

OUR ABILITY TO INVESTIGATE, NEGOTIATE, PERSUADE AND WIN HAS BEEN PROVEN TIME AND AGAIN IN COURT.



**KIMBERLY E. COLWELL**

*Chair, Litigation Practice Group*

Kim has been practicing law for 23 years, with the last 21 years devoted largely to public entity work. She has handled torts, civil rights, employment, land use and contract disputes. Her clients include cities, counties, housing authorities, special districts, school districts and private security companies. She also handles many cases for the Judicial Council of California, representing judges, appellate court justices and court employees all over Northern California. Kim was recognized in 2009 by the *Daily Journal* as one of the Top 100 Women Litigators in California.

Meyers Nave attorneys work to uphold public entities' rights under the law and to prevent plaintiffs from tapping into public money or thwarting our clients' plans for civic betterment. We concentrate on resolving disputes early, favorably and cost-effectively, with minimal disruption to our clients. Whenever possible, we use alternative means such as mediation or arbitration, but, when necessary to protect our clients' interests, we are very successful in litigation.

We have represented and defended public agency clients before administrative bodies and in court since the firm's founding in 1986. Striving to uphold our clients' rights in all areas of law that affect public entities, our attorneys represent and defend the firm's clients in virtually every stage of litigation—from initial complaint through discovery, motion practice, trial and appeal.

With close to a dozen attorneys working in this group, we have the capacity to respond immediately to any litigation that could arise and the breadth of expertise in almost any potential litigation to assign an attorney who has significant experience in that area of law.

For example, our litigation group has successfully defended public employees against conduct-related claims such as:

- Negligence,
- Dangerous conditions,
- Sexual harassment,
- Discrimination, and
- Civil rights violations.

**CLIENT FOCUSED**

Meyers Nave serves as a champion for our clients' rights, helping them minimize or eliminate their exposure and damages.

We work closely with our clients and see that they are involved in every step of litigation because we understand our clients possess

knowledge above and beyond that of private litigants. We strive to harness this unique resource in our problem-solving approach to litigation.

**FULL SERVICE**

We handle any range of matters, including trip-and-fall accidents, property ownership issues, complex flood, landslide or public improvement disputes, Brown Act litigation, insurance disputes and plaintiff's claims of civil rights violations.

We are also familiar with the plaintiff's table, and take on the prosecution of any number of matters for our clients, such as recoupment of fees for loan default, property damage cases, nuisance abatement and code enforcement violations.

Furthermore, our litigation attorneys work in concert with other Meyers Nave attorneys, including those in the public and special district departments to provide our clients cost effective, sophisticated and successful representation.

**POLICE CIVIL RIGHTS**

Meyers Nave's police civil rights group is a powerful advocate for law enforcement. We routinely defend peace officers in federal and state court against a wide variety of civil rights claims, including excessive force, search and seizure and claims seeking punitive damages. We aggressively fight these claims in order to resolve the case at issue and also to protect the officers' records.

### Litigation Services

- Police civil rights
- In-custody deaths
- Tort defense
- Tort Claims Act
- Public official defense
- Dangerous and defective conditions of public property
- Constitutional law
- Weapons confiscation
- Code enforcement
- Class actions
- Peace officer personnel records advice and protection / Pitchess motions

### PITCHESS MOTIONS

Our team of experienced litigators routinely defends against discovery requests aimed at uncovering peace officer personnel records in criminal matters. Through our rigorous actions, we have noticed a significant decline in so-called "Pitchess" motions filed by criminal defendants seeking access to confidential personnel records among our clients.

### TORT CLAIMS

We also represent clients in tort claims involving real property rights and incidents on public property. As attorneys whose practice is dedicated to serving public entities, we understand that elected officials need information about case status and financial implications, and we are committed to providing this information throughout each case. In tort cases, which often involve insurance and joint powers authority coverage issues, we are an additional resource and source of valuable information for our clients.

### TRAINING

We offer policy review, seminars and training for law enforcement and other public entity employees involved in records keeping, report writing and policy preparation. This review and/or training is designed to minimize exposure and avoid litigation well in advance of something going wrong.

### REPRESENTATIVE CASES

Examples of our tort law and general civil litigation experience are as follows.

*William Rupert et al. v. Barbara J. R. Jones et al.* We defended California Supreme Court Chief Justice Ronald George and Justice Barbara Jones in a complaint filed by plaintiffs seeking constitutionally protected property rights and just compensation for their federal inverse condemnation action; declaratory and

injunctive relief; and damages of \$2 million. Based on our arguments of judicial immunity and res judicata, the court granted our motion to dismiss.

*Rotolo v. City of San Jose.* Plaintiffs filed suit following the death of their 17-year-old son at an exhibition hockey game for the San Jose Sharks. The City was dismissed following the Court's sustaining of the City's demurrer. The matter continued to proceed through the Court of Appeals for the Sixth District and the California Supreme Court, all of whom sustained the trial court's judgment.

*Martinez v. City of Fairfield.* Plaintiff Martinez, a 13-year-old boy, alleged civil rights violations by Fairfield officers after being struck in the face numerous times during an arrest. The jury returned a complete defense verdict, finding that the officers acted appropriately.

*Shepherd v. City of Modesto.* The plaintiff filed suit alleging wrongful arrest, excessive use of force and false imprisonment following her arrest by Modesto officers. The federal jury returned a complete defense verdict.

*Pascual v. City of Los Angeles.* We obtained summary judgment in favor of all defendants, including the City of Los Angeles, LAPD and Police Chief on claims of civil rights deprivation, discrimination, hostile work environment and retaliatory discrimination.

*Creal v. City of Fairfield.* The plaintiff brought a federal civil rights / excessive force claim against the City of Fairfield and two individual officers. After deliberating for less than four hours, the jury came back with a complete defense verdict on all state and federal counts.