



Anne Elizabeth Smiddy
Associate

101 West Broadway, Suite 1105
San Diego, California 92101

T: 619.569.2099
F: 619.330.4800
asmiddy@meyersnave.com

Practice Groups

Eminent Domain & Inverse Condemnation

Commercial Litigation

Municipal and Special District Law

Trial and Litigation

California Bar Number

267758

Education

University of San Francisco School of Law,
JD, 2009; Public Interest Law Certificate
and Pro Bono Publico Award

University of California at Berkeley, BA,
Economics, 2005

Anne (Annie) Smiddy is an Associate in Meyers Nave's Eminent Domain & Inverse Condemnation Practice and Trial & Litigation Practice. She represents public entities and private businesses in a wide range of litigation, transactions and regulatory matters. Her California and federal law experience includes matters involving eminent domain, inverse condemnation, real estate, construction, employment, class actions, cyber security, trade secret, professional liability, and commercial disputes including breach of contract, fraud, and partnership dissolutions.

Annie represents clients from the initial complaint through trial, including writing law and motion briefs and attending hearings, drafting discovery, taking and defending depositions, managing expert witnesses, advising clients during mediations, and acting as second chair in civil bench and jury trials. Her pro bono work includes a 2018 victory in *Teneng v. Trump* in which she worked with the ACLU, Civil Rights Education and Enforcement Center, and the Prison Law Office to successfully transfer more than 850 immigration detainees from a prison in Victorville, California to immigration centers or release those with pending asylum cases.

Annie's professional background includes serving as a hearing officer for the City of San Diego where she adjudicated administrative hearings regarding appealed citations issued by the City of San Diego for violations of the California Vehicle Code and the San Diego Municipal Code, including researching relevant law, administering hearings, and writing decisions. She issued over 100 written decisions on civil penalty citation appeals. Her experience as fact-finder and decision-maker in these administrative hearings provided her with additional understanding on methods of bringing effective and persuasive arguments to arbitrators, judges, and juries.

Annie's experience also includes serving as an SSI Attorney for the Legal Aid Society of San Diego where she represented clients in administrative hearings regarding

Supplemental Security Income and/or Social Security Disability Insurance, including writing appeals to the Appeals Council.

Honors and Awards

- *Rising Star, Super Lawyers*, San Diego, Eminent Domain and Business Litigation (2019)
- *Rising Star, Super Lawyers*, Northern California, Eminent Domain and Business Litigation (2016)

Professional Affiliations

- Member, Leadership Development Committee, Lawyers Club of San Diego
- Co-chair, Bylaws and Policy Committee, Lawyers Club of San Diego
- Member, California Women Lawyers
- Member, Association of Women in Water, Energy and Environment
- Member, Federal Bar Association, Southern District of California
- Conference of Delegates, The State Bar of California, San Francisco, California
Participated in The State Bar of California's Conference of Delegates as a representative from the Bar Association of San Francisco.
- The State Bar of California, Insolvency Law Committee ("ILC")
Researched and summarized relevant case law for the ILC's 2014 practice guide.
- San Mateo County Bar Association, Lawyer Referral Service Committee
Collaborated with other attorneys and community members to propose changes to membership rules, and voted on applications for membership.

Publications and Presentations

- Presenter, "Prejudgment Possession: What You Need to Know," 21st Annual Northern California Eminent Domain Conference - Legal, Appraisal & Government Perspectives, CLE International, 2019
- Author, "It Can Be Done: 2018 Leadership Summit, Empowering You to Lead," *Lawyers Club News*, January 2019
- Co-Author, The State Bar of California Insolvency Law Committee's 2014 ABC Desk Guide, regarding California assignments for the benefit of creditors.
- Author, Case summaries on the California Dependency Online Guide website with the California Center for Families, Children and the Courts (2009 publications).

Representative Experience

- Counseled and litigated on behalf of clients on numerous diverse and complex eminent domain and inverse condemnation issues, including pre-condemnation planning, eligibility

and entitlement to relocation benefits, adopting Resolutions of Necessity, filing Complaints, severance damages, pre-condemnation damages, loss of business goodwill, lease bonus value, and regulatory takings under both California and federal law.

- Both plaintiff and defense-side class action cases in California Superior and federal court, involving wage-and-hour issues, including claims regarding overtime calculation, meal and rest breaks, and classification of exempt employees. Plaintiff-side class action experience includes drafting complaints, propounding and responding to written discovery, opposing motions to remove to federal court, preparing motions for class certification, and preparing motions for approval of settlement. Defense-side class action experience includes propounding and responding to written discovery, preparing litigation strategy proposals and damage calculations, and engaging in settlement discussions.
- Second chair in a successful civil fraudulent transfer trial under the Uniform Fraudulent Transfer Act, including drafting the closing brief adopted as the court's judgment.
- Obtained dismissal on summary judgment for automobile distribution company, and then wrote winning respondents' brief to the California Court of Appeal, First Appellate District regarding business tort intentional interference claims including sanction award against the appealing party and attorney (*Nicolosi Distributing, Inc. v. Annex Santa Clara, Inc.* (Oct. 13, 2016, Cal.) 2016 WL 5940900, unpublished opinion).
- Advised information technology company on computer crime issues involving claims for conversion, trespass to chattel, California's Comprehensive Data Access and Fraud Act (Cal. Penal Code Section 502), and the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, and brought counter claims for breach of contract.
- Successfully opposed motion for summary judgment on breach of contract and professional liability claims on behalf of a multi-national company against its Information Security Consultant to recover damages resulting from a devastating third party cyber attack and the company's lack of data backup and recovery systems.
- Wrote winning respondents' brief to the California Court of Appeal, First Appellate District regarding allegations of Cal. Business and Professions Code Section 17045 (secret rebate), and the sham pleading doctrine (*Nicolosi Distributing, Inc. v. Annex Santa Clara, Inc. et al.* (Oct. 3, 2016, Cal.) 2016 WL 5682729, unpublished opinion).
- Consulted with corporate clients on business and employment law transactional issues; prepared employee handbooks; and prepared and negotiated contracts and nondisclosure agreements.
- Wrote winning respondent's brief to the California Court of Appeal, First Appellate District, after obtaining dismissal based upon motion for summary judgment in a wrongful foreclosure case (*Al-Mansur v. Gross Mortgage Corporation* (Aug. 31, 2012, Cal.) 2012 WL 3765138, unpublished decision).
- Drafted oppositions to motions for summary judgment in asbestos-exposure cases.
- Prepared research memoranda and legal arguments regarding retaliation under California's Fair Employment and Housing Act for winning respondent's brief to the California Court of Appeal, First Appellate District (*Lara v. Covenant Aviation Security, LLC* (Feb. 3, 2017, Cal.)

2017 WL 462121, unpublished opinion).

- Defended claims for alleged misclassification of employees as independent contractors, claims under the Private Attorney General Act, and discrimination claims under the California Fair Employment and Housing Act.