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16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 MARY AMADOR, et al.,
20 Plaintiffs,
21 vs.
22 SHERIFF LEROY D. BACA, etc.,
23 et al.,
24 Defendants.
25

Case No. CV 10-01649 SVW (JEMx)

[Honorable Stephen V. Wilson]

**DECLARATION OF BARRETT S. LITT
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: August 12, 2019
Time: 1:30 P.M.
Place: Courtroom 10A

1 I, **BARRETT S. LITT**, declare:

2 1. This declaration is submitted in support of Plaintiffs' Motion for Preliminary
3 Approval of the proposed class settlement in this case. The facts set forth herein are
4 within my personal knowledge or knowledge gained from review of the pertinent
5 documents. If called upon, I could and would testify competently thereto.

6 2. I am an attorney duly licensed to practice in the State of California. Since
7 1984, I have been the principal or senior partner in firms that operate for the specific
8 purpose of developing and maintaining a civil rights and public interest law practice that
9 operates in the private sector on the basis of self-generated fee awards and other
10 recoveries. Since January 1, 2013, I have been a partner in the law firm of Kaye,
11 McLane, Bednarski & Litt. Between September 2010 and December 31, 2012, I was a
12 partner in the law firm of Litt, Estuar, and Kitson. From July 2004 to September 2010, I
13 was a partner in the law firm of Litt, Estuar, Harrison, and Kitson. From 1998 to July
14 2004, I was the principal in the law firm of Litt & Associates, Inc. From September 1,
15 1991 to May 1, 1997, when my then partner left the law firm to become Deputy General
16 Counsel for Civil Rights at the United States Department of Housing and Urban
17 Development, I was a partner at the firm of Litt & Marquez. And for the seven years
18 prior to that, I was a partner in the firm of Litt & Stormer, Inc.

19 3. I have acted as the lead counsel in this case since it was filed in 2010. For
20 the past five years, Lindsay Battles, formerly an associate and now a partner at my firm,
21 has acted as co-lead counsel. The two of us have principally litigated this case throughout
22 the four class certification motions and summary judgment. Our qualifications and
23 experience in class action litigation have been provided in declarations filed in
24 connection with the motions for class certification and will not be repeated here, except
25 to repeat that we are highly experienced in civil rights damages class actions. I am one of
26 most experienced civil rights class action litigators in the country and have probably
27 acted as class action counsel in more law enforcement related civil rights class actions
28 than any lawyer in the country. I have attached as Exhibit 1 to this Declaration a copy of
my current CV, which recites, inter alia, my class action cases to date.

1 4. The parties held three full day in-person settlement conferences before the
2 Hon. George H. King (Ret.), as well as numerous discussions among or between counsel
3 and Judge King. After extensive arms-length negotiations, the parties reached a
4 settlement, which is contingent on this Court’s approval. The proposed settlement has
5 now been agreed to by all parties. After a bidding process, the parties have agreed to a
6 Class Administrator (JND Legal Administration).

7 5. Plaintiffs’ counsel received extensive document discovery in this case, as
8 well as extensive database discovery. Complex data analysis was performed by database
9 and weather experts, and various other experts were retained; these experts filed
10 declarations in connection with Plaintiffs’ class certification and summary judgment
11 motions. Several named plaintiffs were deposed. Plaintiffs deposed several Los Angeles
12 Sheriff’s Department (“LASD”) personnel from both CRDF, in the chain of command
13 and elsewhere. Four class certification motions were filed. The class was initially
14 certified only for injunctive relief; after a renewed motion, it was also certified for
15 damages. After the grant of summary judgment to Defendants on injunctive relief, the
16 Court decertified the damages class, and then granted a second renewed motion to certify
17 the damages class. Cross summary judgment motions on liability for the damages classes
18 were extensively litigated and ultimately granted to Plaintiffs. Only at that point did
19 settlement discussions occur.

20 6. Based on extensive analysis of Defendants’ database records, we have
21 determined that the size of the combined classes in this case is approximately 93,000-
22 94,000 individuals.

23 7. The proposal for incentive awards was at Class Counsel’s initiative, and no
24 discussion or agreement regarding incentive awards occurred with the Named Plaintiffs
25 until the proposed settlement was reached. The amount of the proposed incentive awards
26 was at Plaintiffs’ counsel’s initiative and reflects our assessment of a reasonable incentive
27 award based on the contributions of the class representatives, the risk taken by them and
28 the size of the settlement. While there is a larger than normal number of class
representatives, that is due to Class Counsel’s judgment that there were several categories

1 of class representatives needed in order to have both those in custody with standing to
2 seek injunctive relief, and those not in custody in order to have damages class
3 representatives who were not in custody and therefore not subject to PLRA restrictions.
4 In granting Plaintiffs' 2016 motion for class certification, the Court ordered Plaintiffs to
5 amend to add additional class representatives to represent subclasses specific to discrete
6 time periods and a subclass for women who were searched while menstruating. No
7 agreements were made with class representatives prior to settlement to seek incentive
8 awards.

9 8. There are different categories of class representatives. There were those who
10 initiated the lawsuit (Plaintiff Mary Amador), those entered the lawsuit while still
11 imprisoned thereby risking retaliation (Plaintiffs Lora Baranca, Diane Vigil and Diana
12 Paiz) or were added to the lawsuit to fill potential class representative gaps to account for
13 time period based classes or subclasses (Plaintiffs Felice Cholewiak, Evangelina Madrid,
14 Alisa Battiste, Nancy Briseno and Myeshia Williams). All nine plaintiffs were deposed
15 and responded to discovery requests. All of the plaintiffs submitted declarations
16 disclosing intimate details of their experiences and publicly revealing themselves as
17 having spent time in jail, which were used in support of the class certification motions,
18 summary judgment motions and motions to amend. Plaintiffs Diana Paiz, Mary Amador,
19 Evangelina Madrid, and Myeshia Williams attended one or more of the mediation
20 sessions.

21 9. In my experience in settling several jail class actions, a claims rate of 20% is
22 generally considered excellent. Most of my large class actions (i.e., with class members
23 numbering in the tens or hundreds of thousands) have had claims rates in the 15-20%
24 range, occasionally higher. (The higher ones have been either because there was a court
25 ordered second round of notice, essentially providing a second bite at the apple, or in
26 smaller classes where there is more ongoing contact among class members.)

27 10. Assuming a 20% claims rate in this case, there would be approximately
28 20,000 claims, and a mean recovery over \$1500 per claiming class member, which would
place it at the high end of class member recoveries in strip search class actions. While I

1 have seen higher per class member recoveries in strip search cases, that has been in
2 substantially smaller classes. In my experience, there is generally an inverse relationship
3 between the size of the class and the expected recovery for each class members. This is
4 because the financial impact of a small class is not that great, even with greater per class
5 member recoveries.

6 11. To my knowledge, this is one of the largest strip search settlements in the
7 country. There are only three others that are comparable. One was in New York City,
8 which settled a case in 2001 on behalf of a strip class of approximately 60,000 first time
9 offenders for being strip searched when first entering the jail; that case settled for for up
10 to \$50,000,000 depending on the claims rate. (However, the actual settlement payout was
11 \$22,000,000 plus attorneys' fees and costs. *See McBean v. City of New York*, 233 F.R.D.
12 377, 389 (S.D.N.Y. 2006)). The second was in 2010, also by New York City, involving
13 similar strip search claims for a reported approximately 100,000 for inmates being strip
14 searched on entry into the jail. While press reports stated the settlement was \$33-\$35
15 Million (the reported figure varied), the court order in the case indicated that there were
16 approximately 40,000 class members, of whom approximately 3400 qualifying class
17 members filed claims for a total payout including fees of under \$3 Million. *Id.* The third
18 was a case in Chicago on behalf of a class of approximately 250,000 inmates, in which
19 the claim was (like the previous two) for strip searching minor offender arrestees and
20 there was an equal protection subclass claim for strip searching male inmates without
21 privacy but strip searching the female inmates with privacy partitions; that case settled
22 for \$55,000,000 (plus assignment of a bad faith insurance claim in which the class
ultimately received further payment for successfully litigating that claim).

23 12. Notably, all these settlements occurred before the Supreme Court's decision
24 in *Florence v. Bd. of Chosen Freeholders of Cty. of Burlington*, 566 U.S. 318, 341,
25 (2012). In that case, the Supreme Court held that local jails generally could strip search
26 inmates entering the general population, contrary to the previous law in most circuits. All
27 three of the previously indicated settlements relied on circuit law overruled in *Florence*,
28 and in all three the pre-*Florence* law was long established that such searches were

1 unconstitutional. Since *Florence*, the only viable avenues for class action strip search
2 claims are strip searches after an order of release and for an unlawful manner of strip
3 search. (Theoretically, there is a potential claim under *Florence* if strip searches are done
4 pre-arraignment where it was viable to hold people in a separate area rather than place
5 them in the general population.)

6 13. To my knowledge, the only class strip search settlements in the country
7 since *Florence* have been handled by me. The first is *Barnes v. District of Columbia*,
8 which settled a combined claim for over-detentions and strip searches after the inmate
9 was ordered released for a total of approximately \$6 Million on behalf of a class of
10 approximately 8000 inmates. The second is this case. To my knowledge, and I keep track
11 of developments in this field, this is the only class action ever to have successfully
12 litigated a claim based exclusively on an unconstitutional manner of strip search.

13 14. Thus, this case was both more complex, riskier and more novel than
14 previous large strip search class actions.

15 15. We sent out requests for bids to five experienced class action administrators.
16 We received extensive bids from each, and Ms. Battles (and I to a limited extent)
17 engaged in back and forth discussions with each to negotiate and refine the bids. We
18 ultimately chose JND Legal Administration because they presented the best combination
19 of service and price. We have used JND in our past three class settlements because they
20 have consistently presented the most favorable bids. The capped cost of class
21 administration (for a 35% claims rate) is \$464,000, which could be more if Plaintiffs'
22 counsel believe extra outreach is warranted. We intentionally expanded the outreach
23 efforts in this case because, given the size of the class fund, we believe that extraordinary
24 effort should be made to reach class members. We also set a five month claims period to
25 maximize the potential for increased claims.

26 16. We do want to advise the court that, before settlement in connection with
27 preparation for mediation, we reached out to and retained JND to locate class members
28 for us. We considered this effort important in order to demonstrate that, in the absence of
a class wide settlement, we were prepared even before class notice went out to pursue

Exhibit 1

Barrett S. Litt

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Education

1966 B.A. University of California at Berkley
1969 J.D. UCLA School of Law

Honors and Awards

1987 Pro Bono Firm of the Year Award from Public Counsel (Litt & Stormer)
1992 Civil Rights Firm of the Year Award from the NAACP Legal Defense Fund (Litt & Marquez)
1995 Public Interest Alumnus of the Year Award from UCLA School of Law
2010 California Lawyer Attorney of the Year Award (CLAY)

Recent Contributions to Professional Publications

“Class Certification in Police/Law Enforcement Cases”, *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.18, Ch.3, West Publishing 2002

“Rights for Wrongs”, addressing issues under the California Civil Rights statutes, *Los Angeles Lawyer Magazine*, December 2005

“Select Substantive Issues Regarding Class Action Litigation In The Jail/Prison Setting”, *National Police Accountability Project*, October 2006

“Obtaining Class Attorney’s Fees,” *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.26, West Publishing 2010

Professional

1/2013 to the present	Kaye, McLane, Bednarski & Litt, LLP
2004 to 2012	Litt, Estuar & Kitson, LLP
1997 to 2004	Litt & Associates
1991 to 1997	Litt & Marquez
1984 to 1991	Litt & Stormer

Licensed to practice in:

State of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California
Ninth Circuit Court of Appeals
Fourth Circuit Court of Appeals
Fifth Circuit Court of Appeals
Eleventh Circuit Court of Appeals
D.C. Circuit Court of Appeals
United States Supreme Court

Admitted Pro Haec Vice in:

U.S. District of Columbia
U.S. District Court, Northern District of Georgia
U.S. District Court, District of Maryland

Rated “AV” by Martindale-Hubbell

Listed in *Southern California Super Lawyers* in the fields of civil rights and class actions for the years 2005-present.

Listed in Best Lawyers in America (Los Angeles area) in the field of civil rights.

Civil Rights Class Actions – Classes Certified and Cases Currently Pending:

McKibben v. County of San Bernardino, Case No.: EDCV 14-2171 - JGB (SPx) (certified class action for injunctive relief and damages for unequal treatment of Gay, Bisexual and Transgender jail inmates; preliminary

approval of settlement granted; final approval of settlement pending hearing on Feb. 11, 2019)

Amador v. Baca, No.: 10-1649 SVW (RC) (C.D. Calif) (pending certified class action challenging manner of searches of women inmates in outside bus bay; estimated number of class members is an estimated 175,000 plus; 23 (b)(2) and (b)(3) classes certified; summary judgment on liability granted to Plaintiffs; settlement discussions pending));

Roy v. Los Angeles County Sheriff's Department, Case No.: CV 12-9012 RGK (FFMx) (pending class action for injunctive relief and damages;(b)(2) and (b)(3) classes certified in Sept. 2016; summary judgment on liability granted; settlement discussions pending);

Chua et al. v. City of Los Angeles, et al. Case No.: CV-00237-JAK-GJS(x) (C.D. Calif.) (pending class action for injunctive relief and damages for arrests and related actions regarding Ferguson related protests at 6th & Hope and Beverly & Alvarado; estimated class size is 170; class certification granted; settlement discussions pending);

Civil Rights Class Actions – Classes Certified and Cases Resolved:

Williams v. Block, Case No.: CV-97-03826-CW (Central District of California) and related cases (a series of county jail overdetention and strip search cases, settled for \$27 Million and a complete revamp of jail procedures; classes certified in conjunction with settlement);

Craft v. County of San Bernardino, 468 F.Supp.2d 1172 (C.D.Cal. 2006) (certified class action against the Sheriff of San Bernardino County for blanket strip searches of detainees, arrestees, and persons ordered released from custody; partial summary judgment decided for plaintiffs; \$25.5 Million settlement approved April 1, 2008);

MIWON v. City of Los Angeles, Case No.: CV 07-3072 AHM (C.D. Calif.) (certified class action against City of Los Angeles and others for use of police force and related conduct at MacArthur Park on May 1, 2007; final approval of class settlement for \$12,800,000 settlement granted June 24, 2009, the largest class action protest settlement in the U.S.);

Bynum v. District of Columbia, Case No.: 02-956 (RCL) (D.D.C.) (certified class action against the District of Columbia for overdetections and blanket strip searches of persons ordered released from custody; final approval of \$12,000,000 settlement occurred January 2006);

Nozzi v. Housing Authority of the City of Los Angeles, CV 07-00380 GW (C.D. Calif.) (pending certified class action against the Housing Authority for violations of due process and federal regulations by failing to provide proper notice of Section 8 rent increase affecting approximately 10,000 tenants; case dismissed on sj for defendants; reversed by Ninth Circuit; dismissed again; reversed second time in *Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178 (9th Cir. 2015), *as amended on denial of reh'g and reh'g en banc* (Jan. 29, 2016; case pending).and summary judgment on liability ordered entered for Plaintiffs; on remand, (b)(2) and (b)(3) classes certified in *Nozzi v. Hous. Auth. of the City of Los Angeles*, No. CV 07-380 PA (FFMX), 2016 WL 2647677, at *1 (C.D. Cal. May 6, 2016)); final approval for \$9.25 Million settlement granted);

Barnes v. District of Columbia, Civil Action No.: 06-315 (RCL) (D.D.C.) (class action against District of Columbia for continuing to both over-detain and strip search post-release inmates despite settlement in *Bynum, supra*; class certification granted; summary judgment granted Plaintiffs on most claims; case ultimately settled for \$6 Million);

Lopez v. Youngblood, No.: CV07-00474 LJO (DLBx) (E.D. Calif.) (certified class action against Kern County, California, for unlawful pre-arraignment and post-release strip searches and strip searches not conducted in private; class certification and summary judgment on liability granted; approximately \$7 Million settlement);

Aichele et al. v. City of Los Angeles, et al. Case No.: CV 12-10863 DMG FFM (x) (C.D. Calif.) (certified class action for injunctive relief and damages for arrests and related actions regarding the shutdown of the use of the City Hall lawn by Occupy LA; estimated class size is 300-400; class certified; \$2,675,000 settlement);

Gail Marie Harrington-Wisely, et al. v. State of California, et al., Superior Court Case No.: BC 227373 (a case involving searches of visitors to California prisons utilizing backscatter x-ray methods without reasonable suspicion; injunctive relief class certified; stipulated injunction entered;

partial reversal on appeal and case returned to Superior Court for determination of attorney's fees and discrete damages claims; case settled for approximately 15 individual damages claims decertified in light of certain liability determinations on appeal; injunctive relief attorneys' fee settlement pending.)

Ofoma v. Biggers, Case No.: 715400 (Complex Litigation Panel) (Orange County Superior Court)(family discrimination class action settled in 1996 for damages for the individual plaintiffs and the class of residents, a consent decree and an award of attorneys' fees);

Francis, et al. v. California Department of Corrections, et al., Case No.: BC302856 (class action against the CDC(R) for the failure to reimburse inmates assigned to the restitution centers in Los Angeles for their obligations as ordered by the court. Case was successful in bringing about the restructuring of the CDCR's inmate accounting systems, and in the payment of restitution settlement in the amount of \$325,000.)

People of the State of California v. Highland Federal Savings and Loan, Case No.: CA 718 828 (Los Angeles Superior Court)(class action filed on behalf of the People of the State of California and a class of tenants residing in several slum buildings located in Los Angeles for financing practices encouraging and perpetuating slum conditions, settled for \$3.165 million after decision in *People v. Highland*, 14 Cal.App.4th 1692, 19 Cal. Rptr. 555 (1993) established potential liability for lenders);

Hernandez v. Lee, No.: BC 084 011 (Los Angeles Superior Court)(a class action on behalf of tenants of numerous buildings for slum conditions settled in 1998 for \$1,090,000);

Mould v. Investments Concept, Inc., Case No.: CA 001 201 (Los Angeles Superior Court)(race discrimination class action on behalf of a class of applicants and potential housing applicants, settled in 1992 for a total of \$850,000 for the class and a comprehensive consent decree regarding the defendants' discriminatory policies and practices);

California Federation of Daycare Association v. Mission Insurance Co., Case No.: CA 000 945 (Los Angeles Superior Court)(class action on behalf of several thousand family daycare providers whose daycare insurance policies were canceled mid-term or were not renewed by Mission Insurance

Company, settled in 1980's for reinstatement of policies and attorney's fees; brought at request of Public Counsel).

Pending Class Actions Where Class certification has not yet been addressed:

Brewster v. City of Los Angeles, Case No.: EDCV14-2257- JGB (SPx) (class action for injunctive relief and damages for 30 day impounds of cars without a warrant; class certification motion and motion for preliminary injunction pending; case dismissed and currently on appeal);

M.S. v. County of Ventura, No. 2:16-CV-03084-BRO-RAO(x) (C.D. Calif.) (recently filed class action for injunctive relief and damages for failure to provide mental health treatment to criminal defendants held in jail and found incompetent to stand trial until their mental health is restored).

Coordinated Proceeding, County Inmate Telephone Service Cases
Case No: JCCP 4897 (Superior Court for the County of Los Angeles (nine pending class action complaints against nine counties coordinated in Los Angeles and consolidated into a single complaint alleging that the telephone charges to jail inmates and inmate callers constitute an unlawful tax under the California Constitution, seeking injunctive relief and damages).

Multi-party Civil Rights Cases:

Hospital and Service Employees Union, SEIU Local 399, AFL-CIO v. City of Los Angeles (Los Angeles Superior Court) (a settlement in 1993 of \$2.35 million against the Los Angeles Police Department for injuries to 148 demonstrators at Century City organized by the Justice for Janitors campaign of SEIU);

Rainey v. County of Ventura, Case No.: 96 4492 LGB (C.D. Calif.)(action against County of Ventura for race discrimination on behalf of 12 police officers, settled for damages, structural relief and attorney's fees);

Lawson v. City of Los Angeles, Case No.: BC 031 232 (Los Angeles Superior Court)(lawsuit filed in 1991 on behalf of individuals who had been subjected to what plaintiffs alleged were unlawful use of force practices by the Los Angeles Police Department's Canine Unit, settled in 1995 for \$3.6 million and comprehensive structural relief);

Tipton-Whittingham v. City of Los Angeles, Case No.: CV-94-3240 (TH)(C.D. Cal.)(sex discrimination and harassment suit against the Los Angeles Police Department, involving over 25 individual officers, as a result of which the Department has already completely revamped its anti-discrimination policies and procedures; damages claims settled for \$4.85 Million in 2004 in addition to separate fee award of nearly \$2 Million in 2000 for injunctive relief, resulting in decision in *Tipton-Whittingham v. City of Los Angeles* (2004) 34 Cal.4th 604, in which the California Supreme Court upheld catalyst fees under California law);

Hampton v. NRG (racial harassment in employment claim; jury verdict of \$1,000,000 for two former employees, plus award of attorney's fees and costs; settled in mid-'90's while on appeal);

Zuniga v. Los Angeles Housing Authority, 41 Cal.App.4th 2 (1995) (holding that the Housing Authority could be held responsible for injuries to tenants after the Housing Authority was put on notice that tenants were being victimized on the premises and took no reasonable measures to prevent the injury; case settled for \$1,040,000);

PIN v. HACLA, Case No.: CV-96-2810 RAP (RNBx)(action against the Housing Authority of the City of Los Angeles on behalf of several hundred present or former tenants for discrimination by failing to provide adequate security for isolated minorities in housing developments, settled in 1998 for \$1.3 Million plus a comprehensive structural relief settlement agreement);

Heidy v. United States Customs Serv., 681 F.Supp. 1445 (C.D.Cal. 1988) (injunction against U.S. Customs Service for policies and practices of seizing materials from persons traveling from Nicaragua in violation of the First Amendment);

Castaneda v. Avol (Los Angeles Superior Court) (1985) (action on behalf of approximately 350 slum housing residents, settled in 1988 for a comprehensive injunction and \$2.5 Million damages, plus a separate award of attorneys' fees).

Individual Civil Rights Cases: Wrongful Conviction Cases

Frank and Nicholas O'Connell v. County of Los Angeles, et al., Case No.: 13-01905-MWF (PJWx) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information and eyewitness manipulation, resulting in murder conviction; plaintiff spent 27 years in prison before his habeas petition was granted, and he was not re-tried; suit on behalf of son as well for denial of relationship with father as result of conviction; defendants' qualified immunity appeal rejected in *Carrillo/O'Connell v. County of Los Angeles*; \$15 Million settlement);

Thomas Goldstein v. City of Long Beach et al., Case No.: 04-CV-9692 AHM (Ex) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information regarding jailhouse informant perjury and eyewitness manipulation, resulting in murder conviction; plaintiff spent 24 years in prison before his habeas petition was granted, and he was not re-tried; brought in mid-way through the case to act as lead counsel; final settlement of \$7.95 Million approved by the Court; Ninth Circuit recently reversed dismissal of County/DA's Office, and case against DA settled for additional \$900,000);

Bruce Lisker v. City of Los Angeles, Case No.: CV 09-9374 AHM (AJW) (C.D. Cal.) (civil rights cases for police fabrication of evidence and failure to turn over exculpatory information, resulting in murder conviction; plaintiff spent 26 years in prison before his habeas petition was granted, and he was not re-tried; 9th Circuit affirmed district court's denial of immunity on 3/20/15; petition for en banc review denied; \$7.6 Million settlement).

Consulting counsel in wrongful conviction cases of *Franky Carrillo v. County of Los Angeles*, CV 11-10310-SVW(AGRx) (settled for \$10.1 Million), *Obie Anthony v. City of Los Angeles*, CV 12-01332-CBM (AJWx) (settled for \$8.3 Million) and *v. County of Los Angeles*, CV 13-07224-CBM (AJWx) (settled for \$890,000 and reform of DA practices), and *Harold Hall v. City of Los Angeles*, C.D. Cal. No. CV 05-1977 ABC, 9th Cir. No. 10-55770 (appeal from grant of summary judgment to Defendants affirmed).

Other Individual Civil Rights Cases:

McClure v. City of Los Angeles, No.: CV-92-2776-E (C.D. Cal.)(fair housing and equal protection case against City of Long Beach and its agents for preventing six group homes for Alzheimer's victims from opening; jury verdict of \$22.5 Million (reduced on remittitur to \$13,826,832) plus approximately \$10,000,000 in attorney's fees and costs; settled while on appeal for \$20 Million);

U.S. v. Hovsepian, 359 F.3d 1144, 1147 (9th Cir. 2004)(en banc) (successful action to naturalize individuals previously convicted of conspiracy to bomb Turkish consulate in Philadelphia), aff'd en banc after remand, 422 F.3d 883 (9/6/05);

Walker v. City of Lakewood, 263 F.3d 1005 (9th Cir. 2001) (reversing district court decision dismissing fair housing organization's claim against city for retaliation for supporting tenants suing landlord; case subsequently settled for structural relief, damages and attorneys' fees);

Tavelman v. City of Huntington Park (individual employment discrimination case against the City on behalf of a Jewish police officer who had been subjected to a campaign of religious harassment which was settled in mi-'90's for \$350,000);

Ware v. Brotman Medical Center (Los Angeles Superior Court) (1993 \$2.5 million jury verdict against hospital for removal of hospital privileges of black doctor; settled for \$1.75 million);

Mathis v. PG&E (1991 \$2 million verdict against PG&E for barring contract employee from Diablo Canyon Nuclear Power Plant; reversed by the Ninth Circuit);

Macias v. State of California (Los Angeles Superior Court) (action against the State of California and others for blinding of young man as a result of exposure to malathion spray, a portion of which was decided in *Macias v. State of California*, 10 Cal.4th 844 (1994));

Melgar v. Klee (Los Angeles Superior Court) (1988) (\$1.5 million jury verdict against Los Angeles Police Department for police shooting; settled for \$1.45 million).

Selected Civil Rights Decisions (from 1995 forward):

Aichele v. City of Los Angeles, 2013 WL 2445195 (C.D. Cal. June 5, 2013)

Biggs v. Best, Best & Krieger, 189 F.3d 989 (9th Cir. 1999);

Bynum v. Dist. of Columbia, 384 F.Supp.2d 342 (D.D.C. 2005);

Bynum v. District of Columbia, 412 F.Supp.2d 73 (D.D.C. 2006);

Carrillo v. Cty. of Los Angeles, 798 F.3d 1210 (9th Cir. 2015)

Craft v. Cnty. of San Bernardino, EDCV 05-359 -SGL, 2006 WL 4941829 (C.D. Cal. Mar. 23, 2006);

Craft v. County of San Bernardino, 468 F.Supp.2d 1172 (C.D.Cal. 2006);

Craft v. Cnty. of San Bernardino, 624 F. Supp. 2d 1113 (C.D. Cal. 2008);

Goldstein v. City of Long Beach, 603 F. Supp. 2d 1242 (C.D. Cal. 2009);

Goldstein v. City of Long Beach, CV 04-9692AHM, 2010 WL 3952888 (C.D. Cal. Apr. 9, 2010)

Goldstein v. City of Long Beach, 715 F.3d 750 (9th Cir. 2013)

Haynie v. Superior Court, 26 Cal.4th 1061 (Cal. S. Ct. 2001);

Jones v. Murphy, 256 F.R.D. 519 (D. Md. 2009)

Jones v. Murphy, 470 F.Supp.2d 537 (D.Md. 2007);

Jones v. Murphy, 567 F. Supp. 2d 787 (D. Md. 2008);

West v. Murphy, 771 F.3d 209 (4th Cir. 2014)

Lisker v. City of Los Angeles, CV 09-09374 AHM AJWX, 2011 WL 3420665 (C.D. Cal. Aug. 4, 2011);

Lisker v. City of Los Angeles, CV 09-09374 AHM AJWX, 2012 WL 3588560 (C.D. Cal. Aug. 20, 2012);

Lisker v. City of Los Angeles, 2:09-CV-09374-ODW, 2014 WL 293463 (C.D. Cal. Jan. 27, 2014)

Lisker v. City of Los Angeles, 780 F.3d 1237 (9th Cir. 2015)

Lopez v. Youngblood, 609 F.Supp.2d 1125 (E.D.Cal. 2009);

Lopez v. Youngblood, 2011 WL 10483569 (E.D. Cal. Sept. 2, 2011)

Macias v. State of California, 10 Cal.4th 844 (Cal. S. Ct. 1995).

Mathis v. Pacific Gas and Elec. Co., 75 F.3d 498 (9th Cir. 1996);

Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles, 2009 WL 1065072 (C.D. Cal. Mar. 19, 2009)

Nozzi v. Hous. Auth. of City of Los Angeles, 425 F. App'x 539, 540 (9th Cir. 2011)

Nozzi v. Hous. Auth. of City of Los Angeles, 806 F.3d 1178 (9th Cir. 2015), *as amended on denial of reh'g and reh'g en banc* (Jan. 29, 2016)

Powell v. Barrett, 376 F.Supp.2d 1340 (N.D.Ga. 2005);

Powell v. Barrett, 496 F.3d 1288 (11th Cir. 8/23/07)

Powell v. Barrett, 541 F.3D 1298 (11th Cir. 2008) (en banc) [overruling a portion of the preceding panel decision; after remand to the panel, remaining issues remanded to the District Court];

Silva v. Block, 49 Cal.App.4th 345 (1996);

Streit v. County of Los Angeles, 236 F.3d 552 (9th Cir. 2001);

Tipton-Whittingham v. City of Los Angeles, 316 F.3d 1058 (9th Cir. 2003);

Tipton-Whittingham v. City of Los Angeles, 34 Cal.4th 604 (2004);

U.S. v. Hovsepian, 359 F.3d 1144 (9th Cir. 2004) (en banc);

U.S. v. Hovsepian, 422 F.3d 883 (9th Cir. 2005) (en banc);

Walker v. City of Lakewood, 272 F.3d 1114 (9th Cir. 2001);

Zuniga v. Housing Authority, 41 Cal.App.4th 82 (1995);