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Kevin I. Shenkman (SBN 223315)
Mary R. Hughes (SBN 222662)
Andrea A. Alarcon (SBN 319536)
SHENKMAN & HUGHES
28905 Wight Road
Malibu, California 90265
Telephone: (310) 457- 0970

R. Rex Parris (SBN 96567)
Ellery S. Gordon (SBN 316655)
PARRIS LAW FIRM
43364 10th Street West
Lancaster, California 93534
Telephone: (661) 949-2595

Milton C. Grimes (SBN 59437)
LAW OFFICES OF MILTON C. GRIMES
3774 West 54th Street
Los Angeles, California 90043
Telephone: (323) 295-3023

Robert Rubin (SBN 85084)
LAW OFFICE OF ROBERT RUBIN
237 Princeton Avenue
Mill Valley, CA 94941
Telephone: (415) 298-4857

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION;
MARIA LOYA; and ADVOCATES FOR
MALIBU PUBLIC SCHOOL,

Plaintiffs,

v.

CITY OF SANTA MONICA, and DOES 1
through 100, inclusive,

Defendants.

CASE NO. BC616804

**DECLARATION OF HON. MARGARET
M. GRIGNON (RET.) IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES**

Date: August 28, 2019
Time: 8:30 a.m.
Dept.: SSC-9

*Assigned for all purposes to the Honorable
Judge Yvette M. Palazuelos*

1 **Introduction.**

2 1. I, the undersigned Hon. Margaret M. Grignon (Ret.), submit the following
3 declaration as an expert on attorneys' fees in the matter of *Pico Neighborhood Association, et al. v.*
4 *City of Santa Monica* (Los Angeles Superior Court Case No. BC616804). I have personal
5 knowledge of the facts set forth herein and if called and sworn as a witness, I could and would
6 testify competently thereto.

7 2. I have no personal relationship with any of the parties and this declaration is my
8 independent opinion based on my knowledge and experience with California attorneys' fee motions
9 in civil trial and appellate cases, including voting rights cases. The declaration consists of my
10 professional background and qualifications; the documents I reviewed in the preparation of the
11 declaration; a summary of the relevant facts and proceedings; and a summary of my opinions.

12
13 **Professional Background and Qualifications.**

14 3. I am an attorney at law duly licensed to practice in all of the courts of the State of
15 California and various federal courts. I was admitted to the California Bar on December 21, 1977.
16 In 1984, I was appointed to the Municipal Court of the Antelope Judicial District, Los Angeles
17 County, California, a court of limited jurisdiction, where I served for three years presiding over
18 civil and criminal matters, including attorneys' fee awards. In 1987, I was elevated to the Superior
19 Court of Los Angeles County, California, a court of general jurisdiction, where I also served for
20 three years, presiding over civil and criminal matters, including attorneys' fee awards. In 1990, I
21 was elevated to the California Court of Appeal, Second Appellate District, Division Five, where I
22 served for 14 years until my retirement from the bench on December 31, 2004. During this period,
23 I also sat as a justice pro tem of the California Supreme Court. During my tenure as an appellate
24 justice, I heard appeals from a wide variety of civil and criminal matters, including cases involving
25 attorneys' fee awards. I authored over 2,232 written opinions, more than 160 of which have been
26 published. In addition, I participated in more than 4,000 other appellate opinions as a concurring
27 justice.

28

1 4. In 2005, I joined the international law firm of Reed Smith LLP, where I practiced
2 appellate law in the firm's Los Angeles, California office. I was a partner at Reed Smith and the
3 head of the firm's appellate practice in Los Angeles. In 2016, I formed Grignon Law Firm LLP, an
4 appellate boutique law firm, with my partner, Anne Grignon, where I continue to practice appellate
5 law. Since leaving the bench, I have acted as an expert witness on the reasonableness of attorneys'
6 fees in a number of superior court matters.

7 5. Important to my qualifications to act as an expert witness in this case, I previously
8 acted as an expert witness on the reasonableness of attorneys' fees in *Jauregui v. City of Palmdale*,
9 Los Angeles Superior Court Case No. BC483039, the only other case brought under the California
10 Voting Rights Act that proceeded to trial in the Los Angeles Superior Court. In that case, the court
11 (Hon. Mark Mooney) largely agreed with my opinions, and found more than ninety-seven percent
12 (97%) of the hours requested by the plaintiffs' counsel to be reasonable.

13 6. As a former Justice of the Court of Appeal and a former Judge of the Los Angeles
14 Superior Court, I have reviewed and decided a great number of fee motions filed by attorneys
15 practicing in California. In addition, as a partner and practicing member of Reed Smith LLP's
16 Appellate Group and Grignon Law Firm LLP, I am familiar with the billing rates of attorneys
17 practicing in California. Based on my training, knowledge, and experience, I believe I am qualified
18 to provide an opinion as to the reasonableness of the attorneys' fees requested by Plaintiffs in the
19 above case.

20 7. I attach as Exhibit "A" to this Declaration a copy of my current Curriculum Vitae.

21

22 **Documents Reviewed.**

23 8. I have reviewed the following documents from the superior court, the Court of
24 Appeal, and the Supreme Court in the preparation of this declaration:

25 (a) reporters' transcripts of the six-week trial;

26 (b) the 83-page superior court docket;

27 (c) the attorneys' curricula vitae;

28 (d) the attorneys' billing records;

- 1 (e) the attorneys' declarations;
- 2 (f) Plaintiffs' motion for attorneys' fees;
- 3 (g) the Court of Appeal dockets in B295935, B291048, and B284233; and
- 4 (h) the Supreme Court docket in S244171.

5

6 **Relevant Facts And Proceedings Upon Which My Opinions Are Based.**

7 Based on my review of the foregoing documents and materials, I understand that the
8 relevant facts and procedural background are as follows.

9 9. After Plaintiffs' intensive preliminary investigation of the City of Santa Monica's at-
10 large election system for council members from a historical, political, racial, demographic and
11 statistical perspective, in 2016 Plaintiffs brought this action under the California Voting Rights Act
12 (CVRA) and the Equal Protection Clause of the California Constitution to challenge the at-large
13 election of council members of the City of Santa Monica on the grounds that the City's at-large
14 election system was racially polarized, diluted the effect of the votes of Latino voters, and had been
15 adopted and maintained for a racially discriminatory purpose. The action sought to change the at-
16 large City council member elections to ones that were district-based to ensure Latino citizens in
17 Santa Monica of representation in their local government. From the outset, the case was heavily
18 contested by the City. The City was represented by the Santa Monica City Attorney's Office, as
19 well as numerous lawyers from Gibson Dunn & Crutcher LLP, one of the preeminent law firms in
20 the country with approximately 1200 lawyers.

21 10. Over the next three years, the litigation was extensive and contentious. It included
22 two pleading challenges, 24 depositions of fact witnesses, eight depositions of expert witnesses, 31
23 discovery motions, a summary judgment motion, two writ petitions to the Court of Appeal, a
24 petition for review to the Supreme Court, a six-week expert-intensive trial, statement of decision
25 proceedings, post-trial hearings regarding remedies, an appeal, and a petition for writ of
26 supersedeas. The case presented several issues of first impression, some constitutional, that
27 required Plaintiffs to research not only the CVRA and the California Equal Protection Clause, but
28 also the federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution.

1 11. All of Plaintiffs' efforts to resolve the litigation through settlement were
2 unsuccessful.

3 12. Plaintiffs prevailed completely on their CVRA claim and obtained a judgment of
4 first impression that a city's at-large elections violate the Equal Protection Clause of the California
5 Constitution. Thereafter, the Court ordered the remedies proposed by Plaintiffs, including a district
6 map designed to remedy decades of Latino vote dilution.

7 13. Demonstrating the hard-fought nature of the litigation, the City has refused to
8 comply with the Court's order and has appealed the judgment.

9

10 **The Hours Worked Were Reasonable And Not Redundant.**

11 14. Plaintiffs were represented by four law firms during the three-year course of the
12 litigation and seek fees for the following hours incurred in prosecuting this CVRA and Equal
13 Protection Clause action. Shenkman & Hughes was involved with the matter from the outset of the
14 preliminary investigation and participated in all phases of the litigation; the Parris Law Firm and
15 the Law Offices of Milton Grimes participated as trial lawyers in all phases of the litigation,
16 sharing the examination and cross-examination of witnesses; and Robert Rubin, who specializes in
17 CVRA cases, provided his expertise on CVRA statutory and constitutional analyses throughout the
18 litigation.

19 .

20	Shenkman & Hughes	7786.30 hours
21	Parris Law Firm	3041.68 hours
22	Law Offices of Milton C. Grimes	1291.50 hours
23	Law Offices of Robert Rubin	595.50 hours
24	Total	12714.98 hours

25

26 15. The fee request is based on, for the most part, contemporaneous and detailed time
27 entries and has been discounted for billing judgment. For example, although 10 Parris timekeepers
28 worked on the litigation, the fee motion seeks an award for the time of only 5 attorneys and one

1 paralegal with the Parris Law Firm. In my opinion, the billing entries for the four law firms are
2 more than adequate and similar to the billing entries on invoices sent to clients. The entries reflect
3 the nature of the work (telephone call, review of briefs and pleadings, research, investigation,
4 drafting memoranda, drafting briefs and other pleadings, reviewing and responding to discovery
5 requests, preparing discovery requests, preparation of outline, strategy, conferences, court
6 appearances, preparation for depositions and court appearances, etc.). The billing entries also
7 reflect the subject of the work (analysis of particular case authorities, specific subjects of research
8 or investigation, analysis of election data, interviewing particular witnesses, communications with
9 experts, preparation of specific witnesses for deposition and trial, review trial transcripts, etc.).
10 Requiring any additional specificity might invade attorney work product.

11 16. In my opinion the hours for which fees are sought by Plaintiffs' counsel were
12 reasonably incurred. This CVRA and California Equal Protection Clause litigation involved issues
13 of first impression—some constitutional—and it was necessary to tailor case law relating to the
14 federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution to the much
15 different California law. The case relied to a great extent on complicated expert testimony from
16 both sides. It is common practice for cases of this significance to be litigated by multiple lawyers,
17 each of whom brings his or her special expertise to the litigation. It is also common practice for
18 multiple lawyers to be involved in depositions and at trial. That was especially warranted in this
19 case where the City refused to settle the litigation and vigorously opposed Plaintiffs at every step of
20 the way. In light of all of these circumstances, it was important that Plaintiffs bring their "A Team"
21 to play their "A Game." And that is what happened here.

22 17. Premier minority-voting-rights trial and appellate lawyers successfully prosecuted
23 this CVRA and Equal Protection action to a very successful conclusion against formidable defense
24 counsel—Gibson Dunn. They defeated a motion for summary judgment, two pleading motions,
25 two petitions for writ of mandate filed in the Court of Appeal, a petition for review filed in the
26 California Supreme Court, and obtained rulings from this Court that the City's at-large elections for
27 its council members violated the CVRA and the California Equal Protection Clause and ordering
28 district-based elections using the district map they proposed. Judgment was entered in favor of

1 Plaintiffs. The appeal from the judgment is still pending. The scrutiny to which these contentious
2 proceedings were subjected meant that the litigation needed to be conducted with the utmost care
3 and diligence. Under all of these circumstances, in my opinion the hours worked were reasonable.

4 18. The realities of the litigation dictated the number of hours spent: the novelty and
5 complexity of the issues; the vigorous opposition on every front by the City; the appellate scrutiny
6 of the Court's orders; and the importance and significance of the minority voting rights issues. All
7 of these factors combined to require an extraordinary effort to obtain an extraordinary result.
8 Although Plaintiffs have not been able to obtain the number of hours worked by the City's
9 attorneys, it would not be unusual for the hours worked by a defendant's attorneys to be less than
10 those worked by the plaintiffs' attorneys. It is plaintiffs, of course, that bear the burden of proof
11 and plaintiffs' counsel generally spend more time proving their case than defense counsel spends
12 defending.

13
14 **The Hourly Rates Of Counsel Are Reasonable.**

15 19. In determining the reasonable rates for plaintiffs' attorneys, the Court uses "the
16 prevailing market rate for comparable legal services." (See *PLCM Group, Inc. v. Drexler* (2000)
17 22 Cal.4th 1084, 1096.) Comparable legal services in this case mean services rendered by counsel
18 for similar work—minority voting rights cases. (See *Graciano v. Robinson Ford Sales, Inc.* (2006)
19 144 Cal.App.4th 140, 156 [consumer fraud issues].) Reasonable rates should not be based on the
20 rates for generic litigation work, but instead, it is more appropriate to determine reasonable rates
21 based on the rates of specialized attorneys who practice in civil rights litigation. Such civil rights
22 attorneys include, for example, Messrs. Shenkman, Parris, Grimes and Rubin. Such rates are more
23 in line with the premium rates of premium firms.

24 20. Plaintiffs seek fees for services rendered by Shenkman & Hughes for four lawyers:
25 Kevin Shenkman 4337.7 hours at \$815, Mary Hughes 2239.3 hours at \$740, John Jones 225.2
26 hours at \$740, and Andrea Alarcon 984.1 hours at \$615. I reviewed the curricula vitae of these
27 lawyers attached to the Shenkman Declaration, as well as the Shenkman Declaration and its
28 attachments, including awards made in other cases. Three of these lawyers have been practicing

1 approximately 17 years, graduated from highly ranked law schools (Columbia, USC and Yale) and
2 previously worked at highly regarded law firms (Gibson Dunn and McKool Smith Hennigan). The
3 rates for lawyers at Gibson Dunn of comparable experience are significantly higher than those of
4 Mr. Shenkman, Ms. Hughes and Mr. Jones. Based on the length of practice, experience,
5 prominence and prior awards, I am of the opinion that these billing rates are within the range of
6 rates for attorneys in California who are of similar learning, age, and experience, and as such are
7 reasonable.

8 21. Plaintiffs also seek fees for services rendered by the Parris Law Firm for five
9 lawyers: R. Rex Parris 1018.6 hours at \$975, Robert A. Parris 57.15 hours at \$900, Jonathan
10 Douglas 179.3 hours at \$575, Ellery Gordon 993.72 hours at \$500, and Dylan Williams 41.25 hours
11 at \$500. I reviewed the curricula vitae of Rex Parris and Robert Parris attached to the Parris
12 Declaration, as well as the descriptions of the professional experience of the other lawyers on the
13 Parris team in that declaration. Rex Parris has been practicing for almost 40 years and he and his
14 law firm are one of the most successful plaintiffs' law firms in California. Mr. Parris and his team
15 have litigated hundreds of cases successfully and have taken a great many to trial, achieving multi-
16 million-dollar verdicts. Most recently, the Parris firm has been at the forefront of cases
17 successfully enforcing the CVRA. Based on the length of practice, experience, success and
18 prominence set forth in the motion for attorneys' fees and declarations in support of that motion, I
19 am of the opinion that these billing rates are within the range of rates for attorneys in California
20 who are of similar learning, age, and experience, and as such are reasonable.

21 22. Plaintiffs also seek fees for services rendered by the Law Offices of Milton C.
22 Grimes for two lawyers: Milton C. Grimes 784.25 hours at \$975 and Wesley Ouchi 507.25 hours
23 at \$545. I have reviewed the curricula vitae of these lawyers attached to the Grimes declaration.
24 Milton Grimes is a nationally recognized civil rights trial lawyer with 43 years of professional
25 experience and previously has worked with the Shenkman and Parris firms in successfully
26 enforcing the CVRA. Based on the length of practice, experience, success and prominence set
27 forth in the motion for attorneys' fees and declarations in support of that motion, I am of the
28

1 opinion that these billing rates are within the range of rates for attorneys in California who are of
2 similar learning, age and experience, and as such are reasonable.

3 23. Plaintiffs also seek fees for services rendered by the Law Office of Robert Rubin for
4 two lawyers: Robert Rubin 561.3 hours at \$975 and Mark D. Fahey 34.2 hours at \$615. I have
5 reviewed the curriculum vitae of Robert Rubin attached to his declaration and the description of
6 Mark Fahey's professional experience described in the Rubin declaration. Robert Rubin is a
7 nationally recognized civil rights and voting rights attorney with 40 years of legal experience and
8 previously has worked with the Shenkman firm and others in successfully enforcing the CVRA.
9 Based on the length of practice, experience, success and previous awards set forth in the motion for
10 attorneys' fees and declarations in support of the motion, I am of the opinion that these billing rates
11 are within the range of rates for attorneys in California who are of similar learning, age and
12 experience, and as such are reasonable.

13 24. It is the common practice of law firms in California to have paralegals perform
14 support services under the supervision of attorneys and to bill clients for such work. The Parris
15 Law Firm seeks fees for the services of trial paralegal Marci Cussimonio: 751.66 hours at \$375.
16 Ms. Cussimonio is a certified paralegal with more than 20-years' experience. I am of the opinion
17 that her billing rate for trial paralegal services in this case is within the range of billing rates for
18 experienced paralegals at law firms in California, and as such reasonable.

19
20 **The Court Should Enhance The Lodestar By A Multiplier Of 2.25 Due To The Importance**
21 **Of The Litigation To The Public And The Risk Of Not Prevailing.**

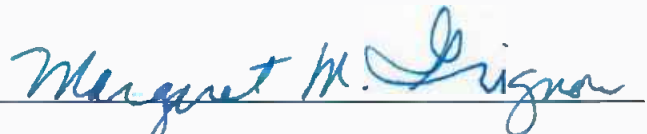
22 25. Plaintiffs seek a 2.25 multiplier of the lodestar because the case presented novel and
23 complex issues, Plaintiffs' counsel obtained an excellent result under difficult circumstances, there
24 was a substantial risk that Plaintiffs' counsel would receive no compensation, the nature of the case
25 precluded other employment, and the case has a broad public impact. In addition, the City
26 vigorously opposed Plaintiffs' claims at every stage of the proceedings, the City brought multiple
27 dispositive motions, the City refused to discuss settlement, the City made repeated trips to the
28 Court of Appeal raising concededly important issues of first impression and constitutional

1 magnitude, the City is still opposing the judgment on appeal, and continues to refuse to change to
2 district-based elections for City council members. In light of the foregoing, I am of the opinion that
3 a 2.25 multiplier is within the range of comparable fee awards. (See *Chavez v. Netflix, Inc.* (2008)
4 162 Cal.App.4th 43, 66 [affirming multiplier of 2.5, and citing authority indicating that “multipliers
5 can range from 2 to 4 or even higher”]; *City of Oakland v. Oakland Raiders* (1988) 203 Cal.App.3d
6 78, 83 [affirming multiplier of 2.34].)

7
8 **Opinion.**

9 26. Based on my review and consideration of the civil rights nature of this litigation, its
10 novelty, complexity and difficulty, the pro bono representation, the risk that the litigation might not
11 be successful, the amount of work involved, the skill required and the skill employed in handling
12 the litigation, the attention given, the success of the attorneys’ efforts, the important public interests
13 vindicated, the attorneys’ learning, age, experience and prominence, the contentious nature of the
14 litigation, and the time consumed, I am of the opinion that the hours billed are reasonable, the
15 billing rates are reasonable, a 2.25 multiplier is justified, and the fees requested in the amounts of
16 \$13,419,398.25 to Shenkman & Hughes, \$4,380,806.25 to the Parris Law Firm, \$2,342,463.75 to
17 The Law Offices of Milton C. Grimes, and \$1,278,676.13 to the Law Offices of Robert Rubin are
18 reasonable.

19
20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed this 2nd day of June, 2019 in Long Beach, California.

22
23 

24 Hon. Margaret M. Grignon (Ret.)

EXHIBIT A



Margaret M. Grignon

Partner

mgrignon@grignonlawfirm.com

Grignon Law Firm LLP
6621 E. Pacific Coast Hwy, Ste. 200
Long Beach, CA 90803
T: 562.285.3171
F: 562.453.3571

Education

Loyola Law School, 1977,
J.D., summa cum laude

University of Zurich,
Switzerland, International and
Swiss Law

University of California, Los
Angeles, 1972, B.A., cum
laude, Political Science

Professional Admissions / Qualifications

California

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals - Ninth
Circuit

U.S. Court of Claims

U.S. Tax Court

U.S. District Court - Southern
District of California

U.S. District Court - Central
District of California

U.S. Court of Appeals - Fifth
Circuit

State Supreme Court -
California

U.S. Court of Appeals - Eighth
Circuit

U.S. Court of Appeals - Tenth
Circuit

U.S. Court of Appeals -
Eleventh Circuit

U.S. Court of Appeals -
Federal Circuit

Overview

Justice Margaret M. Grignon (Ret.) is a partner in the firm. She is retired from the California Court of Appeal, Second District, Division Five, where she spent 14 years and authored in excess of 2,230 opinions, more than 160 of which have been published. During that time, she sat as a Justice Pro Tem on the California Supreme Court. She has considerable experience in business/commercial, employment, family, insurance coverage and bad faith, intellectual property, legal and medical malpractice, personal injury, and premises liability law. Her appellate cases in these areas have produced multiple precedential opinions from the state and federal courts, and resulted in her being named one of the Top Women Litigators in California for 2010 and Top Women Lawyers in California for 2013. She frequently acts as a mock appellate justice to assist lawyers in preparing for oral argument before the California Supreme Court and Court of Appeal and the Ninth Circuit.

Justice Grignon is the Immediate Past President of the California Academy of Appellate Lawyers, a Board Member of the American Academy of Appellate Lawyers, a member of the California Women Lawyers Association, the National Association of Women Judges, and the Association of Business Trial Lawyers. She has authored numerous articles on tax, business and appellate law, and is a frequent lecturer at education programs for judges and attorneys.

Representative Published Cases

- *Key v. Tyler*, 34 Cal.App.5th 505 (2019). Obtained reversal of order granting anti-SLAPP motion dismissing petition to enforce a no contest petition in probate proceedings on the ground petitioner had demonstrated a likelihood of prevailing on the merits by means of res judicata and law of the case and claim was not barred by the litigation privilege.
- *Laker v. Board of Trustees of California State University*, 32 Cal.App.5th 745 (2019). Obtained partial reversal of order denying anti-SLAPP motion in FEHA action as to defamation claim on the ground claim made in connection with an internal investigation arose from protected activity and university professor failed to establish a probability of prevailing on the merits.
- *Monster Energy Co. v. Schechter*, 26 Cal.App.5th 54 (2018), rev. gtd. Obtained reversal and ordered grant of anti-SLAPP motion to strike cause of action against attorney for breach of a confidentiality provision in a settlement agreement, where the attorney signed the settlement agreement only “approved as to form and content” and did not agree to be bound to the terms of the settlement agreement.
- *Fluidmaster, Inc. v. Fireman’s Fund Ins., Co.* 25 Cal.App.5th 545 (2018). Obtained reversal of order disqualifying law firm based on vicarious disqualification arising from law firm’s hiring of challenged e-discovery attorney following implementation of proper ethical wall.
- *People v. ConAgra Grocery Products Co.*, 17 Cal.App.5th 51 (2017). Obtained reversal of a judgment that allowed damages to be calculated based on all homes in the jurisdictions built through 1980, and limiting it to homes built pre-1951, a multi-million-dollar reduction.
- *CRST, Inc. v. Superior Court*, 11 Cal. App. 5th 1255 (2017). Obtained a published decision in a case of first impression, holding that an employer’s admission of vicarious liability for its employee’s conduct did not bar evidence of the employer’s conduct for purposes of the employer’s separate punitive damages liability.

- *Veera v. Banana Republic, LLC*, 6 Cal. App. 5th 907 (2016). In consumer class action, obtained reversal of summary judgment against plaintiffs. Defendant retailer advertised 40-percent-off purchases when the sale applied only to some items. In reliance on the sale signs, customers were lured into the store, selected items for purchase at the advertised discount, and bought some of the items at full price, after learning at the register that the discount did not apply, suffering injury in fact.
- *Nickerson v. Stonebridge Life Ins. Co.*, 5 Cal. 5th 1 (2016). California Supreme Court affirmed in part trial court's reduction of punitive damages award in bad faith insurance action, reducing \$19 million to \$475,000.
- *Vien-Phuong Thi Ho v. Recontrust Co., NA*, 840 F. 3d 618 (9th Cir. 2016). Obtained partial affirmance of judgment against Plaintiff homeowner, holding California trustee under a deed of trust was not attempting to collect a debt under the Fair Debt Collection Practices Act when it gave requisite statutory notice of foreclosure sale.
- *Dalton v. Santander Consumer United States, Inc.*, 2016-NMSC-035 (2016). New Mexico Supreme Court reversed order denying defendant lender's request to compel arbitration, holding that carve outs of both parties' small claims and non-judicial, self-help remedies from the arbitration agreement did not make the agreement unconscionable.
- *ESG Capital Partners, LP v. Stratos*, 828 F. 3d 1023 (9th Cir. 2016). Obtained partial reversal of judgment for law firm, holding investors sufficiently alleged attorney made misrepresentations in connection with a fraudulent securities transaction and raised compelling inference of scienter on part of attorney who allegedly knew the true identity of the fraudster, was aware of the fraudulent nature of the scheme, and knew that the putative securities transaction would not occur.
- *Harrington v. EquiTrust Life Ins. Co.*, 778 F. 3d 1089 (9th Cir. 2015). Obtained affirmance of summary judgment in an action alleging a violation of the Racketeer Influenced and Corrupt Organization Act in connection with the sale of deferred indexed annuities. The Ninth Circuit held that plaintiff failed to establish any actionable predicate acts in alleged fraudulent schemes concerning the promise of a premium bonus, the application of the annuity's market value adjustment, or the circumvention of state non-forfeiture laws.
- *In re Marriage of Fajota*, 230 Cal. App. 4th (2014). Prevailed in a pro bono appeal of a child custody dispute. The opinion addressed significant and unresolved issues regarding awards of child custody when one parent engages in domestic violence against the other parent. The Court addressed three separate orders (by three separate judges) in which the trial court failed to properly apply a presumption against joint custody when domestic violence is involved.
- *Gregory v. Cott*, 59 Cal. 4th 996 (2014). California Supreme Court affirmed a summary judgment for an Alzheimer's patient and her husband on the ground the injured in-home caregiver had voluntarily assumed the risk of violence by the Alzheimer's patient and the primary assumption of risk doctrine barred liability.
- *Children's Hosp. Cent. California v. Blue Cross of California*, 226 Cal. App. 4th 1260 (2014). Obtained reversal of a \$10 million jury verdict against a Medicaid managed care organization based on evidentiary and instructional errors concerning the valuation of hospital services provided when a hospital was "out of network" with the organization.
- *Estate of Sobol*, 225 Cal. App. 4th 771 (2014). In appeal arising from a probate proceeding, affirmed order sustaining demurrer of co-executors of estate to petition of objectors seeking to be appointed executors of estate and challenging codicil to decedent's will, because objectors lacked standing to challenge co-executors' actions.
- *Cutler v. Franchise Tax Board*, 229 Cal. 4th 419 (2014). The Court of Appeal approved an award of private attorney general fees to a taxpayer who successfully argued that a state tax was unconstitutional in violation of the Commerce Clause.
- *Cutler v. Franchise Tax Board*, 208 Cal. App. 4th 1247 (2012). The Court of Appeal held a state tax provision providing tax benefits for sale of stocks in a qualified California small business was unconstitutional under dormant Commerce Clause.
- *Perez v. Torres*, 206 Cal. App. 4th 418 (2012). Code of Civil Procedure section 998 offer to compromise is invalid where it fails to include a statutorily required acceptance provision.

- *Landeros v. Torres*, 206 Cal. App. 4th 398 (2012). Civil Code section 3333.4 does not preclude recovery of noneconomic damages against a drunk driver where plaintiff is an unlicensed permissive user of an insured vehicle.
- *Quarry v. Doe 1*, 53 Cal.4th 945 (2012): Reversed Court of Appeal on matter of first impression and held statute of limitations precluded plaintiffs' claims.
- *Parmar v. State Board of Equalization*, 196 Cal.App.4th 705 (2011). Affirmed order invalidating state tax practice and upholding entitlement to substantial attorney fees under private attorney general statute.
- *Arnall v. Superior Court*, 190 Cal.App.4th 360 (2010). Obtained writ ordering trial court to grant former client's summary adjudication motion of attorney's causes of action for fees based on a void contingent fee agreement, leaving only the quantum meruit cause of action to be tried.
- *Whitmire v. Ingersoll-Rand Company*, 184 Cal.App.4th 1078 (2010). Obtained affirmance of summary judgment in favor of defendant contractor in mesothelioma action on ground that plaintiff had no substantial evidence that he had been exposed to asbestos attributable to the defendant.
- *Clark v. Superior Court*, 50 Cal.4th 605 (2010). Argued on behalf of Amici and obtained unanimous reversal of Court of Appeal judgment. California Supreme Court held that a statute providing for the trebling of penalties as to senior citizens and the disabled could not be used to treble restitution under the Unfair Competition Law.
- *United States Life Ins. v. Superior National Ins. Co.*, 591 F.3d 1167 (9th Cir. 2010). Obtained affirmance of judgment confirming a \$450 million arbitration award in a dispute over reinsurance coverage for workers' compensation insurance claims.
- *Delgado v. Interinsurance Exchange*, 47 Cal. 4th 302 (2009). California Supreme Court held there was no insurance coverage under an occurrence policy for an assault committed under the mistaken belief in the necessity of self-defense.
- *Daghlian v. DeVry University, Inc.*, 574 F.3d 1212 (9th Cir. 2009). Obtained dismissal of an appeal from a summary judgment in a consumer class action on the ground that repeal of the statutory basis for the action resulted in abatement.
- *Dunn Yeager v. Blue Cross*, 175 Cal. App. 4th 1098 (2009). Obtained affirmance in Court of Appeal of summary judgment for health insurer in action alleging that insurer's offer of infertility coverage did not comply with statute.
- *Hernandez v. Vitamin Shoppe Industries Inc.*, 174 Cal. App. 4th 1441 (2009). Affirming the final approval of a settlement in a wage and hour class action, and further affirming orders barring counsel for plaintiffs in a competing class action from communicating with members of the conditionally certified class and issuing a notice to class members to correct a prior improper communication to class members from that counsel.
- *321 Henderson Receivables Origination LLC v. Sioteco, et al.*, 173 Cal. App. 4th 1059 (2009). Reversed consolidated superior court order denying 11 petitions for approval of the transfer of structured settlement payments rights. The Fifth District Court of Appeal held that contractual anti-assignment provisions are generally ineffective in barring transfers of structured settlement payment rights; the transfers are not subject to the usury law; and the evidence was insufficient to support the superior court's findings that the factoring company systematically violated the independent professional advice requirement of the Structured Settlement Transfer Act.
- *Mintz v. Blue Cross*, 172 Cal. App. 4th 1594 (2009). Dismissal of claims for intentional interference with contractual relations, negligent interference with contractual relations, and intentional infliction of emotional distresses arising out of alleged wrongful denial of health insurance benefits.
- *Watkins v. Wachovia Corp.*, 172 Cal. App. 4th 1576 (2009). In putative class action alleging violation of California wage and hour laws, obtained dismissal of appeal from order denying class certification on ground that class representative's settlement of individual claims following denial of certification deprived the class representative of standing to pursue the appeal. In same decision, also obtained affirmance of summary judgment as to another class representative on the ground that, upon termination of employment, she signed a release of disputed wage claims in exchange for enhanced severance benefits.

- *321 Henderson Receivables Origination LLC v. Judith Red Tomahawk*, 172 Cal. App. 4th 290 (2009). Reversed order denying petition under the Structured Settlement Transfer Act; trial court's failure to dismiss petition without prejudice upon transferee's request for dismissal rendered order denying petition void.
- *321 Henderson Receivables Origination LLC v. Lisa Ramos*, 172 Cal. App. 4th 305 (2009). Reversed order voiding prior transfer of structured settlement payments; final court-approved transfers cannot be attacked as void under the Structured Settlement Transfer Act absent direct and affirmative evidence of fraud.
- *Cable Connection, Inc. v. DIRECTV, Inc.*, 44 Cal. 4th 1334 (2008). California Supreme Court affirmed trial court order vacating an arbitration award. In a case of first impression, the Supreme Court held that parties to an arbitration agreement may agree to expanded judicial review of an award.
- *Jogani v. Superior Court*, 165 Cal. App. 4th 901 (2008). Petition for writ of mandate granted; trial court committed error per se by denying plaintiff his jury trial right on legal claim for quantum meruit.
- *Ball v. FleetBoston Financial Corp.*, 164 Cal. App. 4th 794 (2008). Affirmance of dismissal following an order denying permission to file an amended complaint in a Consumer Legal Remedies Act action on the ground that extension of credit is not a good or service and unconscionability allegations were encompassed in the CLRA cause of action.
- *Monroy v. City of Los Angeles*, 164 Cal. App. 4th 248 (2008). Reversed jury verdict; trial court erred in instructing jury on a theory contrary to unambiguous party admissions; trial court also abused its discretion in limiting expert witness testimony; and trial court erred in excluding deposition testimony where deponent resided more than 150 miles from trial.
- *Trujillo v. First American Registry Inc.*, 157 Cal. App. 4th 628 (2007). Affirmed summary judgment in consumer credit reporting and unfair competition action.
- *Fitz-Gerald v. Skywest Airlines, Inc.*, 155 Cal. App. 4th 411 (2007). Affirmed summary judgment in action brought by flight attendants against airline for minimum wages, meal and rest breaks, overtime and penalties.
- *Sea Foods Co., Ltd. v. O.M. Foods Co., Ltd.*, 150 Cal. App. 4th 769 (2007). Reversed third party liability judgment for foreign corporation and against California sea food importer; also reversed personal jurisdiction dismissal of fraud action brought by same sea food importer against same foreign corporation.
- *Camacho v. Automobile Club of Southern California, et al.*, 142 Cal. App. 4th 1394 (2006). Affirmed judgment on the pleadings for insurer in unfair competition class action brought by uninsured motorist in connection with insurer's efforts to collect subrogation claim.

Honors & Awards

- Listed in *Best Lawyers in America*, Appellate Practice (2016-2019)
- Listed in the *Daily Journal* as one of its Top Women Lawyers (2010, 2013, 2015)
- Listed, *Chambers USA: America's Leading Lawyers for Business*, "Band 1" (6 bands with 1 being the highest) rating for Appellate Litigation (California) (2009-2019)
- Listed, *California Super Lawyers*, Appellate (2007-2019)
- Listed, *California Super Lawyers*, Corporate Counsel Edition, Appellate (2010)

Publications

- "You can't raise new legal theories on appeal...usually," *Daily Journal*, 1 October 2014
Co-Author(s): David J. de Jesus
- "Oral Argument: Facing the Challenge and Embracing the Opportunity," *American Bar Association Litigation Section*, 26 March 2014

- "Just How Mandatory Are Those Statutory Writ Deadlines," *Los Angeles Daily Journal*, 08 February 2012
Co-Author(s): Kasey J. Curtis
- "What a Difference a Day Makes," *Los Angeles Daily Journal*, 14 March 2011
- "Can Denial of Summary Judgment Based on Qualified Immunity Be Reviewed," *Los Angeles Daily Journal*, 25 February 2011
- "Saving Face," *San Francisco Daily Journal*, 3 February 2009
- "When Time's Not on Your Side," *San Francisco Daily Journal*, 20 May 2008
Co-Author(s): Co-author
- "Ditching Class," *Los Angeles Daily Journal*, 30 January 2008
- "Objections to Evidence," *Los Angeles Daily Journal*, 29 November 2007
- "Strict Compliance," 1 May 2007
Co-Author(s): Zareh Jaltorossian
- "The Dynamics of Appellate Oral Argument," *Certworthy*, Summer 2006
Co-Author(s): Zareh Jaltorossian
- "Three Reasons for Thinking Twice Before Filing a Frivolous Appeal," April 2006
Co-Author(s): Zareh Jaltorossian
- "In Tricky Dance of Appeals, Timing of Filing Is Everything," *Los Angeles Daily Journal*, 1 November 2005

Speaking Engagements

- "The Strategic Use of Appellate Counsel to Win at Trial and on Appeal," Association of Corporate Counsel Annual CLE Event, Beverly Hills, California, 8 October 2014
- "Why You Should Learn To Stop Worrying And Love The California Supreme Court," Association of Corporate Counsel MCLE, California, 19-20 February 2014

Employment History

- 2016 - Grignon Law Firm LLP
- 2005 - Reed Smith
- 1990 - Court of Appeal, Second District, Division Five
- 1987 - Los Angeles Superior Court
- 1984 - Antelope Municipal court
- 1981 - Gray, Cary Ames & Frye
- 1978 - O'Melveny & Myers

Professional Affiliations

- American Academy of Appellate Lawyers – Board Member
- California Academy of Appellate Lawyers – Member and Immediate Past President
- Certified as a Specialist in Taxation Law, 1984
- National Association of Women Judges – Member
- California Women Lawyers – Member
- Association of Business Trial Lawyers-Member and Board Member