

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



DEBORAH J. FOX

Chair, Trial & Litigation Practice Group

Recognized as one of California's leading litigators, Deborah Fox has achieved groundbreaking rulings in state and federal court at both the trial and appellate levels. She has handled matters involving First Amendment issues, land use, zoning, housing, general plans, coastal issues, CEQA, inverse condemnation, environmental claims, federal preemption, public records, elections and ballot initiatives, and civil rights claims for violations of substantive and procedural due process and equal protection.

Deborah is a Senior Fellow of the Litigation Counsel of America and has received numerous awards and recognitions, including "Top Women Lawyers" (*Daily Journal*, 2018), Southern California Super Lawyers in Constitutional Law and Land Use/Zoning (*Super Lawyers magazine*, 2017-2018) and "Top Women Litigators" (*Daily Journal*, 2007 and 2009). Deborah is also rated "AV" Preeminent by Martindale-Hubbell and included in Martindale-Hubbell's *Bar Register of Top Rated Lawyers: Land Use and Zoning* (2013-2018), *Bar Register of Top Rated Lawyers: Women Leaders in the Law* (2013 and 2015), and *Bar Register of Preeminent Women Lawyers* (2011).

Our Trial and Litigation Practice Group works hard to uphold public entities' rights under the law, preventing plaintiffs from tapping into public money or thwarting plans for civic betterment as well as prosecuting on their behalf. 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, we litigate aggressively to protect our clients' interests.

Meyers Nave's trial and litigation team is well-versed in complex, high-stakes lawsuits, having served as lead counsel in many contentious, publicly scrutinized matters. We have represented hundreds of public agencies, serving as a champion for our clients' rights and minimizing or eliminating exposure and damages.

With the capacity to respond immediately to any litigation that may arise, we have the breadth to assign an attorney within our practice who has the necessary experience to address a specific area of law. Our Trial and Litigation Practice Group works with all 15-plus firm practice areas, including contracts, construction, land use, environmental law, transportation and public finance, among others. We represent clients from initial complaint through discovery, motion practice, trial and appeal.

Our trial and litigation group has successfully represented clients against alleged violations of the U.S. Constitution (1st, 4th, 5th, 6th, 8th, 9th, 11th, and 14th amendments); federal and state civil rights laws (California's Unruh Act, Bane Act, etc.); and public agency laws (Ralph M. Brown Act, California Public Records Act, conflicts of interest, etc.). We also handle cases concerning negligence, dangerous conditions, wrongful termination, sexual harassment and discrimination, among many others.

Our comprehensive knowledge of public agency law proves critical to our successful defense of public entities on the multiple fronts of high-stakes cases. 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, nuisance abatement and code enforcement violations.

ADA VIOLATIONS

We are leading attorneys handling federal civil rights violation claims arising under the Americans with Disabilities Act (ADA), California's Disabled Persons Act and federal Rehabilitation Act. For example, we represent the City of Los Angeles in one of the nation's largest ADA class action litigation ever prosecuted. On a smaller scale, we have represented numerous public entities in response to ADA and Unruh Act claims.

SECTION 1983 & FIRST AMENDMENT

We represent clients in a wide range of civil rights claims brought under Section 1983, including improper conduct under due process and equal protection as well as First Amendment retaliation. We also defend ordinances regulating sign billboards, adult uses, protests/occupy movements, the Religious Land Use and Institutionalized Persons Act (RLUIPA) zoning, public forums, parade and park uses, newsracks, and rules of decorum.

CLASS ACTIONS

Our litigators represent public and private entities, whether plaintiffs or defendants, in class actions. We have secured victories at the class certification stage—pivotal in most class actions—and have resolved cases by dispositive motions, arranged for favorable settlements to limit public exposure and costs, and successfully litigated in both trial and appellate courts. We offer a strong command of class action discovery, strategies for evidentiary support as well as objections, and class-wide trial techniques.

Trial & Litigation Services

- Public official defense
- Constitutional law
- Class actions
- Police civil rights
- In-custody deaths
- Tort defense
- Dangerous and defective conditions of public property
- Weapons confiscation
- Code enforcement
- Nuisance abatement
- Recoupment of fees
- Public contracts
- Real estate (construction, land use, eminent domain, environmental laws)
- Local governance (Public Records Act, Brown Act, conflicts of interest, etc.)
- Labor and employment
- Writs and appeals

Because we have handled numerous arbitrations and administrative evidentiary hearings, we have a thorough understanding of the federal and state statutes related to class action procedures.

PEACE OFFICER DEFENSE/CIVIL RIGHTS

Meyers Nave's Peace Officer Defense/Civil Rights Practice Group is a powerful advocate for law enforcement agencies and officers. We routinely defend peace officers and municipalities in federal and state court against a wide variety of claims, including claims involving officer involved shootings, wrongful death, excessive force, false arrest, illegal entry, officer negligence and *Monell* liability. We also frequently provide advice to law enforcement agencies regarding their policies and training.

TORT CLAIMS

We represent clients in tort claims involving real property rights and incidents on public property. Our attorneys handle dangerous condition claims from the government tort claims phase through litigation. We have successfully argued summary judgment motions based upon design immunity and a myriad of other immunities unique to public entities. Because tort cases often involve insurance and joint powers authority coverage issues, we are an additional resource and a source of valuable information for our clients.

Our experience is not limited to simply defending a lawsuit. Every step of the way, we aim to minimize clients' exposure and total costs of defense. From this approach, we have explored a variety of options in responding to claims. For example, we have helped establish expedited claims submission and resolution processes so claimants could easily submit materials without the need for legal counsel. Approaches such as this often whittle down potential claims early on in the process.

TRAINING

We offer policy review, seminars and training for law enforcement and other public entity employees involved in record keeping, report writing and policy preparation. These services minimize exposure and help avoid litigation well in advance of something going wrong. We also provide training on handling public records and other responsibilities of public agency staff and elected officials.

E-DISCOVERY

We stay on top of legal developments in e-discovery procedures and rules. We review and recommend changes to clients' policies, such as for email retention, implementation of metadata scrubbing software, and securing or backing up key databases that contain information critical to protect our clients.

This knowledge has a direct benefit on our litigation practice. A recent example is, on behalf of a public agency, we retrieved metadata that included key provisions in a contract previously rejected during negotiations and unavailable in hard copy. The metadata showed that the contractor's arguments and claims were previously waived during contract formation, ultimately supporting our client's position.