability; and ongoing consultation for clients. Managing Partner for five years.
1996 - Present	Evaluator for Voluntary Dispute Resolution Program (ENE) for the Eastern District Federal Court
1986 - Present	Arbitrator for Superior Courts
1980 - 1997	Bolling, Walter & Gawthrop – Partner (since 1983)
1975 - 1980	Sacramento County District Attorney - Deputy District Attorney Prosecuted felonies, misdemeanors, and consumer fraud matters
1974 - 1975	Sacramento Superior Court – special Law clerk to Judges Robert Cole and Elvin Sheehy for murder-conspiracy trial of SLA members

## **Education**

- University of the Pacific, McGeorge School of Law, J.D. 1975
- University of California at Berkeley – Economics, B.A. 1972

## **Honors**

- Named as one of California’s Super Lawyers in 2005, 2011-2020
- Martindale-Hubbell Rating "AV" since 1996
- National Award for Program from American Inns of Court in 1997, 2001, 2005, 2012
- Traynor Honor Society and Moot Court Honors Board
- ABOTA – elected to membership in 2010
- ABOTA – Gilwee Award for Civility for Exemplary Professionalism (2017)

## **Professional Memberships**

- Federal Bar Association
- American Bar Association - Litigation Section
- Anthony M. Kennedy American Inns of Court - Master of the Bench since 1992
- American Board of Trial Advocates (ABOTA)

## **Lectures and Presentations\***

\*partial list

1994 – Present	Consultant with Calif. Dept. of Justice (P.O.S.T.) teaching legal portions of Officer Involved Shootings course
1983 – Present	Lecturer and Moderator for Calif. Continuing Education of the Bar (CEB) on Depositions and Effective Direct and Cross-Examination
2006	Presenter at PARMA Annual Conference on Interpreters and Law Enforcement: New Obligations and Liability Risks”
2005	Consultant with California Peace Officers Association teaching legal portions of Officer Involved Shooting course
2005	Speaker at California State Sheriff’s Association – Correctional Facilities Administrator Seminar on Language Issues in the Correctional Setting and Recent Developments
2005	Speaker at Placer County Law Enforcement Association Retreat on Civil Liabilities: Present and Future Considerations
2004	Speaker at U.S. Attorney Law Enforcement Summit on Enforcement of Executive Order 13166

- 2003 Panelist at Litigation Avoidance and Risk Management Symposium for California Department of Corrections
- 2002 & 2004 Panelist for Police Liability in California seminar for Lorman Education Services
- 1999 Lecturer in Dealing with Informants course for Calif. Dept. of Justice (P.O.S.T.)
- 1999 Lecturer on Sexual Harassment for Calif. Association of Work Experience Educators
- 1995 Taught Civil Liability, Sexual Harassment, and Employment Discrimination to Sacramento Police Department Supervisors
- 1994 Panelist on Labor Law Workshop sponsored by the Elk Grove Unified School District
- 1991 Taught course on Civil Liability in Advanced Officer Training to Sacramento Police Department, Placerville Police Department, and West Sacramento Police Department
- 1988 – 1989 Faculty of Hastings College of Advocacy, San Francisco, CA

**Carolee G. Kilduff,**  
**Managing Partner**  
ckilduff@akk-law.com



T (916) 546-6100 ext. 203  
F (916) 564-6263

**Practice Areas:**

Employment Litigation; Civil Rights Litigation; Public Entity Defense;  
Business Litigation; Torts.

**Significant Cases:** (Partial List)

Passuello v. Sierra Community College District (2012) Trial--Placer County Superior Court

Winters v. County of Solano (2011) Trial—Solano County Superior Court

Lancaster v. County of Yolo (2007) Summary Judgment- U. S. Eastern District Court 2007 U.S. Dist. LEXIS 95415

Moosa v. CUS Chico (2006) Trial--Butte County Superior Court 2009 Cal. App. Unpub. LEXIS 1381

Hudson v. County of Yolo (2005) Trial—U.S. Eastern District Court

Parsons v. City of Solano (9th Cir. 2003) --Summary Judgment U.S. Eastern District Court 70 Fed. Appx. 467

Boyd v. California Assembly (1997) Trial--Sacramento County Superior Court

Sullivan v. Davis (1993) Trial--Yolo County Superior Court

Lagos v. Modesto City Schools Dist. (9th Cir. 1988) Summary Judgment U.S. Eastern District Court 843 F.2d 347

Ms. Kilduff specializes in all types of employment litigation. She has represented defendants ranging from rank and file maintenance people, to mid-level management people, professors, Superior Court judges, Board of Supervisor members, and District Attorneys. She was also privileged to represent the Chancellor of the CSU and other high level administrators in a case involving a controversial professor in Chico. In 2007, the Presiding Justice of the Third District Court of Appeal, Arthur Scotland, included her in a list of prominent female trial attorneys in Sacramento in a letter he wrote to the editor of the Daily Journal.



Ms. Kilduff works collaboratively with her clients to develop innovative and successful litigation strategies and solutions for problems that arise in the course of employment. Her associates describe her as the epitome of professionalism and respect the insightful and thorough manner in which she approaches her cases. Ms. Kilduff's peers in the legal field echo her praises as demonstrated by her election to the American Board of Trial Advocates (ABOTA) in 2012.

Ms. Kilduff attended the University of California Berkeley followed by McGeorge School of Law. She received her J.D and was admitted to practice in California in 1982. In addition to being the Managing Partner of Angelo, Kilday & Kilduff, Ms. Kilduff is also the proud grandmother of twelve.

### **Admitted to Practice**

- All California State courts
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District
- United States District Court for the Northern District
- United States Supreme Court

### **Experience**

- 3/97 – Present     Angelo, Kilday & Kilduff - Founding Partner/Currently Managing Partner  
AV rated with extensive experience litigating discrimination, sexual harassment, wrongful termination, civil rights and personal injury suits; ongoing consultation for clients on employment matters.
- 1985 - 3/1997     Bolling, Walter & Gawthrop - Shareholder and Associate  
Extensive experience litigating discrimination, sexual harassment, wrongful termination, civil rights and personal injury suits; ongoing consultation for clients on employment matters.
- 1983 - 1985     Erickson Arbuthnot - Associate  
Public entity defense, tort litigation, civil rights litigation, discrimination and wrongful termination litigation in both state and federal court.

### **Education**

- McGeorge School of Law, J.D. (1982)
  - Phi Delta Phi
  - Pacific Law Journal
  - Trial Advocacy Competition Team
- University of California at Berkeley, B.A. (1970)

## **Honors**

- Martindale-Hubbell "AV" Rating
- Martindale-Hubbell Bar Register of Preeminent Women Lawyers
- ABOTA – elected to membership in 2012

## **Presentations**

- "Sexual Harassment and Discrimination" -- Black Insurance Professionals Association; California Joint Powers Insurance Authority; City of Davis; Industrial Indemnity Insurance Company; Physicians Clinical Laboratories; Sacramento Police Department (P.O.S.T. certified)
- "Taking and Defending Depositions" -- California Continuing Education of the Bar
- "Current Topics of Interest and Concern on Elimination of Gender Bias in the Legal Profession" -- Yolo County Bar Association
- "Civil Liability for Supervisors" -- Sacramento Police Department
- "Interplay of FLMA, Workers Compensation and ADA" -- Continuing Education of the Bar
- AB 1825 Sexual Harassment Training for Supervisors

## **Professional Memberships**

- California State Bar - Labor and Employment Law Section
- Sacramento County Bar Association
- Federal Bar Association
- American Inns of Court (former member)
- Former member AAA Mediation Panel

## John A. Whitesides

Partner

jwhitesides@akk-law.com



T (916) 546-6100 ext. 201

F (916) 564-6263

### **Practice Areas:**

Appeals, Insurance Litigation; Law Enforcement; Civil Rights; Malicious Prosecution; Contracts; Agency Issues; General Torts.

### **Significant Cases:**

- *Fabbrini v. Dunsmuir* (9th Cir. 2011) 631 F.3d 1299
- *Meddock v. County of Yolo* 220 Cal.App.4th 170 (2013)
- *Johnson v. Lewis* (2004) 120 Cal.App.4th 443
- *Peppermill v. Industrial Indemnity Co.* (9th Cir. 1995) 46 F.3d 1144.
- *Sacore Partnership Cases* (1996) Sacramento Superior Court Case No. C034522
- *Falconer v. City of West Sacramento*, Third Appellate District Case No. C063326
- *Koussaya v. City of Stockton*, 54 Cal.App.5th 909 (2020)

John Whitesides manages the firm's appellate practice and handles or supervises composition of many of the firm's briefs and motions involving complex legal issues. He has extensive experience in constitutional, civil rights, public entity and insurance and coverage matters. He has a passion for detailed legal analysis and an intuitive understanding of case law. Mr. Whitesides works with clients to develop a clear understanding of the core legal issues in each case in order to find the most effective strategy for the defense. His approach and outstanding rate of success often results in early resolution and low discovery costs. He also assists and advises on appellate issues for cases headed into trial.

Mr. Whitesides graduated from U.C. Irvine, magna cum laude and phi beta kappa, with a B.A. in Philosophy. He received his J.D. from Duke Law School in 1986 and was admitted to practice in California in 1986. Prior to joining Angelo, Kilday & Kilduff in 2007, he was associated with, and a partner in another defense firm in Sacramento, where he spent 21 years litigating cases involving all areas of insurance from pre-litigation through trial, including litigation in Oregon, Washington, Idaho,

Nevada, Arizona, Alabama, Georgia and Delaware. He was primarily responsible for pretrial, trial and appeal of largest civil case in Sacramento County Superior Court's history which spanned 17 years at the trial level, and which resulted in a defense judgment affirmed on appeal. He has conducted ADC and CEB courses on insurance law, and has conducted an annual California Insurance regulation claim-handling training for claims adjusters. Mr. Whitesides has also served for many years on the Voluntary Dispute Resolution Panel for the United States District Court for the Eastern District in Sacramento. Mr. Whitesides enjoys spending time with his daughter, Jenna, and his greyhound, Neal.

### **Admitted to Practice**

- All California State courts
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District of Calif.
- United States District Court for the Northern District of Calif.
- United States District Court for the Southern District of Calif.

### **Experience**

2007 – Present    Angelo, Kilday & Kilduff – Partner  
Areas of emphasis: complex litigation, public entity representation, appellate practice, insurance law, contract law, environmental law.

1986 - 2007        Bolling, Walter & Gawthrop - Shareholder and Associate  
Extensive experience litigating and advising re insurance law issues, contractual indemnity issues and appeals in state and federal courts, as well as binding contractual arbitrations.

### **Education**

- J.D. Duke Law School 1986
  - Graduate Coach - Track
- Univ. of Calif. at Irvine, B.A. Philosophy, Magna Cum Laude (1983)
  - Phi Beta Kappa (as Jr.)
  - All-PCAA Track 1984

### **Professional Memberships**

- Sacramento County Bar Association
- Torts and Insurance Law section of the ABA
- Association of Defense Counsel

# J SCOTT SMITH

4941 Forrester Street, Fair Oaks, California 95628; home: (916) 536-9215; cell: (916) 952-1398

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## ***SUMMARY***

Attorney with over 30 years' experience in civil appellate and writ practice. Possesses excellent analytical and writing skills, having successfully represented clients in state and federal appellate courts in a wide variety of matters, including labor and employment law, government law, education law, constitutional law, environmental law, disability rights, land use, and general tort litigation.

## ***AREAS OF EXPERTISE***

- **Appellate and Writ Litigation**
- **Public Agency Law**
- **Education Law**
- **Land Use**
- **Environmental Law**
- **Commercial Litigation**
- **Americans with Disabilities Act**
- **Labor and Employment Law**
- **Mediation**

## ***PROFESSIONAL EXPERIENCE***

**Angelo, Kilday & Kilduff**, Sacramento, California

8/22-present

*Senior of Counsel*

Senior Attorney focusing on appeals, complex law and motion, and writs in practice representing public agencies and private clients.

**Young, Minney, & Corr**, Sacramento, California,

1/17-7/22

*Senior Counsel*

Senior Litigation Attorney in a law firm representing public charter schools and other educational organizations throughout California in state and federal courts. Handles complex civil writs involving constitutional and statutory challenges.

### **Selected Accomplishments**

- Successfully challenged school district policies as violating Proposition 39.
- Successfully defended charter school in complex litigation arising out of multi-year lease with local government agencies.
- Briefed and argued complex issues regarding education funding inequities,
- Defended writs challenging charter approvals addressing untested questions of law regarding charter school's ability to use bond funding for school improvements.
- Defended schools from lawsuits arising out of alleged sexual assaults committed by other students.
- Defended writs brought against schools under the California Public Records Act.

**State of California, Office of the Attorney General**, Sacramento California  
*Deputy Attorney General*

9/15-8/16

Deputy Attorney General Working in the Correctional Law Section. Responsible for defending the department of Corrections and Rehabilitation in lawsuits brought by prisoners.

**Selected Accomplishments**

- Successfully defended prison policies concerning religious accommodations for Wiccan and other inmates with non-traditional religious beliefs.
- Handled multiple prisoner lawsuits contesting medical care received by inmates.
- Defended prison policies for accommodation of disabled inmates from challenges under the Americans with Disabilities Act.
- Obtained dismissals of multiple prisoner lawsuits.

**Law Office of J. Scott Smith**, Fair Oaks, California  
*Sole Practitioner*

8/12-9/15

Sole practitioner in practice focused on civil appellate law in both state and federal courts.

**Selected Accomplishments**

- Briefed and argued appeal concerning interpretation of an employment contract for a school district superintendent.
- Obtained early dismissal of appeal to the Ninth Circuit in civil rights litigation.
- Second chair at jury trial defending small city in jury trial in civil rights a favorable verdict.
- Argued case to court of appeal challenging fines issued under the Clean Water Act.
- Assisted with trial preparation and argued pretrial motions on behalf of city fire department in sex discrimination lawsuit and negotiated favorable settlement in order to insure adequate record for appeal.

**Meyers, Nave, Riback, Silver and Wilson**, Sacramento, Oakland and Los Angeles  
*Senior of Counsel, Chair of Appellate Practice Group*

9/10-8/12

Chair of Appellate Practice Group for large firm representing public agencies throughout California. Represented clients in a wide variety of matters including Constitutional challenges to state legislation, redevelopment law, public contracts, environmental law and general litigation.

**Selected Accomplishments**

- Managed lawsuit against State of California challenging the constitutionality of legislation reallocating vehicle license fees.
- Appointed by court to be one of three lead defense attorneys in multimillion-dollar lawsuit challenging application of local utility user taxes to smart phone data usage.
- Defended the County Orange in the California Supreme Court in a lawsuit by retired annuitants concerning modification of medical benefit premium allocations.
- Successfully represented the City of Fresno in action concerning the control of successor agencies following the dissolution redevelopment agencies.
- Argued multiple cases before state and federal courts of appeal.
- Obtained favorable judgment on behalf of City of Santa Clara in lawsuit seeking to

- force a referendum challenging the financing plan for the San Francisco 49ers stadium.
- Successfully argued appeal on behalf of construction contractor in lawsuit against subcontractor for damages resulting from constructions delays.
- Successfully argued appeal challenging decision upholding the termination of city employee.
- Drafted updates to city ordinances to broaden powers to respond to “occupy” protest movement issues without violating First Amendment.

**Angelo, Kilday & Kilduff**, Sacramento, California  
*Partner (since 2003)*

4/97-9/10

Head of the appellate practice in a firm specializing in public agency and employment law. In addition to being responsible for all of the firm’s writs and appeals, handled a full litigation case load representing public agencies and business interests. Practice included constitutional law, Indian law, education law, public agency law, environmental law, land use, employment law and business litigation.

**Selected Accomplishments**

- Obtained favorable rulings from both federal and state courts of appeals on behalf of local public agencies, school districts, state agencies, community colleges, the California State University System and the University of California.
- Successfully briefed and argued case to Ninth Circuit that resulted in circuit overturning multiple prior published decisions.
- Successfully defended local governments and school districts in multiple trial court cases involving constitutional challenges to various governmental act.
- Completed a jury trial with resulted in a favorable verdict on behalf of a plaintiff in highly publicized sex harassment lawsuit against a state assemblyman.
- Successfully defended cities against challenges to land use decisions.
- Successfully argued to court of appeal that multi-million dollar contract with a community college district was unenforceable as an unconstitutional waiver of sovereign discretion.

**Bolling, Walter & Gawthrop**, Sacramento, California  
*Associate*

9/95-3/97

Senior litigation associate in the firm’s public agency and employment law practice group. Responsible for all aspects of state and federal litigation including trials and appeals. In 1997 this practice group split off to form Angelo, Kilday and Kilduff.

**Dickstein & Merin**, Sacramento, California  
*Associate*

5/94-7/95

Sole associate attorney in specialized practice focusing on civil rights cases and federal Indian law. Responsible for trials along with administrative matters and transactional work on behalf of tribal clients.

**Burger and Plavan**, Sacramento, California  
*Associate*

12/93-5/94

Responsible for all aspects of litigation in a busy commercial litigation practice. Responsibilities included supervising a team of associates and paralegals in a complex lender liability lawsuit.

**Ramsey, Wallis and Abramson**, Sacramento, California

9/91-6/93

*Associate*

Associate in small firm responsible for all aspects of civil trial and appellate litigation in State and Federal Court including conducting trials and appearing before appellate courts.

### ***JUDICIAL CLERKSHIP***

**The Honorable H. Russel Holland, Chief Judge**

1990-1991

United States District Court for the District of Alaska

### ***ADMISSIONS***

California, United States Supreme Court, United States Court of Appeals for the Ninth Circuit, United States District Court, Eastern District of California, United States District Court, Northern District of California.

### ***EDUCATION***

J.D. - University of the Pacific, McGeorge School of Law,  
Sacramento, California

1990

- Graduated *With Distinction*, Class Rank Upper 6%
- Order of the Coif
- Traynor Honors Society
- Deans Honor Roll 1987-1990

B.A. – College of Idaho  
Caldwell, Idaho

1985

- Majors in Philosophy and Zoology
- Intercollegiate Ski Team

### ***PROFESSIONAL ACTIVITIES***

- Mediator with the Third District Court of Appeal Mediation Program.
- Voluntary Dispute Resolution Mediator for U.S. District Court, Eastern District of California.
- Sacramento County Superior Court Panel Arbitrator

### ***NON-LEGAL EMPLOYMENT AND ACTIVITIES***

Sierra at Tahoe Ski Resort. Ski Instructor, working weekends and some holidays.

Sierra at Tahoe Ski Education Foundation. Former Member of the Board of Directors of volunteer organization funding scholarships and supporting members of Sierra at Tahoe's competitive ski teams.

Fair Oaks Soccer Club. Former Club Manager of soccer club serving over eight hundred children, and coach of a girl's youth soccer team.

### ***REPRESENTATIVE CASES***

*Ford v. Ramirez-Palmer (Estate of Ford)*, 301 F.3d 1043 (9th Cir. 2002). Successfully argued that

J. Scott Smith Resume



prior Ninth Circuit cases which had held the qualified immunity doctrine did not apply to claimed violations of the Eighth Amendment were wrongly decided resulting in those cases being overturned.

*Berry v. Department of Social Services*, 447 F.3d 642 (9th Cir. 2006). Established that a county government can prohibit a social worker from engaging in religious speech with clients while working in his capacity as a county employee.

*DiRuzza v. County of Tehama*, 323 F.3d 1147 (9th Cir. 2003) Applied the Full Faith and Credit Act to bar federal lawsuit based upon state trial court findings even though the findings were not adopted by state appellate courts.

*Llamas v. Butte Community College District*, 238 F.3d 1123 (9th Cir. 2001). Established that there is no constitutionally protected liberty interest requiring a due process hearing into charges of cheating on a promotional exam where the charges could not be made public without the employee's consent.

*Diaz v. Schwarzenegger*, 9th Cir. Case No. 07-55595 (2007). Successfully defended Governor Schwarzenegger's emergency plan to relieve prison overcrowding by transferring inmates to out-of-state prisons from a constitutional challenge brought on behalf of prison inmates.

*Stockinger v. Feather River Community College District*, 111 Cal.App.4th 1014 (2003). Established the limits California Education Code § 87706 places on tort liability of community colleges for injuries occurring while a student is working on an off campus class assignment.

*Tetrad Services, Inc. v. Whitmire, et al.*, Cal. 3rd App. Dist. C048574 (2005). Obtained a reversal of an order amending a judgment entered against a corporation to include the majority shareholders as alter egos.

*Susanville Resources, Inc. v Lassen Community College Dist.* Cal. 3rd App. Dist. C031291 (2001). Successfully argued that a general cooperation clause in a contract for the sale of a co-generation electricity plant could not bind an elected college district board to vote on discretionary matters in a way favorable to the purchaser.

*Carl Warren and Co. vs. Superior Court*, Cal. 3rd App. Dist. C028805 (1998). Obtained a discretionary writ of mandate reversing the denial of a summary adjudication motion in a case alleging breach of an employment contract not to terminate or discipline an employee without good cause.

**WILLIAM J. BITTNER**

1106 Stewart Road, Sacramento, CA 95864

(916) 715-6756 • wbittner@akk-law.com

**BAR ADMISSION**

California, Dec. 2013

**EDUCATION**

**Loyola Law School, Los Angeles, CA**

Juris Doctor, May 2013

*Class Rank:* Top 20%

*G.P.A.:* 3.71

*High Grades:* First Honors (highest grade) in Legal Research and Writing

*Activities:* Environmental Law Society, President; CA Bar Environmental Law Section Student Negotiations Competition, Runner Up; Volunteer at “Advocates for the Environment”

**University of Southern California, Los Angeles, CA**

Bachelor of Science, Business Administration (Emphasis: Entrepreneurship), May 2008

*Activities:* Delta Tau Delta Fraternity, Executive Board; USC Rugby Club, Team Captain

**EXPERIENCE**

**Angelo, Kilday & Kilduff**

*Associate*

Sacramento, CA  
November 2021 –  
*Present*

- Interview clients regarding allegations in Complaint, draft initial case analysis for client, and file responsive pleadings including Answers, Motions to Dismiss, and Demurrers
- Propound and respond to written discovery requests, including Form Interrogatories, Special Interrogatories, Requests for Production, and Requests for Admission
- Take and defend depositions while considering issues key to potential pretrial motions
- Draft, file, and argue pretrial motions, including Motions for Summary Judgment
- Perform legal research and draft objective memoranda to advise supervising attorneys on key legal issues and analysis

**Hathaway Parker**

*Contract Attorney*

Los Angeles, CA  
February 2020 –  
November 2021

- Draft pleadings, including Petitions for Writ of Mandate under California Code of Civil Procedure § 1094.5
- Draft Opening and Reply Briefs for appeals to California Court of Appeals
- Interview prospective clients and analyze facts to determine potential causes of action

**L.A. Care Health Plan**

*Manager, Delegation Oversight Performance Management*

Los Angeles, CA  
March 2019 –  
October 2021

- Research primary and secondary authority on State and Federal healthcare regulations and advise stakeholders on regulatory requirements and operational solutions
- Implemented oversight process and dashboard that gathers and displays regulatory compliance data for a network of 50+ subcontractors performing healthcare functions

**Los Angeles County District Attorney’s Office**

*Law Clerk, Consumer Protection and High-Tech Crimes Division*

Los Angeles, CA  
January 2013 -  
May 2013

- Conducted legal research and drafted memoranda regarding unauthorized computer intrusion

**Federal Trade Commission**

*Law Clerk, Los Angeles Regional Office*

Los Angeles, CA  
Summer 2012 –  
Fall 2012

- Communicated with consumers and drafted declarations to be used as evidence in an application for a temporary restraining order

**Jacob J. Graham**  
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## **EDUCATION**

**University of the Pacific, McGeorge School of Law**, Sacramento, California  
J.D., May 2021  
Cumulative GPA: 3.16

*Concentration Certificate:* Water and Environmental Law

*Activities:* Water Law Society; McGeorge Peer Mentor Program

**San Francisco State University**, San Francisco, California  
B.A. in Criminal Justice Studies with a Minor in Political Science, May 2018  
GPA: 3.78/4.00

*Honors:* Magna Cum Laude

*Leadership Positions:* Associated Student Government–Legal Resource Center–Program Director

## **LEGAL EXPERIENCE**

**Angelo, Kilday & Kilduff, LLP**, Sacramento, California, *Associate Attorney*, Current

- Handle all matters related to litigation, including drafting and arguing motions, preparing discovery, conducting interviews and investigations, and attending hearings, mediations, and conferences.

**Baydaline & Jacobsen LLP**, Sacramento, California, *Post Bar Law Clerk*, Fall 2021

- Prepared declarations of covenants, conditions, and restrictions, bylaws, contracts, board resolutions, legal opinions, and other legal documents related to the governance of common interest developments and issues under the Davis-Stirling Common Interest Development Act.

**California Office of the Attorney General, Correctional Law Section**, Sacramento, California,  
*Extern*, Spring 2021

- Drafted a Motion for Summary Judgement and Motion to Dismiss involving issues under the Prison Litigation Reform of Act.
- Prepared memoranda, case plans and evaluations, and deposition outlines in support of the attorneys in the Correctional Law Section of the Attorney General's Office.

**State Water Resources Control Board, Office of Enforcement**, Sacramento, California, *Extern*, Spring 2021

- Performed legal research, prepared memoranda, and reviewed files and evidence pertaining to enforcement actions under the Porter-Cologne Water Quality Control Act and Federal Clean Water Act.

**California Department of Water Resources**, Sacramento, California, *Law Clerk*, Summer 2020

- Performed legal research and prepared memoranda on issues under the California Environmental Quality Act, California Public Records Act, and Delta Reform Act.

**Professor Jennifer Harder, McGeorge School of Law**, Sacramento, California, *Research Assistant*,  
Summer 2020

- Canvassed all States and levels of authority for domestic, municipal, and human water use preferences and priorities.

**Office of the County Counsel, Alameda County**, Oakland, California, *Law Clerk*, Summer 2019

- Performed legal research and prepared memoranda on issues related to government tort liability, local emergency medical services regulations, juvenile dependency, and employment law.

# Ashley Riser

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## EXPERIENCE

---

### Angelo, Kilday & Kilduff

Sep 2019 – Present

Associate Attorney

Sacramento, CA

- Manage civil public entities caseload for state and federal courts
- Prepare, defend, and conduct depositions of fact witnesses and plaintiffs in anticipation of state and federal trial practice; review, analyze, and respond to written interrogatories; and interview clients and witnesses to gather information, facts, and evidence
- Research, draft, and argue pretrial, trial, and post-trial motions in state and federal court

### Jayne Law Group

Jan 2019 – Sep 2019

Associate Attorney

Berkeley, CA

- Managed misdemeanor and felony caseload of private and indigent clients charged with federal and state criminal offenses; prepared for and represent clients in court hearings, parallel administrative proceedings, and regulatory investigations; and interviewed clients and witnesses to gather information, facts, and evidence
- Researched, summarized, analyzed, and applied decisional case law and statutory text to legal facts and evidence for internal and external use; drafted, filed, and argued motions, briefs, memoranda, and other legal documents; and review, evaluate, and respond to discovery productions, motions, and settlement communications
- Reviewed charging documents for legal and evidentiary sufficiency; reviewed, organized, and evaluated discovery; and created and maintained client and document management databases

### Sacramento County Public Defender

Jan 2016 – Nov 2017

Certified Legal Intern, Post Bar Clerk

Sacramento, CA

- Under supervision of a licensed attorney, managed misdemeanor and felony caseload of 100+ clients
- Drafted successful 1370.1 motion, summarizing case history and procedure, presenting legal authorities, and presenting legal argument for unusual judicial remedy

### Orange County Public Defender

May 2015 – Aug 2015

Law Clerk Orange County, CA

- Drafted explanatory client correspondence, 1203.4 motions, and supplemental investigation requests; reviewed police reports and charging documents for triable legal and evidentiary issues; and maintained client files

## EDUCATION

---

### University of California, Davis School of Law

May 2017

Juris Doctor

Davis, CA

- Honors and Awards: AmeriCorp JD Fellow; Satre Family Summer Public Service Fellow
- Activities: Appellate Advocacy (Moot Court); Trial Practice; National Juvenile Law Moot Court Competition

### University of California, Riverside

May 2011

Bachelor of Arts, English, *cum laude*

Riverside, CA

## PUBLICATIONS AND PRESENTATIONS

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### Post-Verdict Jury Interviews

Feb 2022

Author, *The Champion*

### The Economic Espionage Act

Feb 2021

CLE Presenter, LexVid

### Theft of Trade Secrets: The Economic Espionage Act, China Initiative, and Silicon Valley

Oct 2019

Co-author, *The Champion*

## **ADMISSIONS**

---

**Eastern District of California**

**Oct 2019**

**Northern District of California**

**Jan 2019**

**State Bar of California**

**May 2018**

State Bar No.: 320538

## EDUCATION

### **University of the Pacific, McGeorge School of Law, Sacramento, CA**

J.D. conferred with distinction, May 2018

American Bar Association License No. 324103

#### Honors:

- McGeorge School of Law Dean's List 2015-2016
- Diana P. Scott Prize for excellence in oral advocacy
- Jeffrey K. Poilé Memorial Civil Rights Endowed Scholarship
- Extern to the Honorable Ronald Robie, 3<sup>rd</sup> DCA, eligibility limited to top 1/3 of class

#### Activities:

- McGeorge School of Law Moot Court, Executive Vice Chair
- McGeorge School of Law Moot Court, Honors Board
- McGeorge School of Law, Trial Advocacy Course

### **University of California Davis, Davis, CA**

B.A. in Political Science with minor in Dramatic Art, September 2008

#### **Work Honors:**

- Public Health (PHAME) Award for work on the vaping injury public health outbreak of 2019

## RELEVANT WORK EXPERIENCE

### **Angelo, Kilday & Kilduff**

Associate Attorney, February 2023-Current

- Propound and respond to complex discovery in employment and personal injury law
- Draft and develop legal documents such as motions and briefs for use in litigation
- Attend and conduct client meetings
- Appearing in case management conferences
- Attending and defending client depositions

### **Spinelli, Donald & Nott, Sacramento, CA**

Associate Attorney, August 2022-November 2022

- Draft and prepare detailed legal memos discussing case history, strengths, weaknesses, and legal strategies for internal and client use.
- Developed legal documents, including motions and briefs, to support litigation processes and court proceedings in civil court
- Conferred with clients and other involved parties to gather and track case information
- Participated in case management conferences in civil court
- Propound and respond to written discovery
- Advised clients in matters involving civil litigation with an emphasis in employment law

**California Department of Social Services, Sacramento, CA**

Attorney, January 2021-July 2022

- Prepare and review pleadings and legal briefs for administrative personnel hearings
- Develop evidence and case strategies to litigate cases before the State Personnel Board and California Department of Human Resources.
- Negotiate settlements on behalf of CDSS.
- Provide management with legal advice and representation on employment matters including disciplinary matters, equal employment opportunity, discrimination, harassment, workplace violence, and conflict of interest.
- Serve as the Department's liaison to the Office of the Attorney General and represents the Department's position in complex employment legal proceedings by participating in court hearings and pre-trial matters, including but not limited to motions, discovery and settlement negotiations.

**California Department of Public Health, Sacramento, CA**

Attorney, January 2019-January 2021

- Conduct legal research for CDPH programs, providing legal and policy advice on administrative, procedural, and regulatory issues.
- Work with CDPH program staff, including managers and analysts, to resolve legal issues and provide guidance in oral and written form.
- Advise CDPH staff on laws governing state agencies and programs, statutes, and regulations such as the Administrative Procedure Act, the Information Practices Act, and California Public Records Act.
- Review, analyze, and apply statutes and regulations to update Department policies, rendering advice to CDPH programs, the Director's Office, California Health and Human Services Agency, and the Governor's Office as necessary.
- Propose and develop legislation and regulations affecting the Department.

**Department of Health Care Services, Sacramento, CA**

Associate Governmental Program Analyst, Audits and Investigations, January 2014–January 2019

- Managed and implemented the Recovery Audit Contract (RAC), mandated by the Affordable Care Act for the Audits and Investigations Division.
- Facilitated complex interdepartmental negotiations between executive staff and RAC contractor.
- Coordinated meetings to resolve audit findings and responses with departmental and RAC auditors.
- Coordinated departmental response to audit findings and tracked audit recommendation status.
- Reviewed and coordinated complex issues, analyzed responses and advised management of the impact of their response.
- Researched, authored, and coordinated budget change proposals and budget change concepts that may affect the department in response to proposed legislation.
- Researched and authored annual legislative report for interdepartmental use.

**Department of Transportation, Sacramento, CA**

Associate Governmental Program Analyst, May 2013–January 2014

- Prepared contract solicitations and facilitated contract bidding.
- Executed and awarded contracts to the successful bidder after full review for legal compliance.

- Assured legal compliance by contractors with contracting requirements, in collaboration with the Department of General Services Legal Office.
- Coordinated, developed, and implemented contracts for services not available within California State service.
- Interfaced with contract stakeholders to interpret stakeholder needs and translate them to tangible contract deliverables

**Department of Health Care Services, Sacramento, CA**  
Staff Services Analyst, March 2011–May 2013

- Consulted with and advised Medi-Cal recipients, providers, and attorneys on estate recovery cases
- Research and analyze caseload and draft correspondences to effectuate recovery of funds.
- Prepared written referrals to the California Attorney General’s Office for legal action and represented the Department in hearings as necessary.
- Prepared legislative analysis upon request for potential impact upon Estate Recovery.

**Department of Health Care Services, Sacramento, CA**  
Office Technician, August 2010–March 2011

**Contractors State License Board, San Jose, CA**  
Office Assistant, January 2009–August 2010

**LEGAL INTERNSHIP / VOLUNTEER EXPERIENCE**

**Third District Court of Appeal, California, Sacramento, CA**  
Judicial Extern, May 2017-July 2017

- Researched and authored comprehensive annotations of disciplinary actions for the Committee on Judicial Ethics Opinions of the California Supreme Court.
- Researched and authored persuasive memos recommending actions to be taken in formal opinions issued by the Committee on Judicial Ethics and Oversight.
- Attended appellate proceedings at the California Supreme Court and Third District Court of Appeal.
- Researched and proofread articles to be published by members of the Third District Court of Appeal.

**Irish Refugee Council, Dublin, Ireland**  
Legal Centre Intern, June 2016-July 2016

- Conducted country of origin research to complete or supplement applications for refugee status.
- Documented refugee interviews at the Office of the Refugee Applications Commissioner and interviews with asylum applicants requesting representation and early legal assistance.
- Escorted asylum applicants to critical meetings and appointments to ensure safety and compliance with interviewing body’s legal standards.

**National Prison Project of the American Civil Liberties Union, Washington, D.C.**  
Intern, March 2008–June 2008

- Sorted and inventoried media and internal documents.
- Researched penal code and relevant legislation for reports and recommendations to management.
- Attended and assisted in Congressional hearings, as needed.



Kathryn Hulse

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**Department of Justice**, Sacramento, CA  
Student Assistant, July 2005–February 2008

**RÉSUMÉ OF**  
**ROBERT K. GAULTNEY**  
**ATTORNEY/OWNER**  
**COMPREHENSIVE RESOLUTION SERVICES, PC**

**Experience**

**Sacramento County Sheriff's Department;** 1971 - 1987

**Deputy:** Mail Jail; Patrol Services; Field Training Officer (Corporal) - 1971-1978

**Sergeant:** Rio Cosumnes Correctional Center (Supervisor);  
Communications/Dispatch Center (Supervisor); Detectives (Supervisor); Staff  
Inspections; Internal Affairs; Legal Liaison Officer - 1978-1984

**Lieutenant:** Watch Commander (Manager), Main Jail; Department Legal Advisor  
1984-1987

**Bolling, Walter & Gawthrop;** 1987 - 1994

- Associate Attorney (primarily responsible for defense of public entities, and especially law enforcement agencies, in civil litigation).

**Department of Corrections;** October 1994 to February 1996; April 1996 to July 1997

Staff Counsel; Employment Law Unit

- House counsel - personnel issues
- State Personnel Board hearings
- Monitor contract defense counsel - employment litigation

**Department of Insurance;** February 1996 to April 1996

Chief (CEA2), Fraud Division - Managed Division investigators

**Department of Corrections;** July 1997 to October 1997

Senior Staff Counsel; Employment Law Unit

- Same as above

**Department of Corrections;** October 1997 to May 1999

Supervising Senior Staff Counsel; Employment Law Unit.

- Supervised 13 Staff Counsel handling State Personnel Board Cases.
- Managed Master Calendar for all Unit activities.
- Managed Unit databases, including design and implementation.
- Management information reporting on Unit and Department-wide State Personnel Board activities.
- Department training on personnel/employment matters.
- Supervisor of the Year - 1998.

**Department of Corrections;** May 1999 to July 2008

Assistant Chief Counsel; Employment Law Unit.

- Supervise/Manage 15.5 to 18.5 Staff Counsel.
- Manage Department's Employment Litigation
- Manage Unit's State Personnel Board/Disciplinary Activities
- Manage Unit's House Counsel Activities
- Department training on personnel/employment matters.

## **RÉSUMÉ OF ROBERT K. GAULTNEY**

**Page two**

### **Department of Corrections; May 1999 to July 2008**

Assistant Chief Counsel; Employment Law Unit.

- Supervise/Manage 15.5 to 18.5 Staff Counsel.
- Manage Department's Employment Litigation
- Manage Unit's State Personnel Board/Disciplinary Activities
- Manage Unit's House Counsel Activities
- Department training on personnel/employment matters.

Assistant Chief Counsel; Government Law Unit.

- Supervise/Manage 5 Staff Counsel.
- Manage Department's Environmental, Business and Construction Litigation
- Manage Unit's House Counsel Activities

Assistant General Counsel; Labor and Human Resources Legal Team

- Supervise/Manage 7 Staff Counsel
- Manage Department's Employment and Labor Litigation
- Manage Unit's House Counsel Activities

### **Department of Corrections and Rehabilitation; August 2008 to October 2016**

Staff Counsel IV

- House counsel - personnel issues – especially focused on employee medical actions/reasonable accommodation
- State Personnel Board hearings – discrimination, harassment and retaliation complaints and failure to provide reasonable accommodation
- Monitor the Office of the Attorney General or contract defense counsel – most significant employment litigation cases

### **Department of Corrections and Rehabilitation, Correctional Health Care Services; June 2019 to June 2023**

Staff Counsel IV (Retired Annuitant)

- House Counsel – Armstrong v. Newsome, Americans with Disabilities Act prisoner class action
- Attended monitoring tours by plaintiffs' counsel at various prisons
- Reviewed and approved responses to individual advocacy letters and responses to prison tour monitoring reports.
- Served on work groups on various accommodation issues raised by plaintiffs' counsel and help craft policy statements and stipulations

### **Sacramento County Sheriff's Department Basic Recruit Academy; 1982 - 1988**

Faculty for Criminal Procedure Law (Arrest, Search & Seizure, Probable Cause, Rules of Evidence, Interrogations & Interviews) [P.O.S.T. Subject Matter Expert]; 832 P.C. Course for County Security Officers; Various Advanced Officer Courses

## **RÉSUMÉ OF ROBERT K. GAULTNEY**

### **Page three**

**American River College (Sacramento Regional Criminal Justice Training Center);** 1989 - 1998

Adjunct Faculty for 832 P.C. Course; Core Correctional Officer Course; P.O.S.T./S.T.C. Supervisor's Course (Supervisory Liability, Americans with Disabilities Act, Family and Medical Leave Act, Sexual Harassment); Officer Involved Shooting Investigation Course (Legal Issues) [for CDCR]; Participant: P.O.S.T. Supervision Course Instructor's Workshop

**Department of Justice, Training Center;** 1994 - 1998

Consultant Instructor for Officer Involved Shooting Investigation Course (Legal Issues) [P.O.S.T.]

**California State University - Humboldt;** March 1999 to February 2004

Adjunct Faculty for P.O.S.T. Liability Course for Peace Officer Managers

**Department of Corrections and Rehabilitation;** 1994 - 2016

Panelist: Legal Issues in Investigation of Equal Employment Opportunity Complaints; Legal Issues in Employee Drug Testing  
Presenter: Report Writing and Evidence Collection - EEO Complaint Investigations; Management Training Program, Employment Law Unit Overview; Medical Personnel Action Training for Managers and Supervisors; Executive Development Training, Family and Medical Leave Act & California Family Rights Act

**Department of Personnel Administration;** 1995 – 2001, 2009

Panelist: Annual Labor Relations/Personnel Conference; Adverse Actions: How to Negotiate a Good Settlement; State Personnel Board Precedential Decisions; and, Return to Work/Reasonable Accommodation

**Department of Social Services;** 1999

Consultant Instructor (under inter-agency agreement) for Supervisory Liability Course

**Comprehensive Resolution Services, PC;** 2016 – Present (Owner)

A legal services company providing mediation (litigation and workplace); HR consultancy on employee medical issues; and, workplace investigations.  
[www.resolutionhelp.com](http://www.resolutionhelp.com)

### **Education**

**AA** - American River College (General Education); 1970

**BA** - CSU Sacramento (Criminal Justice); 1973

**JD** - University of the Pacific, McGeorge School of Law; 1985  
Trainor Scholastic Honor Society

## **RÉSUMÉ OF ROBERT K. GAULTNEY**

### **Page four**

#### **Memberships**

- California State Bar (Since 1985) - Admitted to practice before: All courts in California; United States District Court for Eastern District of California; the United States Ninth Circuit Court of Appeals; and, the United States Supreme Court.
- Association of Workplace Investigators
- Society for Human Resource Management/Sacramento Area Human Resource Association
- Sacramento County Superior Court; Settlement Conference Judge Pro Tem
- National Association of Legal Fee Analysis, Senior Fellow  
Certificate: Reasonable Attorney Fees and Proper Legal Billing Practices

## CLIENT LIST FOR AKK

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Margaret Long for various public entity clients  
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YCPARMIA for County of Yolo, City of Woodland, City of Davis, et. al.  
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Judicial Council of California  
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(415) 865-8713

Trindel Insurance Fund  
Andrew Fischer, Transitional Executive Director  
P.O. Box 2069  
Weaverville, CA 96693  
[afisher@trindel.org](mailto:afisher@trindel.org)  
Sean Houghtby, Director of Property & Liability Claims  
(530) 623-2322

[shoughtby@trindel.org](mailto:shoughtby@trindel.org)

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555 Santa Clara St.  
Vallejo, CA  
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[dmehretu@meyersnave.com](mailto:dmehretu@meyersnave.com)  
Modesto City Attorney  
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Matthew Duarte  
1075 Creekside Ridge Dr., Suite 240  
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Alik Ourfalian  
County Counsel  
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Schools Insurance Group  
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PO Box 619058

Roseville, CA

June 23, 2023

**Agenda Item 6.B**

**CLAIMS MATTERS**

**SUBJECT: Approval of Defense Counsel Rates**

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**BACKGROUND AND HISTORY:**

On October 28, 2021, the PLAN JPA Claims Committee approved a do-not-exceed rate of \$245 per hour for general liability matters that has remained in place to date, including a higher specialty rate of \$265 per hour for the defense of police and civil rights matters. Those do-not exceed rates have remained in place through the present. The proposed rates are set forth in the “Attachment E” submitted as a reference document. Under the PLAN JPA litigation program, the attorney rate structure is not a uniform rate paid to all counsel. Rather, various attorneys are paid differing rates based upon a variety of factors.

In May 2023, a survey was conducted regarding what is being paid by various risk pools and cities.

Pool	Partner	Assoc.	Paralegal	Complex	Note
MPA	250				.
CSJVRMA	265				Higher rates available upon approval.
CalTIP	245			No limit	
PERMA	230	210	100		
PLAN	245			265	
ERMA	325	265	110		
CJPIA	230	215	105	260	
CIRA	250				
ASCIP	225	175			
ICRMA	250	200			
San Bernadino County	265	245	115		
Los Angeles				325	Outside Contract rate for police litigation.
Oakland				450	Outside Contract rate for complex matters.

BCJPIA recently increased their maximum panel rate to \$255 per Partners and \$235 for associated for general liability claims. For police and civil rights matters, the “do not exceed rate” is \$285 per hour for partners, \$250 for associates, and \$185 for paralegals and law clerks.

There are pros and cons of increasing the max rate:

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**Pros:**

- Continued ability to attract and maintain top-level legal talent.
- Ability to maintain positive relationships with defense counsel by accommodating rate increase requests.
- Flexibility with respect to attorney compensation.

**Cons:**

- Increased defense costs.

**STAFF RECOMMENDATION:**

*Staff recommends the Claims Committee approve Attachment E to the Litigation Management Guidelines setting the “do not exceed” rates for general liability matters as follows:*

- *\$255 per hour for partners and shareholders*
- *\$235 per hour for associate attorneys*
- *\$140 per hour for paralegal and law clerks*

*For police and civil rights matters, the “do not exceed” rate shall be \$285 per hour for partners and shareholders.*

**REFERENCE MATERIALS ATTACHED:**

- Attachment E Panel Rates

## **ATTACHMENT E**

### **APPROVED PANEL COUNSEL RATES**

Effective June 22, 2023, the hourly do not exceed rate for general liability matters is \$255 per hour for partners and shareholders. The do not exceed rates for associate attorneys is \$235 per hour, and the do not exceed rate for paralegals and law clerks is \$140 per hour.

For police and civil rights matters, the do not exceed rate shall be \$285 per hour for partners and shareholders, \$250 per hour for associates, and \$185 per hour for paralegals and law clerks.