



**President**  
Ms. Rachel Ancheta  
City of Dixon

**Vice President**  
Ms. Jen Leal  
City of Auburn

**Treasurer**  
Ms. Jen Lee  
City of Rio Vista

**Secretary**  
Ms. Tricia Cobey  
City of Galt

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## **NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND CLAIMS COMMITTEE MEETING AGENDA**

**DATE / TIME:** Thursday, March 27, 2025, at 9:00 a.m.

**LOCATION:** Zoom Teleconference  
Call-in Number: (669) 444-9171  
Meeting ID: 934 7939 5626 Passcode: 888891

**A - Action**  
**I - Information**

**1 - Attached**  
**2 - Hand Out**  
**3 - Separate**  
**Cover**  
**4 - Verbal**

**Zoom Link:**

**<https://alliantinsurance.zoom.us/j/93479395626?pwd=t8mVaCggNYgOrOmDW2tnz5Wgx9r0IK.1>**

**This Meeting Agenda shall be posted at the address of the teleconference locations shown below with access for the public via phone/speaker phone.**

1. City of Colusa- 425 Webster St. Colusa, CA 95932
2. City of Dixon- 600 Easy A St. Dixon, CA 95620
3. City of Oroville- 1735 Montgomery St. Oroville, CA 95695
4. City of Rocklin- 3970 Rocklin Rd, Rocklin, CA 95677
5. Town of Paradise – 5555 Skyway, Paradise, CA 95969

### **MISSION STATEMENT**

*The Northern California Cities Self Insurance Fund, or NCCSIF, is an association of municipalities joined to protect member resources by stabilizing risk costs in a reliable, economical and beneficial manner while providing members with broad coverage and quality services in risk management and claims management.*

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENTS**

*This time is reserved for members of the public to address the Committee on matters pertaining to NCCSIF that are of interest to them.*



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- pg. 4     **D.    CONSENT CALENDAR** **A   1**  
*All matters listed under the consent calendar are considered routine with no separate discussion necessary. Any member of the public or the Committee may request any item to be considered separately.*

- pg. 5            1. Claims Committee Meeting Minutes - September 19, 2024  
pg. 8            2. Claims Committee Meeting Minutes – October 14, 2024  
pg. 10          3. Claims Committee Special Meeting Minutes – December 12, 2024  
pg. 12          4. Claims Committee Special Meeting Minutes – January 14, 2025  
pg. 14          5. CJPRMA Claims Committee Agenda

**E.    COMMITTEE BUSINESS**

- 1.   CLAIMS POLICY AND PROCEDURE REVISIONS** **A   1**  
*The Committee will review and may approve updates to the list of approved liability counsel and rates, per the items below:*

- pg. 36          a. Liability Counsel List Addition of Bradley J. Swingle and Joseph Little  
pg. 42          b. Liability Counsel List Review of Legal Panel and Rate Changes

- pg. 47     **F.    CLOSED SESSION TO DISCUSS PENDING CLAIMS** **A   2**  
(Per Governmental Code Section 54956.95)

Liability:

1. 4A210808D3D-0001 v. City of Ione\*
2. Jessica Garcia, Isaiyah Carlos Flores, Jose Israel Flores jr. v. City of Yuba City\*

Workers' Compensation

1. 2296610602, 2296610420, 2196610146 v. City of Rocklin
2. 1596610245 & 1596610246 v. Town of Paradise
3. 2396610146 v. City of Yuba City

- G.    REPORT FROM CLOSED SESSION** **I   4**  
*The Committee will announce any reportable action taken in closed session*

- pg. 48     **H.    ROUND TABLE DISCUSSION** **I   4**  
*This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.*



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## **I. ADJOURNMENT**

### **UPCOMING MEETINGS**

Risk Management Committee Meeting - April 17, 2025

Board of Directors Meeting - April 17, 2025

Police Risk Management Committee Meeting - May 8, 2025

Claims Committee Meeting - May 22, 2025

Executive Committee Meeting - May 22, 2025

*Per Government Code 54954.2, persons requesting disability related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Jenna Wirkner at Alliant Insurance Services at (916) 643-2741.*

*The Agenda packet will be posted on the NCCSIF website at [www.nccsif.org](http://www.nccsif.org). Documents and material relating to an open session agenda item that are provided to the NCCSIF Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection and copying at 2180 Harvard Street, Suite 460, Sacramento, CA 95815.*

*Access to some buildings and offices may require routine provisions of identification to building security. However, NCCSIF does not require any member of the public to register his or her name or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.*



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Claims Committee Meeting  
March 27, 2025**

**Agenda Item D.**

**CONSENT CALENDAR**

**ACTION ITEM**

**ISSUE:** The Claims Committee reviews items on the Consent Calendar, and if any item requires clarification or discussion a Member should ask that it be removed for separate action. The Committee should then consider action to approve the Consent Calendar excluding those items removed. Any items removed from the Consent Calendar will be placed later on the agenda in an order determined by the Chair.

**RECOMMENDATION:** Adoption of the Consent Calendar after review by the Committee.

**FISCAL IMPACT:** None.

**BACKGROUND:** Routine items that generally do not require discussion are regularly placed on the Consent Calendar for approval.

**ATTACHMENT(S):**

1. Claims Committee Meeting Minutes - September 19, 2024
2. Claims Committee Special Meeting Minutes- October 14, 2024
3. Claims Committee Special Meeting Minutes – December 12, 2024
4. Claims Committee Special Meeting Minutes – January 14, 2025
5. CJPRMA Claims Committee Agenda



**MINUTES OF THE  
NCCSIF CLAIMS COMMITTEE MEETING  
ZOOM TELECONFERENCE  
SEPTEMBER 19, 2024**

**COMMITTEE MEMBERS PRESENT**

Jen Leal, City of Auburn  
Ishrat Aziz-Khan, City of Colusa  
Tameka Usher, City of Rocklin  
Crystal Peters, Town of Paradise  
Spencer Morrison, City of Yuba City

**COMMITTEE MEMBERS ABSENT**

Melissa Rojas, City of Elk Grove

**CONSULTANTS & GUESTS**

Marcus Beverly, Alliant Insurance Services  
Jenna Wirkner, Alliant Insurance Services  
Evan Washburn, Alliant  
Summer Simpson, Sedgwick

Stacey Beam, LWP  
Stacey Hoban, LWP  
Kristin Echeverria, Sedgwick  
Dori Zumwalt, Sedgwick

**A. CALL TO ORDER**

Chair Spencer Morrison called the meeting to order at 9:00a.m. A roll call was made, and the above-mentioned members were present constituting a quorum.

**B. PUBLIC COMMENTS**

**C. CONSENT CALENDAR**

1. Claims Committee Meeting Minutes - May 23, 2024
2. Claims Committee Meeting Minutes- June 17, 2024
3. Claims Committee Meeting Minutes- July 16, 2024
4. PRISM Workers' Compensation Claims Audit June 2024

**A motion was made to approve the Consent Calendar as presented.**

**Motion:** Ishrat Aziz-Khan                      **Second:** Crystal Peters

**Motion Carried**

**Ayes:** Leal, Aziz-Khan, Usher, Peters, Morrison

**Nays:** None

**D. CLOSED SESSION**

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 9: 03a.m to discuss the following claims:



### **Liability**

1. 4A2309DFMCX-0001 v. City of Corning\*
2. Albanese v. City of Oroville\*

*Kristin Echeveria and Summer Simpson left the meeting at 9:19a.m.*

### **Workers Compensation:**

1. 1696610135 -- 2196610110 v. City of Red Bluff\*
2. 0696610060 v. City of Red Bluff \*
3. 2296610317 v. City of Rocklin\*
4. 2296610316 v. City of Oroville\*

*Stacey Bean and Stacey Hoban left the meeting at 9:45a.m.*

## **F. REPORT FROM CLOSED SESSION**

The Committee reconvened to open session at 9:45 a.m.

Chair Spencer Morrison indicated that Committee met and provided direction on the above claims, but no reportable action was taken.

## **G. ALC Workers' Compensation Auditing Services Proposal**

Members discussed the ALC Workers' Compensation Auditing Services Proposal.

**A motion was made approve the ALC Workers' Compensation Auditing Services Proposal.**

**Motion:** Ishrat Aziz-Khan                      **Second:** Tameka Usher                      **Motion Carried**  
**Ayes:** Leal, Aziz-Khan, Usher, Peters, Morrison  
**Nays:** None

## **H. Liability Legal Counsel List Update**

Members discussed revisions to the liability counsel lists rates.

**A motion was made approve the Liability Legal Counsel List Rate increases and the addition of Tony Sain.**

**Motion:** Ishrat Aziz-Khan                      **Second:** Crystal Peters                      **Motion Carried**  
**Ayes:** Leal, Aziz-Khan, Usher, Peters, Morrison  
**Nays:** None



**I. ROUND TABLE DISUCSSION**

Members discussed playground safety training. Members also discussed working with member to mitigate claims and forming a sub-committee.

**J. ADJOURNMENT**

The meeting was adjourned at 10:00 a.m.

Respectfully Submitted,

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Tricia Cobey, Secretary

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Date



**NCCSIF SPECIAL CLAIMS COMMITTEE MEETING  
ZOOM TELECONFERENCE  
October 14, 2024**

**COMMITTEE MEMBERS PRESENT**

Jen Leal, City of Auburn  
Ishrat Aziz-Khan, City of Colusa  
Elizabeth Ehrenstrom, City of Oroville  
Spencer Morrison, City of Yuba City

**COMMITTEE MEMBERS ABSENT**

Jennifer Styczynski, City of Marysville  
Crystal Peters, Town of Paradise  
Tameka Usher, City of Rocklin

**CONSULTANTS & GUESTS**

Marcus Beverly, Alliant Insurance Services  
Evan Washburn, Alliant Insurance Services  
Brian Davis, Sedgwick

Jenna Wirkner, Alliant Insurance Services  
Stacey Bean, LWP  
Alyssa Reese, Sedgwick

**A. CALL TO ORDER**

Chair Spencer Morrison called the meeting to order at 2:02p.m. A roll call was made, and the above-mentioned members were present constituting a quorum.

**B. ROLL CALL**

**C. PUBLIC COMMENTS**

**D. CLOSED SESSION**

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 9 :08 a.m. to discuss the following claims

Liability:

1. 4A2211NSW2P-0001 v. City of Folsom\*
2. Dyer, Dalton v. City of Auburn\*

Workers Compensation:

1. 1296610066, 0296610239 & 1196610278 v. City of Auburn\*
2. 0696610146 v. City of Yuba City\*





**F. REPORT FROM CLOSED SESSION**

The meeting resumed to open session at 2:43p.m.

Chair Morrison indicated no reportable action was taken as direction was given to the Program and Claims Administrators for the claims referenced above.

**G. ROUND TABLE DISCUSSION**

**H. ADJOURNMENT**

The meeting was adjourned at 2:50p.m.

Respectfully Submitted,

\_\_\_\_\_  
Tricia Cobey, Secretary

\_\_\_\_\_  
Date



**NCCSIF SPECIAL CLAIMS COMMITTEE MEETING  
ZOOM TELECONFERENCE  
DECEMBER 12, 2024**

**COMMITTEE MEMBERS PRESENT**

Jen Leal, City of Auburn  
Ishrat Aziz-Khan, City of Colusa  
Crystal Peters, Town of Paradise  
Tameka Usher, City of Rocklin  
Spencer Morrison, City of Yuba City

**COMMITTEE MEMBERS ABSENT**

Elizabeth Ehrenstrom, City of Oroville

**CONSULTANTS & GUESTS**

Marcus Beverly, Alliant Insurance Services  
Evan Washburn, Alliant Insurance Services  
Brian Davis, Sedgwick

Jenna Wirkner, Alliant Insurance Services  
Alyssa Reese, Sedgwick

**A. CALL TO ORDER**

Chair Spencer Morrison called the meeting to order at 11:01a.m. A roll call was made, and the above-mentioned members were present constituting a quorum.

**B. ROLL CALL**

**C. PUBLIC COMMENTS**

**D. CLOSED SESSION**

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 9 :08 a.m. to discuss the following claims

Liability:

4A2303Y5Z1M-0001 v. City of Marysville\*



#### **F. REPORT FROM CLOSED SESSION**

The meeting resumed to open session at 11:21a.m.

Chair Morrison indicated no reportable action was taken as direction was given to the Program and Claims Administrators for the claims referenced above.

#### **G. ROUND TABLE DISCUSSION**

#### **H. ADJOURNMENT**

The meeting was adjourned at 11:25a.m.

Respectfully Submitted,

\_\_\_\_\_  
Tricia Cobey, Secretary      Date \_\_\_\_\_



**NCCSIF SPECIAL CLAIMS COMMITTEE MEETING  
ZOOM TELECONFERENCE  
JANURARY 14, 2025**

**COMMITTEE MEMBERS PRESENT**

Ishrat Aziz-Khan, City of Colusa  
Crystal Peters, Town of Paradise  
Elizabeth Ehrenstrom, City of Oroville  
Jen Leal, City of Auburn

**COMMITTEE MEMBERS ABSENT**

Tameka Usher, City of Rocklin

**CONSULTANTS & GUESTS**

Marcus Beverly, Alliant Insurance Services  
Evan Washburn, Alliant Insurance Services  
Brian Davis, Sedgwick

Jenna Wirkner, Alliant Insurance Services  
Alyssa Reese, Sedgwick  
Summer Simspon, Sedgwick

**A. CALL TO ORDER**

Chair Jen Leal called the meeting to order at 11:01a.m. A roll call was made, and the above-mentioned members were present constituting a quorum.

**B. ROLL CALL**

**C. PUBLIC COMMENTS**

No public comments.

**D. CLOSED SESSION**

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 9 :08 a.m. to discuss the following claims

Liability:

Bernadette Tolleet v. City of Ione.



#### **F. REPORT FROM CLOSED SESSION**

The meeting resumed to open session at

Chair Leal indicated no reportable action was taken as direction was given to the Program and Claims Administrators for the claims referenced above.

#### **G. ROUND TABLE DISCUSSION**

#### **H. ADJOURNMENT**

The meeting was adjourned at 11:25a.m.

Respectfully Submitted,

\_\_\_\_\_  
Tricia Cobey, Secretary

\_\_\_\_\_  
Date



**CALIFORNIA JOINT POWERS RISK MANAGEMENT AUTHORITY**

**CLAIMS COMMITTEE MEETING**

**Thursday, January 9, 2025 10:00 A.M. – 12:00 P.M.**

**MEETING LINK**

<https://us02web.zoom.us/j/87432764078?pwd=g04iBRyh3GYglbgIRalvRXOtmcS30N.1>

**MEETING NUMBER: 874 3276 4078**

**PASSWORD: 193752**

**JOIN BY PHONE: 1-669-444-9171**

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. COMMUNICATIONS**
  - 1. Claims Committee Members
  - 2. General Manager
  - 3. Next Scheduled Claims Committee Meeting: 4/9/2025 (In person, CJPRMA Office)
- IV. ACTION CALENDAR**
  - 1. Lessons learned from closed litigation
  - 2. Tort Claims handling tips, Shawn Millar
  - 3. Sample verdicts from VerdictSearch October – December 2024.
- V. ADJOURNMENT**

**Closed Claims since last Committee Meeting**

Closed from 9/28/24 to 12/16/24

Member	Type	Claimant Name	Principal Allegation	Member Paid	Member Paid	Member Paid	Member Recovery	CJPRMA Paid	CJPRMA Paid	CJPRMA Total	CJPRMA NET
				IND	EXP & LEGAL	Total		IND	EXP & LEGAL	INC	INC
Alameda	GL	Iola L Taylor	Dangerous Cond: Sidewalk	\$ 74,323	\$ 425,677	\$ 500,000	\$ -	\$ 3,100,000	\$ 1,489	\$ 3,101,489	\$ 3,027,165
Alameda	GL	Haider Shabir	Civil Rights	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -
Chico	GL	Jeremy S. Rosales	Excessive Force	\$ -	\$ 232,939	\$ 232,939	\$ -	\$ -	\$ -	\$ -	\$ -
Chico	GL	Scott & Paula K. Rushing	Police Claims (Negligence)	\$ -	\$ 366,127	\$ 366,127	\$ -	\$ -	\$ -	\$ 0	\$ 0
Chico	EPL	Matthew Thompson	EPL	\$ -	\$ 87,332	\$ 87,332	\$ -	\$ -	\$ -	\$ 0	\$ 0
Chico	GL	Laura Lorianio	Dangerous Cond: Sidewalk	\$ 300,000	\$ 84,176	\$ 384,176	\$ -	\$ -	\$ -	\$ -	\$ -
Fairfield	GL	Diana Santos-Chavez	Excessive Force	\$ 20,000	\$ 56,115	\$ 76,115	\$ -	\$ -	\$ -	\$ -	\$ -
NCCSIF (Auburn)	GL	Dalton Dyer	Excessive Force	\$ -	\$ 57,701	\$ 57,701	\$ -	\$ -	\$ -	\$ -	\$ -
NCCSIF (Folsom)	GL	Dorian Eldridge	Civil Rights	\$ 2,000	\$ 11,776	\$ 13,776	\$ -	\$ -	\$ -	\$ -	\$ -
NCCSIF (Lincoln)	GL	Travis & Easton Nunes	Dangerous Cond: Railroad	\$ -	\$ 61,953	\$ 61,953	\$ -	\$ -	\$ -	\$ -	\$ -
NCCSIF (Oroville)	PI	Samuel Albanese	Civil Rights	\$ 22,500	\$ 52,313	\$ 74,813	\$ -	\$ -	\$ -	\$ -	\$ -
NCCSIF (Oroville)	GL	William Martin	Police Claims (Negligence)	\$ -	\$ 19	\$ 19	\$ -	\$ -	\$ -	\$ -	\$ -
Redding	GL	Timothy J Bullard	Dangerous Cond: Roads	\$ -	\$ 5,558	\$ 5,558	\$ -	\$ -	\$ -	\$ -	\$ -
REMIF (Willits)	EPL	Natalie Higley	EPL	\$ 585,378	\$ 164,622	\$ 750,000	\$ -	\$ 2,250,000	\$ 74	\$ 2,250,074	\$ 1,664,696
Richmond	EPL	David Batiste	EPL	\$ -	\$ 326,981	\$ 326,981	\$ -	\$ -	\$ -	\$ -	\$ -
Richmond	EPL	Bashar Zeidan	EPL	\$ 45,380	\$ 454,620	\$ 500,000	\$ -	\$ 1,200,000	\$ 149,447	\$ 1,349,447	\$ 1,304,068
San Leandro	GL	Marie Cross	Civil Rights	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Rafael	GL	Albert Ellis	Dangerous Cond: Roads	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Rafael	GL	Andrew Leone	Dangerous Cond: Roads	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Santa Rosa	GL	Shomrei Torah Congregation	Inverse Condemnation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stockton	GL	Michael Bean Survivors	Police Claims (Negligence)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stockton	GL	Byron Santos	Excessive Force	\$ 550,000	\$ 38,563	\$ 588,563	\$ -	\$ -	\$ -	\$ -	\$ -
Stockton	GL	Francisco Duarte	Excessive Force	\$ 428,729	\$ 404,664	\$ 833,393	\$ -	\$ -	\$ -	\$ -	\$ -
Stockton	GL	Ariana Solis	Dangerous Cond: Tree	\$ 1,000,000	\$ 24,226	\$ 1,024,226	\$ -	\$ -	\$ -	\$ -	\$ -
Stockton	GL	Estate of Janet Rojas	Dangerous Cond: Sidewalk	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sunnyvale	GL	Aguilar, Lochner & Reading	Dangerous Cond: Roads	\$ -	\$ 149,952	\$ 149,952	\$ -	\$ -	\$ -	\$ -	\$ -
Sunnyvale	EPL	Jane Doe	EPL	\$ -	\$ 89,353	\$ 89,353	\$ -	\$ -	\$ -	\$ -	\$ -
Vacaville	GL	William MacDonald	Dangerous Cond: Roads	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Vacaville	GL	John & Gina Espinosa	Dangerous Cond: Roads	\$ -	\$ 145,879	\$ 145,879	\$ -	\$ -	\$ -	\$ -	\$ -
Vacaville	PI	Tara Stansberry	Civil Rights	\$ 25,000	\$ 16,500	\$ 41,500	\$ -	\$ -	\$ -	\$ -	\$ -
YCPARMIA (WSac)	GL	Gaven A. Zunie Magers	Dangerous Cond: Roads	\$ -	\$ 77,711	\$ 77,711	\$ -	\$ -	\$ -	\$ -	\$ -
						<u>\$ 6,403,064</u>					
											<u>\$ 5,995,930</u>

## Lessons Learned for Claims Committee

Closed from 9/28/24 to 12/16/24

<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Richmond	EPL	Closed	2015-2016-0719-01	Bashar Zeidan	-	1/1/2016
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
EPL	Hostile Work	6/28/2021		Northern District of California	3:21-CV-04010-JD	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Employees alleges racial discrimination and retaliation following previous litigation.				Suzanne Solomon	Fulvio Cajina	
<u>Final Disposition</u>				<u>Lessons</u>		
Settled for \$1.2M shortly before trial.				1) Unprofessionalism can aggravate otherwise innocuous facts.		
				2) Tolerating "locker room" behavior has negative impact.		
				3) Don't assume understanding of plaintiff's needs and motivations.		

<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Richmond	EPL	Closed	2012-2013-0407-01	David Batiste	-	2/1/2013
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
EPL	Conduct Unbecoming	2/25/2022		Northern District of California	3:22-cv-01188-LB	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Employee alleged ongoing discrimination and harassment by co-workers, including a nickname that equated to an ethnic slur.				Christy Maloney	Paul Alaga	
<u>Final Disposition</u>				<u>Lessons</u>		
Defense verdict reached at trial.				1) Nicknames easily turn problematic even without malice.		
				2) Cultural references that have unintended impact.		
				3) Can win trials where the employee has no adverse actions.		



<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Alameda	GL	Closed	2018-2019-0493-01	Iola Taylor	61	12/21/2018
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
Dangerous Cond: Sidewalk	Product defect	3/21/2019		Alameda County Superior	RG19011841	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Plaintiff was riding her bicycle when a utility box cover collapsed underneath her, throwing her to the ground.				David Samuelson	Shawn Lalezary	
<u>Final Disposition</u>				<u>Lessons</u>		
Settled for \$3.1M.				1) Late discovered facts undermines early evaluation efforts.		
				2) What constitutes a recreational trail?		
				3) Ensure final specs comply with contract/design requirements.		

<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Chico	EPL	Closed	2019-2020-0174-01	Matthew Thompson	61	8/9/2019
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
EPL	Job Performance	12/20/2019		Eastern District of California	22CV01393	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Former at-will employee was released from employment, but alleged wrongful termination.				Sharon Medellin	Patricia Savage	
<u>Final Disposition</u>				<u>Lessons</u>		
Defense verdict at trial. Appeal filed, but Third District Court of Appeals dismissed as non-appealable.				1) History of positive evaluations is a challenge post-separation.		
				2) Motion disposes majority of causes of action; brings focus.		
				3) Re-starting litigation in State Court has pros and cons.		

<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Willits	EPL	Closed	2020-2021-0621-01	Natalie Higley	43	6/19/2021
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
EPL	Hostile Work	6/6/2023		Mendocino County Superior	23CV00498	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Alleges sexual harassment and hostile work environment.				Michael Wenzel	Matthew McNicholas	
<u>Final Disposition</u>				<u>Lessons</u>		
Settled for \$2.25M at mediation.				1) Importance of solid pre-employment psych evals.		
				2) Many advantages when bad facts have been identified early.		
				3) Challenges when the defendant employee is unredeemable.		

<u>Organization</u>	<u>Claim Type</u>	<u>Status</u>	<u>Claim #</u>	<u>Claimant Name</u>	<u>Age</u>	<u>DOL</u>
Chico	GL	Closed	2017-2018-0218-01	Scott & Paula K. Rushing	64	7/23/2017
<u>Principal Cause</u>	<u>Root Cause</u>	<u>Date Suit Filed</u>		<u>Court</u>	<u>Case Number</u>	
Negligence	3rd Party/Cmnt Negligent	6/8/2018		Eastern District of California	2:18-cv-01692-MCE-AC	
<u>Case Description</u>				<u>Defense Attorney</u>	<u>Plaintiff Attorney</u>	
Tyler Rushing shot by security guard then physically attacked two officers. Parents claimed wrongful death.				Sharon Medellin	Mark Merin	
<u>Final Disposition</u>				<u>Lessons</u>		
Defense verdict at trial. Appeal filed; parties agreed to dismiss appeal in exchange for waiving fees and costs.				1) Good result, but defense costs were substantial.		
				2) Emotions sometimes drive litigation beyond what is necessary.		
				3) Taser use post-shoot was pivotal issue to the Ninth Circuit.		



## Defense: Truck struck jaywalker due to dimly lit conditions

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Van Nuys, CA

**Injury Type(s):**

- *leg* - fracture, leg
- *back* - fracture, vertebra
- *neck* - fracture, vertebra
- *brain* - brain damage; traumatic brain injury
- *mental/psychological* - cognition, impairment

**Case Type:**

- *Motor Vehicle* - Truck; Speeding; Pedestrian; Yield Sign; Single Vehicle

**Case Name:** Steven Romero, an incompetent adult by and through his guardian ad litem, Mary Romero v. U-Haul International Inc., AMERCO, Paul Cory, Laseraway Holdings LLC, Laseraway LLC, Laseraway Medical Group Inc., U-Haul Co. of Arizona and U-Haul Co. of California, No. 21STCV23492

**Date:** August 28, 2024

**Plaintiff(s):**

- Steven Romero, (Male, 33 Years)

**Plaintiff Attorney(s):**

- Gary A. Dordick; Gary A. Dordick, A Law Corporation; Beverly Hills CA for Steven Romero
- Christopher V. Bulone; Dordick Law Corporation; Beverly Hills CA for Steven Romero

**Plaintiff Expert  
(s):**

- Jan Roughan R.N., C.R.R.N.; Life Care Planning; Monrovia, CA called by: Gary A. Dordick, Christopher V. Bulone
- Ted M. Kobayashi M.S.; ccident Investigation & Reconstruction/ Failure Analysis/Product Liability; Livermore, CA called by: Gary A. Dordick, Christopher V. Bulone
- Frank Perez Ph.D.; ccident Investigation & Reconstruction/ Failure Analysis/Product Liability; Livermore, CA called by: Gary A. Dordick, Christopher V. Bulone
- James D. Leo M.D.; Critical Care; Long Beach, CA called by: Gary A. Dordick, Christopher V. Bulone
- Gabriel R. Barnard M.D., M.S.; Vocational Rehabilitation/Counseling; Westlake Village, CA called by: Gary A. Dordick, Christopher V. Bulone
- Marissa Chang M.D.; Neurology; Santa Monica, CA called by: Gary A. Dordick, Christopher V. Bulone
- Timothy Lanning; Economics; Santa Ana, CA called by: Gary A. Dordick, Christopher V. Bulone

**Defendant(s):**

- AMERCO
- Paul Cory
- Laseraway LLC
- Laseraway Holdings LLC
- U-Haul Co. of Arizona
- U-Haul Co. of California
- U-Haul International Inc.
- Laseraway Medical Group Inc.

**Defense  
Attorney(s):**

- Robert C. Carlson; Koeller, Nebeker, Carlson & Haluck; San Diego, CA for Paul Cory, Laseraway Holdings LLC, Laseraway LLC, Laseraway Medical Group Inc.
- Scott A. Davis; Koeller, Nebeker, Carlson, & Haluck, LLP; San Diego, CA for Paul Cory, Laseraway Holdings LLC, Laseraway LLC, Laseraway Medical Group Inc.

**Defendant  
Expert(s):**

- Jason Arst P.E.; ccident Investigation & Reconstruction/ Failure Analysis/Product Liability; Carson, CA called by: for Robert C. Carlson, Scott A. Davis
- Andrew Woo M.D., Ph.D.; Neurology; Santa Monica, CA called by: for Robert C. Carlson, Scott A. Davis
- Robert Michael Shavelle Ph.D.; Economics; San Francisco, CA called by: for Robert C. Carlson, Scott A. Davis
- Heather H. Xitco C.P.A., L.E.C.G.; Accounting (Forensic); San Diego, CA called by: for Robert C. Carlson, Scott A. Davis
- Jeffrey A. Suway M.S., P.E.; Human Factors -- See also TECHNICAL-Engineering-Ergonomics; Long Beach, CA called by: for Robert C. Carlson, Scott A. Davis
- Melissa Keddington R.N.; Life Care Planning; Anaheim, CA called by: for Robert C. Carlson, Scott A. Davis

**Facts:**

On Oct. 10, 2019, plaintiff Steven Romero, 33, a construction worker, was walking south across Satcoy Street, Reseda, when he was struck by a moving truck, driven by Paul Cory.

Steven Romero suffered leg and back injuries, as well as a massive head injury, which resulted in his being put into a vegetative state.

Mary Romero, on behalf of Steven Romero, sued Cory, alleging negligence while in operation of a vehicle, as well as Cory's employer, LaserAway LLC, alleging vicarious liability. In their initial filing, the plaintiff had also named U-Haul International Inc., U-Haul Co. of Arizona, U-Haul Co. of California, AMERCO, LaserAway Holdings LLC and LaserAway Medical Group Inc. as defendants; however by the time of trial all defendants had been dismissed from the case, with the exception of Cory and LaserAway LLC.

At the time of the collision, Cory had reportedly been driving the truck while in the course and scope of his employment with LaserAway LLC. Plaintiff's counsel argued that Cory was at fault for failing to yield, and driving too fast given the conditions.

Cory told responding officers and testified at trial that he never saw Steven Romero in the road. Defense disputed liability, arguing Steven Romero was solely at fault, as he was jaywalking in the middle of the street and failed to yield the right of way to Cory. Additionally, the defense argued that it was still very dark outside, and the area where Steven Romero chose to cross was especially dim due to an inoperable streetlight. The defense argued that these conditions impaired Cory's ability to see.

**Injury:**

Steven Romero suffered a fractured leg and vertebra. As previously noted, Steven Romero suffered massive head trauma and was rendered in a persistent vegetative state for which he reportedly will never recover. Steven Romero will require 24-hour medical care at a skilled nursing center for the rest of his life.

Plaintiff's counsel sought more than \$1 million in past medical expenses and \$18 million in future medical expenses, based on a projected life expectancy of 28.5 years.

In total, the plaintiff's counsel asked the jury to award \$79 million.

Defense experts conceded \$1 million in past medical expenses, but projected Steven Romero's future care needs would come out to \$2.4 million, based on a projected life expectancy of 11 years.

**Result:**

The jury found the defendants were not negligent, and rendered a defense verdict.

Steven Romero

**Trial Information:**

**Judge:** Shirley Watkins

**Demand:** \$11,000,000 CCP § 998 Offer

**Offer:** \$2 million CCP § 998 Offer

**Trial Length:** 4 weeks

**Trial  
Deliberations:** 90 minutes

**Post Trial:** At the time of this publishing a motion for a new trial was pending. The basis of the new trial motion will be, among other things, one juror's sworn statement that she believed the pedestrian must have intentionally thrown himself in front of the oncoming truck because she claimed that it was her experience that Mexicans were inclined to commit insurance fraud in this way. Defense counsel also intimated that the plaintiff's child lived in Mexico, although there was no factual basis for the suggestion.

**Editor's  
Comment:** This report is based on information that was provided by defense and plaintiff's counsel.

**Writer** Jason Cohen

## Excessive force used in killing dog during search: lawsuit

**Type:** Verdict-Mixed

**Amount:** \$800,000

**State:** California

**Venue:** Fresno County

**Court:** Superior Court of Fresno County, Fresno, CA

**Case Type:**

- *Civil Rights* - 42 USC 1983; Police as Defendant
- *Government* - Excessive Force
- *Intentional Torts* - Conversion
- *Constitutional Law* - Search and Seizure

**Case Name:** Veronica Ordaz Gonzalez, Jose Ramos Santiago, Omar Perez and Roberto Perez v. County of Fresno, Deputy Courtney Bush, Deputy Jeffrey Morse, Sergeant James Dunn and Deputy Isaac Cervantes, No. 18CECG03672

**Date:** March 22, 2023

**Plaintiff(s):**

- Omar Perez, (Male, 29 Years)
- Roberto Perez, (Male, 65 Years)
- Jose Ramos Santiago, (Male, 38 Years)
- Veronica Ordaz Gonzalez, (Female, 35 Years)

**Plaintiff Attorney(s):**

- Warren R. Paboojian; Baradat & Paboojian, Inc.; Fresno CA for Veronica Ordaz Gonzalez,, Jose Ramos Santiago,, Omar Perez,, Roberto Perez
- Nolan C. Kane; Baradat & Paboojian, Inc.; Fresno CA for Veronica Ordaz Gonzalez,, Jose Ramos Santiago,, Omar Perez,, Roberto Perez

**Plaintiff Expert (s):**

- Scott A. DeFoe; Police Practices & Procedures; Huntington Beach, CA called by: Warren R. Paboojian, Nolan C. Kane

**Defendant(s):**

- James Dunn
- Courtney Bush
- Jeffrey Morse
- County of Fresno
- Isaac Cervantes

**Defense Attorney(s):**

- Leslie M. Dillahunt; Weakley & Arendt, PC; Fresno, CA for County of Fresno, Courtney Bush, Jeffrey Morse, James Dunn, Isaac Cervantes
- James D. Weakley; Weakly & Arendt, PC; Fresno, CA for County of Fresno, Courtney Bush, Jeffrey Morse, James Dunn, Isaac Cervantes

**Defendant Expert(s):**

- Clarence R. Chapman; Police Practices & Procedures; Santa Monica, CA called by: for Leslie M. Dillahunt, James D. Weakley

**Facts:**

On June 3, 2018, plaintiffs Veronica Ordaz Gonzalez, 35, her boyfriend, Jose Ramos Santiago, 38, her dad, Roberto Perez, 65, and her brother, Omar Perez, 29, were all inside their residence in Fresno. Fresno County Sheriff Deputies Courtney Bush, Jeffrey Morse, Colleen Santos, Isaac Cervantes and Reserve Deputy Moreno-Lopez arrived at their residence to try and locate a vandalism suspect.

Prior to this, Bush responded to a report of vandalism made by the alleged vandal's parents. The vandalism suspect's mother informed Bush that the night before, her son, Jesus Ramos, damaged their truck's windshield in the amount of approximately \$500. Jesus Ramos was described as 5'3" and 110 pounds. Jesus Ramos' parents told Bush that he frequented the residence shared by the plaintiffs, but the deputies had no other information that would connect the vandalism suspect to the plaintiffs' home.

When the deputies arrived, they observed a Hispanic male— who was later identified as a friend of the residents, who was only ever identified by the name "Jacob" in court documents. While Jacob reportedly did not match the description of Jesus Ramos, deputies stopped to question him in the front yard of the residence.

According to the defense, while the deputies were talking to Jacob, Morse observed a male run out of sight in the backyard. Additionally, Bush saw approximately 10 marijuana plants in the backyard. The deputies ordered all occupants out of the house. Plaintiffs and Jacob were subsequently handcuffed and detained in the front yard. Deputies asked Gonzalez to enter the home to search for Jesus Ramos, who they believed to be inside the residence.

Gonzalez claimed she did not consent, though Sergeant James Dunn disputed her claim. Deputies searched the home and no one was located. While the deputies were searching the home, Gonzalez and Santiago's dog, Scooby, who was tied up by deputies, got loose and ran to the backyard where a K-9 unit had posted up. The K-9 handler, Cervantes, shot and killed Scooby. The reason given was that the dog had allegedly bit the K-9 on the leg for two seconds. The K-9, however, suffered no injuries, and there was no other evidence to suggest that the dog had been bitten.



Plaintiffs, Gonzalez, Santiago, Omar Perez and Roberto Perez sued the deputies' employer, the county of Fresno, as well as Bush, Morse, Cervantes and Dunn. Plaintiffs alleged violations of their civil rights and violations of the Fourth Amendment to be free from unreasonable search and seizures; and for the wrongful taking of their dog, Scooby. Omar Perez and Roberto Perez had claims for Bane Act and negligence, all stemming from excessive force by the officers, but did not have a claim for Scooby, as Scooby was not their dog.

Plaintiffs' counsel contended that Gonzalez did not consent to the deputies searching the residence. Plaintiffs' counsel noted there was no documentation of consent or any other witnesses to the alleged consent. Plaintiffs' expert in police practices and procedures testified that without consent there was no legal basis to enter the home. This expert also testified that the K-9 handler, Cervantes, overreacted and had other non-lethal options that he should have used.

Plaintiffs' counsel noted that Scooby was a conversion claim, being the wrongful taking of property, as the dog was property. Defense counsel contended it was not wrongful because it was self-defense and justified. Plaintiffs' expert in police practices and procedures testified that the killing of the dog was not a reasonable response and constituted excessive force. The defense noted that excessive force is usually in regards to the fourth amendment claim, and Scooby was not a fourth amendment claim.

**Injury:**

Scooby did not survive the shooting. Gonzalez and Santiago claimed emotional distress from the events. Gonzalez saw a licensed family and marriage therapist at Fresno State three times following the incident. They sought recovery for their past and future emotional distress. Omar Perez and Roberto Perez also sought recovery for their emotional pain and suffering from the events.

**Result:**

The jury found that Cervantes was liable for the unjustified shooting death of Scooby, and that Dunn was liable as to Gonzalez, only, for violation of the Bane Act. Bush and Morse were not found liable. The jury awarded \$800,000, with \$500,000 to Gonzalez for the loss of Scooby and the Bane Act violation, and \$300,000 to Santiago for the loss of Scooby.

Roberto Perez

Omar Perez

Jose Ramos Santiago

\$ 300,000 Past & Future Emotional Distress

**\$ 300,000 Plaintiff's Total Award**

Veronica Ordaz Gonzalez

\$ 500,000 Past & Future Emotional Distress

**\$ 500,000 Plaintiff's Total Award**

### **Trial Information:**

**Judge:** Jeffrey Hamilton

**Trial Length:** 15 days

**Trial  
Deliberations:** 10 hours

**Post Trial:** Plaintiff will be able to make a motion for attorney fees for violation of the Bane Act.

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Plaintiff: Ogled at desk for hours by supervisor

**Type:** Verdict-Plaintiff

**Amount:** \$2,623,154

**State:** California

**Venue:** Alameda County

**Court:** Superior Court of Alameda County, Alameda, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Sexual Harassment; Constructive Discharge

**Case Name:** Patricia Toscano v. **City of Oakland and Frank Knight**, No. RG21094864

**Date:** May 06, 2024

**Plaintiff(s):** • Patricia Toscano, (Female, 40 Years)

**Plaintiff Attorney(s):** • Sharon R. Vinick; Vinick Hyams LLP; Oakland CA for Patricia Toscano  
• Katherine L. Smith; Law Offices of Wendy Musell PC; Oakland CA for Patricia Toscano

**Plaintiff Expert(s):** • M. Monica Ip C.P.A., C.M.A.; Economics; Menlo Park, CA called by: Sharon R. Vinick, , Katherine L. Smith  
• Jessica Rowe Psy.D.; Psychology/Counseling; Folsom, CA called by: Sharon R. Vinick, , Katherine L. Smith

**Defendant(s):** • Frank Knight  
• City of Oakland

**Defense  
Attorney(s):**

- David W. Ammons; LTL Attorneys; Los Angeles, CA for City of Oakland
- Patrice A. Gore; LTL Attorneys; Los Angeles, CA for City of Oakland

**Defendant  
Expert(s):**

- Mark H. Strassberg M.D.; Psychiatry; San Francisco, CA called by: for David W. Ammons, Patrice A. Gore

**Facts:**

From 2016 through 2020, plaintiff Patricia Toscano, in her 40s, who worked as an administrative assistant at the East Oakland Senior Center, claimed that a custodial services supervisor, Frank Knight, sat at the center's front desk where Toscano was, and for hours, would ogle her, try to touch and kiss her and try to engage in inappropriate conversations with or near her.

Toscano claimed that though she reported the harassment to numerous individuals including her supervisor, her supervisor's supervisor and the head of Human Resources for the city of Oakland and that an internal investigation even confirmed some, but not all, of the allegations made by her, that nothing was done to prevent the situations from happening to her again.

Toscano claimed the same type of sexual harassment from Knight continued after the investigation. Toscano also claimed that after she complained about the sexual harassment that she was retaliated against and transferred to a less desirable worksite. Toscano ultimately went on an extended medical leave.

Toscano sued the city and Knight, alleging sexual harassment, retaliation and failure to prevent harassment and retaliation. Knight settled just before trial.

The city contended that Toscano was not subjected to sexual harassment or retaliation. The city further argued that it conducted a prompt and effective investigation.

**Injury:**

Toscano worked for the city for 12 years, since 2008. She claimed the emotional distress from the sexual harassment, the city's alleged retaliation and its failure to stop the harassment caused her to go on an extended medical leave, which for reasons unrelated to the aforementioned incidents, she did not return from. Toscano claimed she had severe emotional distress.

Toscano's expert in mental health testified that the city's actions and omissions reactivated and exacerbated a trauma that was in remission. Plaintiff's expert also expressed that Toscano would be susceptible to re-activation of distress symptoms throughout her life due in part to this experience.

Toscano sought recovery for her loss of pay, for future medical treatment and her past and future emotional pain and suffering.

The mental health expert for the defense maintained that Toscano's distress was longstanding, and any distress caused by the city was relatively minor. The city's expert suggested that Toscano had already returned to her baseline.

**Result:**

The jury found in favor of Toscano on her claims and awarded her \$2,623,153.82.

Patricia Toscano

\$ 41,600 Future Medical Cost

\$ 81,553.82 Past Lost Earnings

\$ 1,500,000 Past Emotional Distress

\$ 1,000,000 Future Emotional Distress

**\$ 2,623,153.82 Plaintiff's Total Award**

**Trial Information:****Judge:**

Rebekah B. Evenson

**Trial Length:** 8 days

**Trial  
Deliberations:** 7 hours

**Post Trial:** Plaintiff's counsel noted that Toscano was awarded \$2,980,225.81 in attorney fees (including 1.4 multiplier through verdict) and \$96,632.49 in costs for a total judgment of \$5,700,012.12 for plaintiff.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Dispute over cause of death in restraint incident: lawsuit

**Type:** Verdict-Mixed

**Amount:** \$7,500,000

**Actual Award:** \$1,500,000

**State:** California

**Venue:** Federal

**Court:** United States District Court, Central District, Riverside, CA

**Injury Type(s):** • *other* - death

**Case Type:**

- *Wrongful Death*
- *Civil Rights* - 42 USC 1981; Police as Defendant
- *Government* - Excessive Force
- *Worker/Workplace Negligence* - Negligent Training

**Case Name:** Tracy Alves, Individually and as Successor in Interest for Kevin R. Niedzialek, deceased v. **Riverside County, Riverside Sheriffs Department**, Sheriff-Coroner Chad Bianco, Deputy Sonia Gomez and Deputy Brian Keeney, No. 5:19-cv-02083-JGB-SHK

**Date:** April 07, 2023

**Plaintiff(s):**

- Tracy Alves, (Female, 47 Years)
- Estate of Kevin R. Niedzialek, (Male, 34 Years)

**Plaintiff Attorney(s):**

- **Dale K. Galipo**; Law Offices of Dale K. Galipo; Woodland Hills CA for Tracy Alves,, Estate of Kevin R. Niedzialek
- John C. Burton; Law Offices of John C. Burton; Pasadena CA for Tracy Alves,, Estate of Kevin R. Niedzialek

**Plaintiff Expert  
(s):**

- Daniel Wohlgelehter M.D.; Cardiology; Santa Monica, CA called by: Dale K. Galipo, John C. Burton
- Jeffrey J. Noble; Police Practices & Procedures; Rancho Santa Margarita, CA called by: Dale K. Galipo, John C. Burton

**Defendant(s):**

- Chad Bianco
- Sonia Gomez
- Brian Keeney
- Riverside County
- Riverside Sheriff's Department

**Defense  
Attorney(s):**

- **Tony M. Sain**; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Riverside County, Riverside Sheriff's Department, Chad Bianco, Sonia Gomez, Brian Keeney
- Tori Bakken; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Riverside County, Riverside Sheriff's Department, Chad Bianco, Sonia Gomez, Brian Keeney

**Defendant  
Expert(s):**

- Robert Fonzi; Police Practices & Procedures; Yucaipa, CA called by: for Tony M. Sain, Tori Bakken
- Theodore C. Chan M.D.; Emergency Medicine; San Diego, CA called by: for Tony M. Sain, Tori Bakken



**Facts:**

On July 29, 2019, plaintiff's decedent, Kevin Niedzialek, 34, a student, was at an apartment complex in Temecula, when he was approached by Riverside County Sheriff's Deputies Sonia Gomez and Brian Keeney, who were responding to 911 calls that described an unarmed man at the complex who had a bleeding head wound and sounded incoherent.

Niedzialek was seated when the officers approached and despite commands to stay seated, Niedzialek is said to have quickly advanced toward Keeney. Gomez then fired her stun gun, striking Niedzialek. Niedzialek ignored additional commands and made a second advance toward Keeney, prompting Gomez to fire her stun gun a second time. Niedzialek was intoxicated on methamphetamine at this time, which might explain his behavior.

The deputies then moved to restrain Niedzialek in a prone position for handcuffing. Once prone, Niedzialek resisted the handcuffing, both before and after the handcuffing was completed. After Niedzialek stopped resisting, the deputies continued to restrain a handcuffed Niedzialek in the prone position for nearly four minutes: with hands and a single knee to his back.

At some point, the deputies realized Niedzialek might not be breathing and flipped him over. Paramedics arrived minutes later and determined Niedzialek was not breathing. He was transported to a hospital but was ultimately taken off life support.. The medical examiner later determined that Niedzialek had died from fatal methamphetamine toxicity.

Despite the medical examiner concluding that the deputies' restraint played no causal role in Niedzialek's death, the county determined the death to be a homicide.

Plaintiff, Niedzialek's sister, sued Riverside County, Riverside Sheriff's Department, Sheriff-Coroner Chad Bianco, Gomez and Keeney. Plaintiff alleged claims for violation of Niedzialek's rights to be free from excessive force, as well as claims for negligent training of the deputies. Plaintiffs dismissed Gomez and Keeney from the case and the matter proceeded against the county and Bianco.

Plaintiff contended that her brother was motionless and held down for more than four minutes, causing a cardiac arrest from positional asphyxia.

The county contended that Niedzialek died solely due to his use of methamphetamines.

**Injury:**

Upon recognizing that Niedzialek was not breathing, paramedics were called to the scene. They were able to resuscitate Niedzialek, though he was declared brain dead at a hospital the next day after going too long without oxygen. His organs were donated.

Prior to his death, Niedzialek struggled with substance abuse and was attempting to recover. He relapsed days prior to the incident in July 2019 by using methamphetamine. Plaintiff's experts pointed out that Niedzialek stopped moving 40 seconds after being handcuffed and laid motionless for more than four minutes before he was turned over and it was determined that he was not breathing and his pupils were dilated. A paramedic testified that his carbon dioxide level indicated he had been in cardiac arrest for a significant time, which explained his extensive anoxic brain injury.

Plaintiff Tracy Alves, Niedzialek's sister, sought recovery for his pre-death pain and suffering and for his loss of life. She also sought recovery for past and future loss of love, companionship, comfort, care, assistance, protection, society and support. Alves also sought punitive damages against Bianco.

Defense disputed that Niedzialek's death was due to him being handcuffed and prone. Defense's experts testified that during his struggle with the deputies, and Niedzialek being handcuffed face down, that Niedzialek appeared to be breathing, was vocalizing and some portions of his body were not fully prone on the ground, which the defense argued indicated that he had not been suffocated by the restraint. Defense counsel contended that Niedzialek's death was due to acute methamphetamine toxicity.

**Result:**

The jury found that neither Keeney or Gomez used excessive or unreasonable force or restraint against Niedzialek when apprehending him. However, the jury found that the officers were negligent in their use of force after Niedzialek had already been handcuffed.

The jury found that the deputies' negligence was a cause of Niedzialek's death, and that Niedzialek's own negligence was also a cause of his death.

The jury apportioned 10% negligence to Keeney, 10% to Gomez, and 80% to Niedzialek. The jury awarded Alves \$7.5 million for the loss of her brother.

After apportioning responsibility, her award was reduced to \$1.5 million.

Estate of Kevin Niedzialek

Tracy Alves

**Trial Information:**

**Judge:** Jesus G. Bernal

**Trial Length:** 8 days

**Trial  
Deliberations:** 9 hours

**Jury  
Composition:** 5 male, 3 female

**Post Trial:** Post-trial motions and an appeal are anticipated by the defense.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Claims Committee Meeting  
March 27, 2025**

**Agenda Item. E.1.a.**

**LIABILITY COUNSEL ADDITIONS**

**BRADLEY J. SWINGLE AND JOSEPH LITTLE**

**ACTION ITEM**

**ISSUE:** The Committee reviews the list of approved liability counsel as needed to keep the panel accurate and up to date.

The Program Administrators have received requests to add the following attorneys to the liability counsel approved list:

- Bradley J. Swingle of the Swingle, Van Egmond and Heitlinger Law Firm
- Joseph Little of the Caufield Law Firm

**RECOMMENDATION:** Review, discuss and provide direction as needed.

**FISCAL IMPACT:** None.

**BACKGROUND:** The Claims Committee regularly reviews and recommends changes to the Approved List of attorneys based on feedback from members and the claims administrator. Firms that are not being used regularly are reviewed to determine if there is still a need, and those that are being used are reviewed for feedback regarding their performance.

**ATTACHMENT(S):**

1. Bradley J. Swingle Bio
2. Caufield Firm Resume
3. Joseph Little Bio

**BRADLEY J. SWINGLE**  
**SWINGLE, VAN EGMOND & HEITLINGER**  
1207 I STREET, MODESTO, CA (209) 522-2211

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*Experience:*

***Swingle, Van Egmond & Heitlinger***  
Attorney/Shareholder

October 2009 – Present  
Modesto, CA

Skilled litigation attorney and partner in firm emphasizing personal injury, insurance defense, public entity defense and business litigation. Extensive experience prosecuting and defending general litigation and bodily injury actions. Extensive knowledge of legal issues. Excellent interpersonal communication skills. Has tried approximately 45 jury trials and 10 court trials.

***Curtis & Arata***  
Attorney/Shareholder

Feb. 2001 – October 2009  
Modesto, CA

***Thayer, Harvey & Gregerson***  
Litigation Associate

Feb. 1999 – Feb. 2001  
Modesto, CA

***Diehl, Steinheimer, Riggio, et. al.***  
Litigation Associate

1997 – 1999  
Stockton, CA

*Education:*

Juris Doctor  
Golden Gate University School of Law, San Francisco

1994

Bachelor of Arts, Political Science  
Communications Minor  
University of California at Davis, Davis, California

1990

*Areas of Emphasis:*

Public entity defense, insurance defense, personal injury, business litigation

*Affiliations:*

Admitted to practice before all of the courts of the State of California and the United States District Court for the Eastern District of California  
Member, State Bar of California  
Member, Stanislaus County Bar Association



## **FIRM RESUME**

### **Summary**

In business since May 2012, Caulfield Law Firm (“the Firm”) specializes in the defense of cities and counties, and their employees, in state and federal courts. The Firm’s extensive experience includes, among others, the defense of suits involving claims of dangerous conditions of public property; wrongful death; inverse condemnation; nuisance and trespass; federal civil rights lawsuits, including police officer excessive force, malicious prosecution, and CPS related claims; personal injury; motor vehicle accidents; employee negligence; and public contracting. The Firm has also prosecuted multiple civil actions on behalf of public entities.

Representing local public entities since 2009, Owner and Managing Attorney Andrew T. Caulfield was named to the list of Northern California Super Lawyers in 2024 and 2025 as well as a Top Lawyer by Sacramento Magazine in 2022 and 2023. Drawing on his experience litigating high-stakes civil suits at multiple big law firms, Litigation Associate Joe Little has developed significant experience representing public entities in a variety of different matters since joining the Firm in June 2023. To learn more, please visit [caulfieldlawfirm.com](http://caulfieldlawfirm.com).

### **Attorneys**

#### ***ANDREW T. CAULFIELD***

Owner and Managing Attorney Andrew T. Caulfield began representing public entities in 2009. In May 2012, Mr. Caulfield founded Caulfield Law Firm. Now in his 20th year of practice, Mr. Caulfield has been lead trial and appellate counsel for public entities and their employees in numerous federal and state civil litigation matters. Mr. Caulfield has recently received the honor of being named to the list of Northern California Super Lawyers in 2024 and 2025 as well as a Top Lawyer in General Litigation by Sacramento Magazine in 2022 and 2023.

With extensive experience in all phases of litigation, Mr. Caulfield has successfully resolved cases for public entity clients in both federal and state courts at the pleading stage, through mediation, summary judgment, at trial (multiple first-chair bench and jury trials), on appeal, and on petition for review to the California Supreme Court.

Dismayed by the number of frivolous cases filed against public entities, a focus of Mr. Caulfield’s career has been on the potential recovery of taxpayer funds incurred to defend against frivolous lawsuits. In 2017, Mr. Caulfield obtained the first published California appellate court decision addressing the application of Code of Civil Procedure § 1038 (which allows recovery of

attorneys' fees in frivolous lawsuits against public entities) in a case involving public contracting requirements. *Ponte v. County of Calaveras* (2017) 14 Cal.App.5th 551. *Ponte* also marked the first time the Third District Court of Appeal issued a published decision on section 1038 since 1996. With added interest, the public entity ultimately recovered \$120,000 from the plaintiff for attorneys' fees and costs incurred to defend the case, including on appeal and petition to the California Supreme Court. In a subsequent case, a trial court cited *Ponte* and awarded another public entity client of the Firm a total of \$181,035 in attorneys' fees and costs under section 1038, which also withstood challenge on appeal and petition to the California Supreme Court.<sup>1</sup>

At the 2021 Public Agency Risk Management Association's Annual Conference, Mr. Caulfield presented on the topic of recovery of fees and costs under section 1038 in a session entitled "Effective Strategies to Combat Frivolous Lawsuits Against Public Entities."

### ***JOE LITTLE***

Litigation Associate Joe Little brings an impressive background and litigation experience to the Firm. During his time at U.C. Davis School of law, Mr. Little was an Editor on Law Review, receiving Best Annual Publication; was an extern for federal district judge William B. Shubb; and graduated second overall in his class in May 2018. After stints at two big law firms, and a well-known Sacramento firm, Mr. Little joined Caulfield Law Firm in June 2009 and began developing his public entity defense practice.

Mr. Little has been involved in every aspect of the Firm's practice, including initial case evaluations, written discovery, taking and defending depositions, and preparation of dispositive motions for summary judgment. At all stages of a dispute, Mr. Little is focused on developing strategies to meet client stated goals and achieving the best possible outcome.

Mr. Little also recently received the honor of being the youngest person ever to be elected as a city councilmember for the City of Rancho Cordova.

### **REPRESENTATIVE PUBLIC ENTITY CLIENTS**

The Firm has represented the following public entities:

City of Auburn  
City of Dixon  
City of Elk Grove

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<sup>1</sup> By identifying past results, the Firm in no way implies or guarantees that any prospective client will receive a similar result, or for that matter, will prevail in any particular matter handled by the Firm.



Firm Resume  
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City of Folsom  
City of Galt  
City of Lincoln  
City of Marysville  
City of Oroville  
City of Placerville  
City of Rio Vista  
City of Rocklin  
City of Stockton

County of El Dorado  
County of Calaveras  
County of Yuba

El Dorado County Fair Association, Inc.



**JOSEPH K. LITTLE**  
3337 Virgo Street, Sacramento, CA 95827  
(916) 704-4853 | joeklittle@gmail.com



## **EXPERIENCE**

**Caulfield Law Firm**, El Dorado Hills, CA  
*Litigation Associate*, June 2023 – Present

- Defended cities and counties in a variety of civil lawsuits involving dangerous conditions of public property, wrongful death, civil rights, inverse condemnation, employee negligence, and others.
- Extensive deposition and motion practice, including motions for summary judgment.

**City of Rancho Cordova**, Rancho Cordova, CA  
*City Councilmember*, December 2024 – Present

- Youngest ever elected councilmember in City history.

**Pillsbury Winthrop Shaw Pittman LLP**, Sacramento, CA  
*Litigation Associate*, December 2021 – June 2023

- Practiced alcohol beverage regulation on a 50-state basis, with an emphasis on California.
- Litigated on behalf of universities, public agencies, and major corporations in numerous areas of law including personal injury.

**Downey Brand LLP**, Sacramento, CA  
*Litigation Associate*, August 2019 – December 2021

- Litigated on behalf of all kinds of clients in disputes pertaining to bankruptcy, construction, employment and labor, environmental issues, divorce and custody, estates and trusts, real estate, and products liability.

**Paul Hastings LLP**, Palo Alto, CA  
*Litigation Associate*, October 2018 – August 2019  
*Summer Associate*, May 2017 – July 2017

- Represented clients in primarily securities-related litigation.

## **BAR ADMISSION**

The State Bar of California, 11/28/2018, No. 322179.

## **EDUCATION**

**UC Davis School of Law**, *Juris Doctor*, May 2018

GPA & Rank: 3.973; Ranked 2nd in Class

Honors: Best Annual Publication from the UC Davis Law Review  
Extern to the Honorable William B. Shubb, U.S.D.C. E.D. Cal. (Summer 2016)

**Gonzaga University**

*Bachelor of Arts*, Psychology and Criminal Justice, May 2014



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Claims Committee Meeting  
March 27, 2025**

**Agenda Item. E.1.b.**

**REVISION TO C-7 ATTACHMENT A: LIABILITY COUNSEL LIST  
REVIEW OF LEGAL PANEL & RATE CHANGES**

**ACTION ITEM**

**ISSUE:** The Committee reviews the list of approved liability counsel as needed to keep the panel accurate and up to date. Please see the attached revised list with the most recent changes in legal counsel and hourly rates.

**RECOMMENDATION:** Review, discuss and provide direction as needed.

**FISCAL IMPACT:** None.

**BACKGROUND:** The Claims Committee regularly reviews and recommends changes to the Approved List of attorneys based on feedback from members and the claims administrator. Firms that are not being used regularly are reviewed to determine if there is still a need, and those that are being used are reviewed for feedback as well.

**ATTACHMENT(S):**

1. Policy and Procedure C-7 : Attachment A Defense Attorney List for Liability
2. Policy and Procedure C-7 : Attachment A Defense Attorney List for Liability with rates – *Handout*



Northern California Cities Self Insurance Fund  
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**NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #C-7A**  
**ATTACHMENT A - LIABILITY**  
**Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Angelo, Kilday & Kilduff 601 University Avenue, Suite 150 Sacramento, CA 95825 (916) 564-6100	Bruce A. Kilday Carolee Kilduff Serena Warner Kevin Dehoff Derick Konz	Police Liability, General Liability, Auto, Personnel, Heavy Trial Ex- perience
Ayres & Associates 930 Executive Way, Suite 200 Redding, CA 96002 (530) 229-1340	William Ayres	Dangerous Condition, Auto, Gen- eral Liability, Environmental Lia- bility
Bertrand, Fox, Elliott et al 2749 Hyde Street San Francisco, CA 94109 (415) 353-0999	Eugene Elliott	
Caulfield Law Firm 1101 Investment Blvd., Suite 120 El Dorado Hills, CA 95762 (916) 933-3200	Rich Caulfield Andrew Caulfield <a href="#">Joseph Little</a>	Same as above, with Construction Defect, Heavy to Medium Trial Experience
Donahue Davies LLP 1 Natoma Street Folsom, CA 95630 (916) 817-2900	Robert E Davies	
Gregory P. Einhorn 48 Hanover Lane, Suite 2 Chico, CA 95973 (530) 898-0228	Gregory P. Einhorn  <i>Use for Willows as needed</i>	Employment Law, General Liabil- ity, Municipal



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Name of Law Firm	Attorneys	Areas of Expertise
Kronick, Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 <sup>th</sup> Floor Sacramento, CA 95814	Christopher Onstott Bruce A. Scheidt * David W. Tyra Mona G. Ebrahimi Kevin A. Flautt Olivia R. Clark	Civil Rights, California Fair Employment and Housing, Tort Claims, California Public Records Employment Practices
Lewis Brisbois Bisgaard & Smith LLP	Tony Sain, Partner	Police, Civil Rights, Extensive Trial Experience
Liebert Cassidy Whitmore 135 Main St #7 San Francisco, CA 94105	Richard Bolanos	Employment Law, Labor Relations & Collective Bargaining, Public Safety, Wage & Hour, Retirement, Health and Disability
Peters, Habib, McKenna Juhl-Rhodes & Cardoza, LLP P.O. Box 3509 Chico, CA 95927 (530) 342-3593	Mark Habib Jim McKenna Lia Juhl	Dangerous Condition, Police Liability, General Liability, Auto, Good Trial Experience
Porter Scott P.O. Box 255428 Sacramento, CA 95865 (916) 929-1481 Fax: (916) 927-3706	John Whitefleet Carl L. Fessenden Will Camry David Norton Derek Haynes	Police, Civil Rights, Dangerous Condition, Inverse Condemnation, Auto, General Liability, Heavy to Light Trial Experience
Matheny Sears Linkert & Jaime, LLP 3638 American River Drive Sacramento, CA 95864 (916) 978-3434 Fax: (916) 978-3430	Matthew Jaime Douglas Sears Richard Linkert	
Ruben Escobedo 731 S. Lincoln St. Santa Maria, CA 93458	Ruben Escobedo	Labor & Employment
The Law Office of Justin N. Tierney 2000 U Street Sacramento, CA 95814	Justin N. Tierney	Dangerous Condition, Auto, Medium Trial Experience



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Name of Law Firm	Attorneys	Areas of Expertise
The Law Office of James A. Wyatt 2130 Eureka Way Redding, CA 96001 (530) 244-6060 P.O. Box 992338 Redding, CA 96099-2338	James A. Wyatt	Dangerous Condition, Civil Rights, Police, Wrongful Termination, Auto Liability, Labor Law, Heavy Trial Experience
Murphy, Campbell, Alliston & Quinn, PLC. 8801 Folsom Boulevard, Suite 230 Sacramento, CA 95826 (916) 400-2300	Stephanie L. Quinn	Auto, Wrongful Deaths, Slip and falls, Fire and Trespassing Experience
Cota Cole LLP 2261 Lava Ridge Court Roseville, CA 95661 (916) 780-9009	Dennis Cota Derek Cole Daniel King	Land Use, civil rights, environmental issues.
Allen, Glaessner, Hazelwood, Werth 180 Montgomery Street, Ste. 1200 San Francisco, CA 94104 (415) 697-2000	Dale Allen Mark Hazelwood Steve Werth	Police liability, ADA, sidewalk, employment practices, general municipal liability
Arthofer and Tonkin, Attorneys At Law 1267 Willis Street Redding, CA 96001 (530) 722-9002	Kenneth Arthofer Griffith Tonkin	Public entity, injury, real estate
Randall Harr 44282 Highway 299 East McArthur, CA 96056 (530) 336-5656 rlh@randallharlaw.com	Randall Harr	
Lenahan, Lee, Slater, Pearse & Majernik LLP 2542 River Plaza Drive Sacramento, CA 95833 (916) 443-1030	Charleton S. Pearse Benjamin D. Oram, Esq. Adam Ambrozy	Dangerous Condition and Vicarious Liability cases



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Name of Law Firm	Attorneys	Areas of Expertise
Lynberg & Watkins 1100 Town & Country Rd., Ste. 1450 Orange, CA 92868 (714) 937-1010	Melissa D. Culp Courtney L. Hylton Norman J. Watkins	
Roy C. Santos	Roy C Santos Michelle Sassano	
<u>SWINGLE, VAN EGMOND &amp; HEITLINGER</u> <u>1207 I Street</u> <u>Modesto, CA 95354</u>	<u>Bradley J. Swingle</u>	<u>Public entity defense, insurance defense, personal injury, business litigation</u>

\* *Bruce A. Scheidt will be used only as respects the Eaton vs. Rocklin litigation.*

**Revision Date: March 28, 2020**

**Revision Date; March 24, 2022**

**Revision Date; May 23, 2023**

**Revision Date: September 19, 2024**

**Revision Date: March 27, 2025**



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Claims Committee Meeting  
March 27, 2025**

**Agenda Item F.**

**CLOSED SESSION TO DISCUSS PENDING CLAIMS**  
(Per Governmental Code Section 54956.95)

**ACTION ITEM**

**ISSUE:** Pursuant to Government Code Section 54956.95, the Committee will hold a Closed Session to discuss the following claims:

Liability:

1. 4A210808D3D-0001 v. City of Ione\*
2. Jessica Garcia, Isaiyah Carlos Flores, Jose Israel Flores, Jr. v. City of Yuba City\*

Workers' Compensation:

1. 2296610602, 2296610420, 2196610146 v. City of Rocklin
2. 1596610245 & 1596610246 v. Town of Paradise
3. 2396610146 v. City of Yuba City

**FISCAL IMPACT:** Unknown.

**RECOMMENDATION:** The Program Administrator cannot make a recommendation at this time, as the subject matter is confidential.

**BACKGROUND:** The Claims Committee meets as needed to provide settlement authority for claims within the NCC retained layer for both Liability and Workers' Compensation.

**ATTACHMENT(S):** None.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Claims Committee Meeting  
March 27, 2025**

**Agenda Item H.**

**ROUND TABLE DISCUSSION**

**INFORMATION ITEM**

**ISSUE:** The floor will be open to the Committee for discussion.

**RECOMMENDATION:** None.

**FISCAL IMPACT:** None.

**BACKGROUND:** This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.

**ATTACHMENT(S):** None.