

The LITIGATOR

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Inside

Advertising, Public Trust & How Uber Got Here
Page 5

Navigating Federal Tort Claims
Page 10

Upping Your Odds for a Win
Page 15

Neuropsychological Evaluation Concerns
Page 22

Artificial Intelligence for the Modern Lawyer Program
Page 25

Disqualifying Defense's Speculative Evidence
Page 26

New Lawsuit vs. Feds' Immigrant Penalty Scheme
Page 37

Notable Cites 2
 CCTLA's New Board Members 3
 Thank You to Outgoing Editor ... 4
 Spring Reception on Tap 18-19
 Napa/Sonoma Seminar 29
 2025 Honors & Reception 30-32
 Sac. Civil Court Minutes 38-39
 Arbitrations/Settlements 40-43
 CCTLA Calendar 48

SOLIDARITY

As I shared with my colleagues recently at the state-wide convention of the Consumer Attorneys of California, I was expecting 2026 to be a turnkey operation as president of the Capitol City Trial Lawyers Association: calendar some MCLE classes, host charitable fundraising events, and join with the legal community to celebrate our colleagues. Instead, I find myself in the familiar role of organizer and advocate for justice in our community.

Over the years, it has been my honor to be in leadership positions with the South Asian Bar Association, Sikh institutions and the California Democratic Party. I have marched in the streets for Black lives, have helped hold powerful elected officials accountable for sexual assault, and have spearheaded successful legislative battles to protect vulnerable communities from discrimination. Today, the lessons learned are being tested by unprecedented attacks on the justice system in California and across the nation.

Immediate Past CCTLA President Glenn Guenard wrote eloquently in a recent issue of The Litigator regarding the cynical plan by Uber to effectively end access to justice for those injured in motor vehicle collisions. Despite this grave threat, trial lawyers must not retreat into our own battles while our immigrant neighbors are targeted by a massive campaign of civil rights violations. The same billionaires who fund Uber also fund the incarceration industry and the fascists who seek to profit from the suffering they inflict in our communities. Our fates are intertwined. Trial lawyers have always stood at the front lines when justice is endangered, and we must now meet the urgency of the moment.

We will defeat the forces arrayed against us by standing in solidarity, by speaking out for the rights of our neighbors, and by refusing to capitulate to those who have abandoned American values. As president of the Capitol City Trial Lawyers Association, and with the support of our board, I recently published the following statement:

*"I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California..."
Let us be unequivocal. In recent weeks, federal government agents from Immigration & Customs Enforcement (ICE) and Customs & Border Protection (CBP) executed United States citizens. Further, leading voices in the federal government have unconscionably blamed the victims.*

On three occasions, federal agents have shot citizens as part of a national campaign that relies on systemic abuse of the constitutional rights of Americans:

- On Dec. 31, 2025, Keith Porter Jr. was shot and killed by an off-duty ICE agent in Los Angeles, California;
- On Jan. 7, 2026, Renée Nicole Good was shot and killed by an ICE agent in Min-



Amar Shergill
CCTLA President
Shergill Law Firm



Marti Taylor, Wilcoxon Callahan, is a CCTLA Vice President

NOTABLE CITES

By: Marti Taylor

GILLILAND v. CITY OF PLEASANTON

2025 1DCA/1 California Court of Appeal
No. A170666 (November 19, 2025)

City's Immunity Under Vehicle Code § 17004.7 Requires Suspect To Believe They Were Being "Pursued" Under The City's Actual Pursuit Policy Definition, Not Ordinary Meaning Of The Word

FACTS: Melanie Gilliland was severely injured when 18-year-old Elijah Henry ran a red light at high speed and collided with her vehicle. Officer Matthew Harvey of the Pleasanton Police Department had been following Henry's vehicle after observing suspicious activity in a parking lot (possible vehicle burglary). Harvey made a U-turn to follow Henry, intending to conduct a traffic stop, but never activated his lights or sirens. Henry, frightened of police, accelerated away at speeds exceeding 45-60 mph in a 25-mph zone. Henry testified he wanted to "get away" from the officer but did not believe Harvey was trying to arrest him—just possibly talk to him. Harvey did not initiate a formal pursuit under the city's policy because it was commuting hours and unsafe. The collision occurred when Henry ran a red light to increase distance from the officer. Gilliland sued both Henry and the city for negligence.

Following a bench trial, the city was found not liable, pursuant to Vehicle Code section 17004.7, which immunizes public entities for collisions that occur during police pursuits. Plaintiff appealed that decision.

ISSUE: Was the city immune from liability based on the collision occurring during a police pursuit?

RULING: Reversed and remanded. The Court of Appeal reversed the trial court's judgment in favor of the city and remanded for application of the correct legal standard. The court held that "pursued" has only one meaning in § 17004.7(b)(1)—the definition of "pursuit" in the public entity's vehicular pursuit policy applies to both actual and perceived pursuits.

REASONING: The court applied the statutory presumption that "a word or phrase has the same meaning throughout a statute" and found no compelling reason to depart from it. The trial court had erroneously concluded that "pursued" had two different meanings: (1) the city's pursuit policy definition for actual pursuits, and (2) the ordinary dictionary meaning for perceived pursuits. The appellate court rejected this bifurcated approach for several reasons:

First, the statute explicitly requires public entities to define "pursuit" in their policies (§ 17004.7(c)(1)), and it was undisputed that this definition governs actual pursuits. Using a different

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definition for perceived pursuits would create an inconsistent interpretation without justification.

Second, unfamiliarity with a pursuit policy does not prevent someone from forming a belief about whether they were being pursued under that policy's definition. The Pleasanton policy defined "vehicle pursuit" as an officer "attempting to apprehend a suspect, who is attempting to avoid arrest" using evasive driving tactics. A suspect can believe these circumstances exist without knowing the technical policy language.

Third, the court rejected concerns about jurisdictional variations in pursuit policy definitions, noting that § 17004.7 incorporates statewide standards through reference to POST (Peace Officer Standards and Training) Guidelines and CHP reporting requirements, which use virtually identical definitions across California.

Fourth, the court distinguished cases interpreting "pursuit" under § 17004 (public employee immunity), which uses the word's ordinary meaning, because § 17004.7 specifically provides its own framework for defining pursuit through policy requirements and statewide guidelines.

The court emphasized that while officers need not fully comply with all pursuit policy requirements for immunity to apply, the policy's definition of pursuit controls. Here, the policy required suspects to be "attempting to avoid arrest," but the trial court incorrectly deemed it "immaterial" that Henry testified he did not fear arrest and just wanted to avoid contact with police. This testimony, if credited, would establish Henry did not believe he was being "pursued" under the policy's definition, potentially

Continued on page 43

Introducing CCTLA's newest board members

RYAN DOSTART

Ryan Dostart is a California trial attorney who represents individuals and families harmed by the negligence of others. Dostart earned his undergraduate degree from the University of California, Davis, and went on to earn his law degree at Lincoln Law School of Sacramento.

Early in his career, he joined a premier Northern California personal injury trial firm, where he later became partner. For more than 18 years, he worked at the firm alongside accomplished trial lawyers on a broad range of personal-injury matters, including motor-vehicle collisions, premises liability, dog attack, sexual abuse and catastrophic injury cases.

In 2026, Dostart launched **Dostart Law Group, PC**, a boutique plaintiff-side firm based in Folsom, California.

He is deeply committed to service within the plaintiff's bar and values the mentorship, education, and collegiality fostered by organizations such as Capital City Trial Lawyers Association. He said he is honored to serve as a director of CCTLA and looks forward to contributing to its mission and supporting its members.

Outside the courtroom, he practices Brazilian Jiu-Jitsu, and lives in the Sacramento area with his wife and their two daughters.



KATE EBERT

Kate R. Ebert has been a personal injury attorney with Demas Law Group, P.C. since 2017. She earned her B.A. from California State University, Fresno, in 2006 and her J. D. from McGeorge School of Law in 2011. Before joining Demas Law Group, Ebert worked as a hearing officer for administration hearings and as a jury consultant for Focused Decisions, a full-service litigation consulting firm. For more than five years at Focused Decisions, Ebert consulted on many high-profile civil cases for plaintiffs and defendants. It was working in the field of litigation consulting that uncovered her desire to represent injured victims.

Since joining **Demas Law Group, PC**, in 2017, she has applied the skills and insights gained from watching juries interpret cases to enhance her clients' cases.

Ebert has represented hundreds of victims who have suffered injuries in collisions, dog attacks, and falls and has specialized knowledge in helping/representing hundreds of victims of the largest wildfires in California history (2017 North Bay fires in Sonoma/Napa; 2018 Camp Fire in Paradise; 2025 Eaton Fire in Altadena). She knows each client has their own, specific



story and makes sure to capture and honor that story to get the best recovery for her client.

When not in the office, Ebert enjoys traveling abroad and throughout the U.S. (favorite destinations include Tonga, Iceland and Tanzania), watching live theater (favorite show to date: "Sleep No More"), spending time with family, and hiking anywhere in California with her dog, Honey.

NOLAN JONES

Nolan R. Jones is a partner at **Dreyer Babich Buccola Wood Campora, LLP**, where he represents people and families in catastrophic injury and wrongful death cases. His practice focuses on dangerous conditions of public property, trucking and commercial incidents, product defects, and premises liability.

Before practicing law, Jones spent nearly a decade in restaurants, from host stand to management, an experience that shaped his perspective on safety rules, training and risk prevention.

He joined DBBWC in 2013 as a law clerk, while attending McGeorge School of Law in the evenings. At McGeorge, he immersed himself in trial advocacy and graduated a semester early. Since becoming a trial lawyer in 2016, he has guided clients through investigation, discovery, motion practice, mediation and trial, with an emphasis on clear communication and steady leadership. He is licensed in all California state courts and the federal courts of California.

In addition to his litigation practice, Jones is frequently consulted by colleagues on lien strategy and post-resolution planning. He has written for CAOC's "Forum Magazine" on lien negotiations and has presented for the Consumer Attorneys of California multiple times on lien issues and practice tips.

Jones, who said he is proud to serve on the Board of Directors of the Capitol City Trial Lawyers Association, is passionate about strengthening the plaintiff bar through practical education, mentorship, and community.



GLENN KENNA

Glenn Kenna, managing partner at the **Arnold Law Firm**, focuses his practice on representing victims and their families in personal-injury litigation as well as representing insurance policy holders against their insurance companies. Kenna, who began practicing law since 2015, is a graduate of Loyola University Chicago School of Law. He said he is grateful for the opportunity to serve CCTLA's membership and looks forward to continuing the great work to which CCTLA is committed.



With Gratitude to Jill Telfer — Welcome, Marti Taylor



The Board of CCTLA extends its sincere thanks to Jill P. Telfer, CCTLA past president, who for more than 16 years provided dedicated service as editor of *The Litigator*. Jill's professionalism, commitment and steady leadership have been instrumental in the continued success and excellence of our newsletter. Her many years of service have left a lasting mark on CCTLA, and we are deeply grateful for her contributions.

As we thank Jill, we are pleased to welcome CCTLA Vice President Marti Taylor as the new editor of *The Litigator*. Marti brings enthusiasm, leadership and a deep commitment to CCTLA, and we look forward to the continued growth of our publication under her direction.

Jill Telfer, left, and CCTLA Executive Director Debbie Keller after presenting Telfer with flowers at the Annual Meeting & Holiday Reception, thanking Telfer for her 16 years as editor of *The Litigator*



Marti Taylor,
New editor of CCTLA's
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California Advertising, Public Trust and How Uber Got Here

By: Justin M. Gingery



Justin M. Gingery, Gingery, Hammer & Associates, LLP, is a member of the CCTLA Board of Directors

For decades, the plaintiffs' bar has defended contingency fee representation as the great equalizer. It is an imperfect system, perhaps, but one that allows injured people access to courts that would otherwise be closed to them. That defense is now under direct attack. Uber's recently unveiled ballot initiative, which seeks to cap attorney contingency fees, restrict medical recovery, and raise evidentiary burdens on accident victims, did not materialize in a vacuum. It is the predictable result of years of public conditioning, much of it enabled by unethical and misleading advertising practices within our own profession.

This article does not argue that Uber's initiative is justified. It is not. It is an aggressive corporate effort to limit liability, suppress claims, and shift costs onto injured Californians and public systems. But it is equally important to ask why such a measure can plausibly be sold to voters at all. The uncomfortable answer is that the personal injury bar has allowed the public narrative to be shaped, often by its loudest advertisers, in ways that undermine trust, distort reality, and make reforms like this politically viable.

Advertising Rules Exist for a Reason

California's attorney advertising rules are not ornamental. Rules 7.1 through 7.5 of the California Rules of Professional Conduct reflect a policy judgment that lawyer advertising, while protected, poses unique risks to the public. Those risks are magnified in personal injury practice, where clients are often vulnerable, unsophisticated, and making decisions during moments of crisis.

Rule 7.1 prohibits false or misleading communications, including those that omit facts necessary to make a statement not misleading. This includes advertising that creates unjustified expectations about outcomes, exaggerates results, or implies superiority without factual support. Despite this, the public is routinely exposed to advertisements promising "maximum compensation," "record-breaking recoveries," or the suggestion that

hiring a particular firm guarantees success.

These representations are not merely technical violations. They shape public perception. Over time, they reinforce a caricature of personal injury lawyers as opportunistic, transactional, and outcome-driven rather than client-centered and ethical. That caricature is now being weaponized.

The Slow Erosion of Credibility

The plaintiffs' bar does not lose credibility all at once. It loses it incrementally. Every billboard that implies inevitability. Every commercial that trivializes serious injuries into slogans. Every settlement figure advertised without context contributes to a broader narrative that personal injury litigation is a game. A game where lawyers win big and clients are secondary beneficiaries. When Uber frames its initiative as consumer protection by ensuring victims "keep 75% of their recovery," it relies on the assumption that voters already believe attorneys are taking too much. That belief did not originate with Uber. It was cultivated over years through advertising that prioritized volume, records, and bravado over accuracy and professionalism.

The irony is that contingency fees, properly understood, already align attorney and client interests. They compensate for risk, delay, overhead, and the reality that many cases do not succeed. But when advertising reduces the relationship to percentages and payouts, it becomes easier to convince the public that lawyers are the problem rather than the mechanism for access to justice.

The Billboard Problem

No discussion of attorney advertising is complete without addressing billboard firms. Billboards are not inherently unethical.

Continued on page 6

Continued from page 5

cal. They are a medium. But their understandable constraints of brevity, repetition, and visual impact encourage oversimplification. In practice, they often reduce complex legal services into catchphrases that prioritize memorability over meaning.

The public does not see the nuance. It sees numbers, slogans, and faces. When billboards suggest that personal injury claims are easy, quick, and lucrative, they distort expectations on both sides of the attorney-client relationship. Clients expect certainty. Jurors expect exaggeration. Legislators see an industry that appears unregulated and self-interested.

Uber's initiative capitalizes on this distortion. It assumes voters will accept that limiting attorney fees somehow benefits injured people, without understanding how contingency representation actually functions. Attorney advertisers simplify the contingency representation to a "no fee guarantee" or "no fee unless we win" as if it is unique to their practice or, even further misleadingly, that there is no risk for any of those involved.

The assumption that limiting attorney fees will benefit injured people is only plausible in a landscape where attorney advertising has already blurred the line between advocacy and salesmanship.

Digital Amplification and the Race to the Bottom

The rise of digital advertising has accelerated these problems. Online platforms reward engagement, not accuracy. Firms compete for clicks, impressions, and leads, often through aggressive language that would raise eyebrows in any other professional context. Testimonials are curated. Case results are selectively displayed. Disclaimers are buried or nonexistent.

While the rules apply equally to digital advertising, enforcement clearly lags behind innovation. The result is a race to the bottom, where restraint feels like a competitive disadvantage. But that short-term gain comes at a long-term cost: diminished credibility for the entire plaintiffs' bar.

Corporate defendants understand this dynamic. They watch the ads. They study the messaging. And when the time comes to propose sweeping "reforms," they already know which narratives will resonate.

Solidarity . . .

Continued from page one

neapolis, Minnesota;

• On January 24, 2026, Alex Pretti was shot and killed by a group of CBP agents in Minneapolis, Minnesota.

It has become clear that ICE and CBP leaders will not act to hold their agents accountable. This failure of duty is exacerbated by federal officials that issued blanket and harmful statements lying about the facts of the case, defamed the deceased, and denied wrongdoing before any investigation was completed. This pattern reflects systemic erosion of constitutional protections:

• First Amendment rights to peaceful assembly and expression are chilled by armed federal forces deployed against community members and protesters.

• Second Amendment discourse is weaponized to justify federal force rather than to safeguard individual rights.

• Fourth and Fifth Amendments are imperiled by warrantless enforcement tactics and the preemptive justification of lethal force without due process.

• Sixth Amendment protections erode when federal agents act without transparency, undermining meaningful investigation and accountability.

• Eighth Amendment prohibitions on cruel and unusual punishment are contravened where force is meted out without restraint or oversight.

As attorneys sworn to uphold the rule of law and to defend against abuse by government and corporations, we must do more than offer solidarity with marginalized communities and affected families. We oppose widespread civil rights viola-

How Uber's Initiative Fits the Pattern

Uber's proposed constitutional amendment limits attorney fees only for plaintiffs, not defendants. It caps recoverable medical expenses based on reimbursement schedules rather than actual costs or liens. It raises the burden of proof for medical recovery. Each provision, standing alone, is problematic. Together, they function to suppress claims and discourage representation.

Yet the initiative is framed as fairness. As balance. As consumer protection. That framing only works if the public already believes that personal injury lawyers are extracting disproportionate value from the system. That belief has been normalized.

This is not to say that advertising caused Uber's initiative in a direct sense. Corporations pursue profit-driven reforms regardless. But unethical advertising practices made the terrain fertile. They made it easier to sell the idea that access to justice needs to be curtailed in order to protect the very people it serves.

Rebuilding the Narrative without Grandstanding

The solution is not to abandon advertising. It is to take it seriously. Ethical advertising is not just about compliance with the State Bar rules; it is about stewardship of public trust. That trust is a collective asset. When it is depleted, every practitioner pays the price.

Personal injury attorneys should view advertising as an extension of their role as officers of the court. That means accuracy over bravado. Context over spectacle. Education over implication. It also means recognizing that individual marketing decisions have systemic consequences.

Uber's initiative is a warning sign. Not because it will necessarily pass, but because it reveals how vulnerable access to justice becomes when the profession's public image is compromised. The plaintiffs' bar cannot control corporate lobbying, but it can control how it presents itself to the public.

If the contingency fee system is to be defended, and it absolutely must be defended, it cannot be defended solely in court filings and legislative hearings. It must also be defended in how attorneys speak to the public, especially when they are speaking the loudest.

tions in the name of enforcement, and we denounce President Donald Trump, Homeland Secretary Kristi Noem, U.S. Border Patrol Chief Michael Banks, US Border Czar Tom Homan, and US Border Patrol Officer Greg Bovino for authorizing, funding, abetting and defending the execution of American citizens. Further, we call on the US Department of Justice Civil Rights Division to assert its independent authority to investigate and prosecute the federal agents responsible for these deaths.

In solidarity,
Amar Shergill
President, Capitol City
Trial Lawyers Association

Please review this statement from our allies at Asian Pacific Bar Association of Sacramento with helpful resource links.

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Navigating Federal Tort Claims

By: Robert M. Nelsen

Each of us has inevitably encountered a case involving a government entity as a defendant. Whether it is a state employee causing a motor vehicle collision, an unsafe roadway, or a dangerous tree on public property, anyone who practices law in or around the state capital long enough will eventually have to navigate the government tort framework. Most practitioners are familiar with the California Government Claims Act process when a state worker or agency is involved—its short statute of limitations, the California Roster of Public Agencies, and the general pleading requirements for tort claim forms.

But what does that process look like when your defendant is the federal government? As this article explains, the process is profoundly different, and a failure to fully understand the Federal Tort Claims Act (“FTCA”) can have devastating consequences for both client and counsel.

How Big Is the Federal Government’s Footprint in Our Area?

The federal government has numerous agencies and offices in the greater Sacramento area and employs tens of thousands of federal workers, all of whom live and commute throughout the area.

This federal presence represents a significant portion of the region’s public-sector employment.

According to U.S. Bureau of Labor Statistics data, the Sacramento–Roseville–Folsom statistical area has approximately 13,700 individuals who are employed by our federal government as of late 2025. Federal agencies in the Sacramento region span a wide range of functions, including healthcare, natural resource management, veterans’ affairs, law enforcement, scientific development and regulatory operations, often operating through multiple field offices, facilities, and service centers across the metropolitan area.

Beyond employment figures, the federal government owns and controls more than 100 million acres of land within the State of California—approximately 45 percent of the state—through agencies such as the Bureau of Land Management (BLM), U.S. Forest Service (USFS), Fish and Wildlife Service (FWS), National Park Service (NPS), Department of Defense (DOD), and others.

What Is the Federal Tort Claims Act?

The FTCA, enacted in 1946 as part

of the Legislative Reorganization Act, marked a fundamental shift in the doctrine of sovereign immunity in the United States. Prior to its enactment, individuals injured by the negligence of federal employees generally had no judicial remedy and were forced to seek relief through private bills in Congress—a process widely criticized as inefficient, inconsistent, and politically driven. The FTCA responded to mounting pressure to modernize government accountability, particularly in the wake of expanded federal activity during the New Deal and World War II. By waiving sovereign immunity in defined circumstances, Congress allowed the federal government to be sued “in the same

manner and to the same extent as a private individual under like circumstances,” subject to important statutory limitations.

At the same time, the FTCA carefully preserved governmental protections through a series of exceptions and procedural requirements that continue to shape federal tort litigation today.

Key among these is the administrative exhaustion requirement, the discretionary function exception, and

exclusions for certain intentional torts and combat-related claims. The statute also substituted the United States as the sole defendant for covered claims and eliminated jury trials in favor of bench trials. Together, these features reflect Congress’s attempt to strike a balance between compensating injured parties and safeguarding governmental decision-making. Understanding the FTCA’s historical purpose—expanding access to remedies while tightly controlling the terms of liability—provides essential context for navigating its procedural traps and substantive defenses in modern practice.

Although this article focuses primarily on the handling of claims under the FTCA, attorneys must conduct due diligence at the outset to determine whether the FTCA applies at all, or whether the claim falls within a recognized exception. For example, if a personal injury



Robert M. Nelsen, Tiemann Law Group, is the CCTLA Board Parliamentarian

Continued on page 11

Continued from page 10

claim arises from alleged violations of a federal employee's civil rights, counsel must decide whether to pursue relief under the FTCA pursuant to 28 U.S.C. § 2680(h), or proceed directly against the individuals via *Bivens v. Six Unknown Federal Narcotics Agents* (1971) 403 U.S. 388 and its progeny.

That decision can have a profound impact on the case. A *Bivens* action allows for a jury trial and the possibility of punitive damages—neither of which is available under the FTCA. Complicating matters further, the United States Supreme Court has significantly curtailed the reach of *Bivens* claims in *Egbert v. Boule* (2022) 596 U.S. 482. As a result, this threshold decision should not be taken lightly.

Initiating a Federal Tort Claim

At a high level, the initiation of an FTCA claim shares some superficial similarities with the California government tort claim process. Attorneys must identify the proper agency, locate the appropriate claim form, ensure proper service, and wait for either a formal denial or a constructive denial following agency inaction. The details of these steps, however, differ in critical ways.

Under the FTCA, a claimant has two years from the date the claim accrues to present an administrative claim to the appropriate federal agency. (28 U.S.C. § 2401(b).) A claimant may not file suit against the United States unless and until the agency either affirmatively denied the claim or fails to act within six months of submission, which constitutes a constructive denial.

Administrative presentation and denial are mandatory ju-

risisdictional prerequisites, and courts will not exercise jurisdiction over claims that fail to strictly comply with these requirements. The result will be a complete dismissal of the case and claim.

While the Department of Justice provides standardized claim forms—most notably Standard Form 95 (see 28 U.S.C. § 2672)—the specific procedures for claim submission, including the location where claims must be served, are established by each agency and may change without much notice.

In one recent matter involving the Federal Aviation Administration, the agency accepted claims only at its Washington, D.C. headquarters, and that location was closed off to the public. As a result, the claim had to be submitted via certified mail with return receipt requested to ensure proof of timely presentment. Planning ahead for these types of setbacks is a must.

FTCA claim forms generally require detailed information, including witness identities, a description of the incident, alleged injuries, treating providers and included medical records, if needed. The claim submission is often scrutinized closely in subsequent litigation and the DOJ attorneys will try to have any evidence and/or claims excluded if they were not specifically set forth in the claim submission. Counsel should err on the side of over-inclusion, both as to factual detail and the theories of liability asserted.

“Sum Certain” Damages Requirement

One of the most significant differences between FTCA claims and other tort claims is the statute's requirement that the claimant state a specific dollar amount for the damages claimed. (28 U.S.C. § 2675(b).) Failure to state a “sum certain” is fatal to the claim and deprives the court of jurisdiction.

Equally important, the amount stated in the administrative claim generally operates as a cap on any damages that may later be recovered. Counsel must therefore consult carefully with clients before submitting the claim and advise them of the binding effect this number may have on the case.

The decision in *Donahue v. U.S. Transportation Security Administration* (2006) 457 F.Supp.2d 137 illustrates both the strictness of this requirement and the minimal burden placed on claimants, so long as an exact figure is provided:

“Although a dismissal here is harsh, the result is not unjust considering the plaintiffs' minimal burden and the uncomplicated pleading requirements for a claim under the FTCA. There is no requirement that the amount stated be ‘reasonable’; that it be a precise measure of damages; or that the demand be otherwise qualified. All that is required is that the demand be stated in a ‘sum certain.’”

Final Note Regarding Attorney Fees

Finally, practitioners should be mindful that the FTCA imposes strict caps on attorney fees. Under 28 U.S.C. § 2678, fees are limited to 20 percent of any administrative settlement and 25 percent of any settlement or judgment obtained after suit is filed. The statute further criminalizes the collection of fees in excess of these limits.

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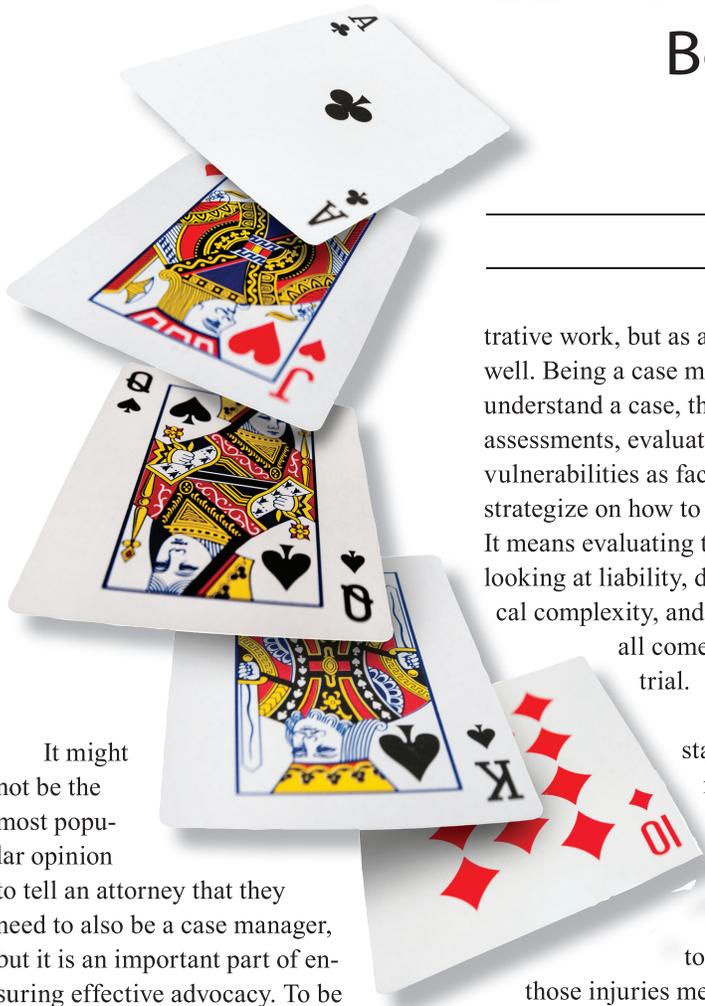


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Upping the Odds for the Win:

Be a Case Manager, not only an Attorney

By: Kelsey DePaoli



It might not be the most popular opinion to tell an attorney that they need to also be a case manager, but it is an important part of ensuring effective advocacy. To be a good advocate for our clients, attorneys need to manage the case from start to finish in order to fully understand and appreciate the case they have.

There are trial attorneys who step in at the last minute and work their magic right before trial, but most attorneys are working on the case from the start, even if they bring in another attorney later. Although most attorneys have hired skilled and experienced case managers, we should not blindly pass the case to them, because if you are not involved from the start, you are doing yourself and your client a disservice.

Cases cannot obtain full value without being well monitored and prepared. Preparation, timing and making decisions during the timeline of a case matter. When cases are organized from the start, your client will benefit. Case management should not be viewed as busy adminis-

trative work, but as attorneys' work as well. Being a case manager means you understand a case, that you are making assessments, evaluating its strengths and vulnerabilities as facts develop, and can strategize on how to deal with any issues. It means evaluating the case at intake, looking at liability, damages, the medical complexity, and the venue, which all come into play at time of trial.

You need to understand what your client is dealing with medically. Most clients have life-changing injuries, and if you don't take the time to understand what

those injuries mean in their daily lives and for their future, you cannot properly represent their interests. Getting to know the client and what arguments you can make or should not make is pivotal. If only your staff talks to your client, how do you get to know them personally?

You, as the attorney, need to speak to your clients on a regular basis and get to know them. If you are disciplined from the start, everything runs smoother. Deadlines are not merely met, they are anticipated. Conflicts don't get escalated if you are in the file managing it. If you work with it from the start your discovery, expert retention, motions and settlement or trial feels different. When you ask a client to write a review, do you want them to write it about you or about your staff? Preferably both.

Strong advocacy is based on structure. Adjusters, defense attorneys, our clients and juries, all respond better to

clarity, consistency and restraint. When you are prepared and know your case, adjusters as well as defense attorneys will understand that you will put your client's interest first and respect you as an attorney rather than throw you into the category of a

mill. Respect in the community is crucial, and you need to consider that when preparing and presenting your case. You can always tell when an attorney knows their case. They know what evidence matters and what does not, and they are confident.

I have found that when opposing counsel gets angry or easily upset about minor things, it's because they are unprepared. You can immediately spot when there is a weakness in their case just through their behavior. When you know your case, you don't do unnecessary things. You are not reactive, but proactive.

As an attorney and owner of a firm, so many people will tell you that you must delegate to be successful. I agree with that completely. There is no way to "do it all." But there are many things to delegate and many things you must do yourself in order to adequately represent someone and to be familiar with your case. Your staff is there to support and assist you, not perform your job for you. While tasks can



Kelsey DePaoli,
DePaoli Law
Team, APC,
is a CCTLA
Board Member

Continued on page 16

Continued from page 15

be delegated, responsibility as an attorney cannot. If something happens in a case, that falls on you.

We all took an oath, and we must remember there are ethical and professional responsibilities to manage your cases that should not be delegated to staff.

We as attorneys are trained in law school about issue spotting and to recognize legal nuances that could be missed. As cases evolve, attorneys need to be involved and to continuously reassess.

When a client hires an attorney, they are placing trust that you will play an active role in their case. It's important that we take ownership in that and hold ourselves accountable and not just treat each case like an assembly line.

Many agree that personal injury cases carry a certain skepticism about fraudulent claims, overstated claims, bad experts, and inflated damages. If you pay attention to your case from the start, you won't have that. You will have a well-organized good case that presents well and will not reinforce negative stereotypes.

Many of these cases are great cases going against giant greedy corporations. These corporations want to take money and then never pay it out when it's due. If you manage your case, you know your case. You can explain to the insurance companies, claims adjusters, corporations, your client and a jury why they must give you the value you are asking for.

From a client's perspective this is new to them, and they are relying on you as their attorney to help them in their time of need. We see that they are often confused about the process, and they are navigating unfamiliar waters. They are stressed from pain, inconvenience, and often financial stress from medical bills and missing work.

They need to understand the process and their role. If the attorney is actively

involved, you can give clients realistic expectations, and updates that matter. So, although we all have case managers and support staff, it is essential that we are also managing our cases.

Taking an active role in your cases can change how you experience being an attorney or a law firm owner. When you stay engaged in the life of a case, there is a sense of ease. You are not constantly putting out fires or reacting to issues. Instead, you have control. You make better decisions, and you build systems that actually support what you are doing. You gain credibility with your clients and opposing counsel and judges. Over time, you get stronger instincts, better judgment, and you can be more thoughtful with your cases, to create better outcomes.



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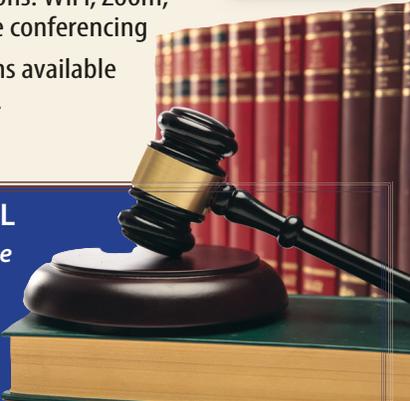


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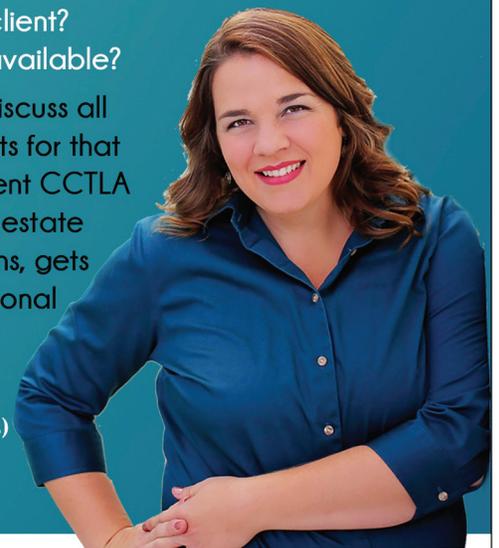
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Common Problems with Defense Neuropsychological Evaluations

By Daniel Del Rio



Daniel Del Rio,
Del Rio & Caraway,
is a CCTLA
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The California Civil Discovery Act and case law have established that the Plaintiff has the right to a complete and unabridged audio recording of all interactions with the defense neuropsychologist including specifically all interviews, testing, and examinations of the plaintiff. (See Code Civ. Proc., § 2032.530 and *Goffland Entertainment Centers, Inc. v. Superior Court* (2003) 108 Cal.App.4th 739, 750 [“Nothing in the applicable statute suggests that the right of the examiner or examinee is limited to recording only selected parts of the examination...recording only the examinee’s responses would defeat the main purposes of the audiotaping, which are to ensure that the examiner does not overstep the bounds set by the court for the mental examination, that the context of the responses can be judged for purposes of trial, that the examinee’s interests are protected (especially since the examinee’s counsel ordinarily will not be present), and that any evidence of abuse can be presented to the court.”])

Furthermore, case law allows the Plaintiff to receive a copy of all testing questions and answers from defense neuropsychological testing, regardless of copyright concerns. (See *Carpenter v. Sup. Ct.* (2006) 141 Cal.App.4th 249, 274, and *Randy’s Trucking, Inc. v. The Superior Court of Kern County* (2023) 91 Cal. App.5th 818.)

So, now you have the data, but what should you do with it and what should you look for?

Neuropsychological testing has always been done behind so many curtains and veils of privacy and purported ethical concerns that most attorneys haven’t seen the actual raw data and therefore don’t know what to look for when they are presented with it. As such, hiring a consultant or retained expert neuropsychologist of your own can be a great start in evaluating the defense neuropsychologist’s testing data.

When evaluating the defense neuropsychological testing data, you must understand the standards that neuropsychologists are held to. The primary standard being *Standards for Educational and Psychological Testing* (2014). The *Standards*

represents the official policy of the American Psychological Association (APA), the American Educational Research Association, and the National Council on Measurement in Education, the three primary governing bodies for neuropsychological testing. The *Standards* specifically lay out that neuropsychological testing must be done according to the direction of the test developers.

The usefulness and interpretability of test scores require that a test be administered and scored according to the test developer’s instructions. When directions, testing conditions, and scoring follow the same detailed procedures for all test takers, the test is said to be standardized. Without such standardization, the accuracy and comparability of score interpretations would be reduced (p. 111).

As such, any deviation from the test developers testing instructions, testing protocol, or scoring protocol can cause the test to be nonstandardized as it is not being performed as it was for those in the normative databases against which they compare the plaintiff’s testing results. In other words, if they don’t follow the test developer’s instructions then the Plaintiff cannot be compared to the normative databases and thus the scoring has much less value because you cannot say how the Plaintiff did in comparison to others.

The *Standards* go into explicit detail about how the tests must be administered including:

Standard 6.1: *Test administrators should follow carefully the standardized procedures for administration and scoring specified by the test developer and any instructions from the test user.*

The test developer’s instructions for most of the neuropsychological tests are incredibly specific and usually have a specific instruction that must be read verbatim to the test-taker that is anywhere between half a page to a page long. In addition, the test developers give precise administration instructions including timing and sequencing requirements.

Interestingly, the need to follow the exacting standards of the test developers are actually cited to in an article by a well-known defense neuropsychologist. (Boone, K. B., et al. (2022). Official position of the American Academy of Clinical Neuropsychology on test security. *The Clinical Neuropsychologist*, 36, 526 “Departures from standardized test administration can render normative data or other patient comparison data inappropriate.”)

Examples of how this is often violated:

The test developer’s instructions for the Rey Auditory Verbal Learning Test put forth several options of lists of words that are to be used and require that the words be read to the test-taker at a rate of one word per second. This test must be administered with 5 learning trials of the same list, then one trial from a different list of words, before then repeating the original list for sixth time. As such, the test developers require their list of words to be used, they require specific timing, and specific sequencing of the testing. All of which are required in order for the testing to be normed and standardized.

The test developer’s instructions for the Test of Memory Malinger (TOMM) instruct that it is a three-part test. You administer Trial 1, you then administer Trial 2, and then you administer a Retention Trial. In general, this is a test where the test-taker is presented with 50 pictures to memorize and after the presentation of the pictures, they are shown 50 pages with two pictures on each and must identify which of those pictures they were shown. The Retention Trial is specifically to be administered 15 minutes after the completion of Trial 2. Furthermore, the test developer specifically requires that the examiner to inform the test-taker if they answered correctly after each choice.

The above are examples of why a complete and unabridged audio recording

Continued on page 23

Continued from page 22

is so important as you would never be able to evaluate issues of timing or sequencing merely by the raw data.

Even on self-administered tests such as the Minnesota Multiphasic Personality Inventory-3 (MMPI-3), which is a 335 true/false questionnaire, the test developers have specific requirements as to how it must be administered including what supervision is required.

Although the MMPI-3 is a self-administered test, a qualified user or a technician working under the supervision of a qualified user must supervise completion of the inventory. Adequate supervision ensures that the test taker completes the inventory on his or her own, that any unusual events that may occur during testing are recorded and can be considered in the interpretation of the results, and that conditions conducive to obtaining optimally valid information are maintained....

Supervision does not require that the individual administering the test be in the same room as the test taker throughout the session. However, the test taker should be within the supervisor's line of sight. (MMPI-3 manual p. 25)

This came up in a defense neuropsychological examination where the neuropsychologist gave the plaintiff the MMPI-3 test and then left to go get lunch while the test was ongoing, leaving the plaintiff unsupervised. This was further compounded by the defense neuropsychologist turning off the audio recording, leaving us completely unaware of what occurred during this testing or how long the plaintiff was left unsupervised. This goes back to counsel must get a complete unabridged audio recording or we are left unable to determine the depth of the violations.

The *Standards* require that all deviations from the developer's instructions and protocol must be documented, reported to the test-taker, and justified with empirical evidence that the scores and interpretation were not compromised by the deviation.

Standard 6.3: *Changes or disruptions to standardized test administration procedures or scoring should be documented and reported to the test user.*

Standard 9.9: *When a test user contemplates an alteration in test format, mode of administration, instructions, or the language used in administering*

a test, the user should have a sound rationale and empirical evidence, when possible, for concluding that the reliability/precision of scores and the validity of interpretations based on the scores will not be compromised.

This becomes an easy additional violation to any of the deviations from the test developer's instructions and protocol as I have yet to ever see the defense neuropsychologist actually document and therefore admit that they did not follow the test developer's requirements.

Standard 6.4: *The testing environment should furnish reasonable comfort with minimal distractions to avoid construct-irrelevant variance.*

Violations of this standard tend to be where the testing environment is inappropriate such as if the environment is noisy, full of distractions, or unreasonably hot or cold.

The *Standards* also require that the test performed are the most current version of each test.

9.08 Obsolete Tests and Outdated Test Results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

The problem with using obsolete tests is that the norms for generating percentiles can be obsolete (i.e., norm obsolescence or "the Flynn Effect").

An example of this came up in a case where the defense neuropsychologist purposely used an outdated version of the Wechsler Adult Intelligence Scales (WAIS) to assess the plaintiff's IQ. This test in one version or another has been around for about 100 years. The Wechsler-Bellevue Intelligence Scale came out in 1939. Then WAIS was published in 1955. This was followed by the WAIS-R, R meaning revised, in 1981. Then came the WAIS-III in 1997, the WAIS-IV in 2008, and most recently the WAIS-V was published in 2024. Despite there being two more recent versions, the defense neuropsychologist chose to use the WAIS-III when testing the plaintiff. By using an outdated version, the defense neuropsychologist was testing the plain-

tiff with outdated norms and according to norm obsolescence or "the Flynn Effect," there is a rise in standardized IQ test scores throughout the 20th century averaging approximately three points per decade. As such, norms that were standardized in the 90s are now nearly nine points off by 2026 and therefore will throw off the percentile for the plaintiff's scores and score them as being more capable than they really are.

These are just a few examples to give you an idea as to why plaintiff's counsel needs the complete unabridged audio recording of the plaintiff's examination along with the raw testing data and the testing questions so that counsel can adequately look beyond the veils and secrecy of defense neuropsychological testing in order to evaluate and cross-examine these defense experts.

As stated by the court in *Randy's Trucking, Inc. v. The Superior Court of Kern County*, "[w]ithout the raw data and audio recording, plaintiffs cannot effectively scrutinize the way the data was collected, determine if there are discrepancies, and cross-examine the neuropsychologist on the basis and reasons for the neuropsychologist's opinion." (*Id.*, at 838.)

It added that "while defendants assert plaintiffs' attorneys could not interpret the test materials, they would not necessarily be required to do so to use the materials for purposes of cross-examination, since disclosure of these materials may help to protect against abuse and disputes over what transpired during the examination." (*Ibid.*) The court also agreed with plaintiffs that it was insufficient to submit the raw data and audio recordings to plaintiffs' retained expert because "[plaintiffs] should not be forced to retain an expert to gain access to these materials and even if they do retain one, that expert can only assist the attorney in preparing for cross-examination; to prepare and conduct an effective cross-examination, 'the attorney must themselves possess more than a second-hand understanding of the information being scrutinized.'" (*Ibid.*)

Plaintiffs' attorneys must prioritize getting this information from the defense neuropsychological testing as soon as the testing occurs as evaluating it is the only way to ensure that the testing is done ethically and correctly. This is especially important in traumatic brain injury cases where the plaintiff is likely alleging cognitive and emotional injuries that can make them more susceptible to abuse and less able to report it.



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Light appetizers and beverages will be provided.

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“No Prior Incidents”? Keeping Speculative Evidence Out of Premises and Dangerous Condition Cases

In premises liability cases, defense counsel often repeat a familiar refrain: “There have been no other similar incidents.” It sounds compelling and may come across as common sense. And if it reaches the jury unchallenged, it can subtly reshape the liability analysis in the defense’s favor. But in California, that assertion is not self-proving. If a witness attempts to testify that they have no knowledge of prior incidents without a proper foundation, the testimony is inadmissible. Even if marginally relevant, such testimony can be ruled inadmissible as being more prejudicial than probative.

California law imposes a straightforward requirement before such testimony may be offered. The analysis of the lack of similar incidents begins with Evidence Code section 702, which states that “Subject to Section 801, the testimony of a witness concerning a particular matter is inadmissible unless he has personal knowledge of the matter. Against the objection of a party, such personal knowledge must be shown before the witness may testify concerning the matter.”

Evidence Code section 403 similarly requires the proponent to establish preliminary facts when personal knowledge is at issue, and the burden rests squarely on the party offering the testimony. A corporate representative cannot simply say, “I’m not aware of any prior incidents,” and expect that statement to carry evidentiary weight in the absence of a proper foundation for the testimony. The witness must demonstrate that there was a system in place to track such incidents, that the system was regularly maintained, and that the witness is sufficiently familiar with it to credibly testify that the absence of a report reflects the absence of an event. Without that showing, the testimony proves nothing.

Courts have long recognized the inherent weakness of negative evidence. As



John T. Stralen,
Stralen Young Law,
is a CCTLA
Board Member

121, 700 P.2d 819, 823, by identifying the central problem: “There are two possible explanations why a witness knows of no prior accident. The first is that there have been no prior accidents; the second is that there have been prior accidents but the witness does not know about them.” That ambiguity is fatal unless resolved by a proper foundational showing.

Benson held that the proponent must demonstrate that, had prior similar accidents occurred, the witness would have known about them. The Arizona Supreme Court in *Jones* described the necessary showing as formidable. It requires evidence of an organized institutional

explained in 2 Wigmore, Evidence §§ 443–444 (Chadbourn rev. 1979), proving that something did not happen presents special evidentiary difficulties. The Court of Appeal addressed this directly in *Benson v. Honda Motor Co., Ltd.* (1994) 26 Cal. App. 4th 1337, 1346, relying on the decision by the Arizona Supreme Court in *Jones v. Pak-Mor Mfg. Co.* (1985) 145 Ariz.

By: John T. Stralen

system for tracking safety issues, such as a department tasked with collecting and analyzing accident data, a structured method for receiving and investigating complaints, surveys or outreach to users, coordination with insurers, distributors, or retailers, and permanent recordkeeping of claims and injuries. (*Jones*, supra, 700 P.2d at 825.) In *Benson*, the manufacturer satisfied this burden because it demonstrated a permanent, computerized claims system in its legal department that collected information from customer complaints, lawsuits, police reports, and product inspections. (*Benson* at 1347–48.) That is the standard. Absent proof of a comprehensive tracking system, testimony about the absence of prior incidents is inadmissible.

Some defendants attempt to rely on Evidence Code section 1272, the business records “absence” exception, to introduce silence in their files as proof that nothing happened. Section 1272 permits evidence of the absence of a business record to prove nonoccurrence only if it was the regular course of business to record all

Continued on page 27

Continued from page 26

such events and if the sources of information and the method and timing of preparation render the absence trustworthy. In practice, this means the defendant must show that it reliably records all such incidents. If reporting is inconsistent, informal, decentralized, or discretionary, section 1272 does not apply. Silence in incomplete or loosely maintained records does not establish nonexistence; it establishes only a system of shoddy recordkeeping.

In premises liability and dangerous condition of public property cases, employees may attempt to testify that they are unaware of prior incidents without having personal knowledge as to whether a reliable system exists to capture them. In some cases, defendants disclaim control over the very information they later attempt to rely upon. When discovery reveals the absence of structured tracking, the defense cannot pivot at trial and argue that no similar incidents occurred. If they do not control the data and cannot establish a reliable method of recording it, they cannot transform ignorance into proof of safety.

Even where a defendant attempts

The practical lesson for plaintiffs' counsel is clear. Force the issue in discovery. Demand incident logs, complaint databases, claims files, tracking policies, and retention protocols. Depose the records custodian. Establish the gaps. If the system is informal or incomplete, or does not even exist, lock that down . . . Emphasize that "no record" does not necessarily equal "no incident."

to lay some foundation, Evidence Code section 352 provides an independent basis for exclusion. Section 352 authorizes the court to exclude evidence when its probative value is substantially outweighed by the risk of undue prejudice, confusion of the issues, misleading the jury, or undue consumption of time.

The rhetorical power of "no prior incidents" is precisely what makes it prejudicial. Some jurors might instinctively translate this into: "If this were dangerous, someone else would have been hurt." But that inference assumes that all incidents are reported, that all reports are then recorded, that all records are retained, that the witness has thoroughly reviewed them, and that the condition remained unchanged. Absent a proper foundation, those are layers of assumptions, not evidence.

The practical lesson for plaintiffs'

counsel is clear. Force the issue in discovery. Demand incident logs, complaint databases, claims files, tracking policies, and retention protocols. Depose the records custodian. Establish the gaps. If the system is informal or incomplete, or does not even exist, lock that down. Then bring a focused motion *in limine* grounded in Evidence Code sections 702, 403, 1272, and 352. Emphasize that "no record" does not necessarily equal "no incident."

The defense narrative of "no prior similar incidents" can be persuasive, but only if it escapes the discipline of evidentiary rules. California law requires foundation, reliability and fairness. If the defendant cannot prove that prior incidents would have been discovered and recorded, testimony that none exist is not probative and has no place before a jury tasked with determining whether a property was dangerous.

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Friday, March 13

9:30-10:30 am	Exhibitor Set-Up
10:30 am-6:00 pm	Seminar Check-in and Visit with Exhibitor
11:00 am-12:15 pm	MCLE Sessions
12:15-1:15 pm	Grab & Go Lunch
1:00-2:30 pm	Protecting Access to Justice: CAOC's Strategy for 2026... and Yours
2:30-2:45 pm	Visit with Exhibitors Break
2:45-4:00 pm	MCLE Sessions
4:00-4:15 pm	Visit with Exhibitors Break
4:15-5:30 pm	MCLE Sessions
5:30-6:30 pm	Welcome Reception
6:30 pm	Evening On Your Own

Saturday, March 14

8:30 am-3:00 pm	Seminar Check-in and Visit with Exhibitors
8:30-10:00 am	Morning Nibbles
9:00-10:15 am	MCLE Sessions
10:15-10:30 am	Visit with Exhibitors Break
10:30-11:45 am	MCLE Sessions
11:45 am-12:30 pm	Lunch
12:30-1:45 pm	MCLE Sessions
1:45-2:00 pm	Visit with Exhibitors Break
2:00-3:00 pm	Closing Keynote Session
3:00-5:00 pm	CAOC Board Meeting
5:00-6:00 pm	Farewell Reception

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Honors & good cheer at CCTLA Annual Meeting & Reception

CCTLA recognized the best of the best at its Annual Meeting and Holiday Reception on Dec. 4, 2025, at the Sheraton Hotel in Sacramento. The event was attended by more than 195 people, including 21 judges. Attendees enjoyed delicious food, drink and music provided by Bob Bale and *Res Ipsa Loquitur*.

The Honorable Lauri A. Damrell of the Sacramento County Superior Court was presented with CCTLA's Judge of the Year award. Her courtroom clerk, Victoria Aleman, received the Laura Lee Link Clerk of the Year award.

CCTLA member Larry Phan was recognized as the Advocate of the Year for his outstanding advocacy in the last 12 months, on behalf of consumers.

Incoming Vice President Marti Taylor and Past President Shelley Jenni accepted the Daniel E. Wilcoxon Mentorship & Service Award on behalf of the late Dan Wilcoxon, presented by outgoing President Glenn Guenard. The CCTLA Board established the new award in 2025 in Guenard's memory to recognize his remarkable generosity, collegial spirit and willingness to share his time, knowledge and experience with others.

Guenard presented Past President Jill Telfer with a Recognition of Outstanding Service award for her 16+ years of dedicated service as editor of CCTLA's newsletter, *The Litigator*. Executive Director Debbie Frayne Keller also expressed her gratitude and presented Telfer with a beautiful bouquet of roses.

Three law students were recognized, after being selected by the CCTLA Board as the winners of CCTLA's law student scholarships. Guenard presented each student with a \$1,500 check from CCTLA. Scholarships recipients were McGeorge law students Christopher Adams and Julia Brown and Lincoln law student Deborah Ikenador (not present).

Mustard Seed School representative Liana Luna was presented with CCTLA's \$1,500 donation. A total of \$7,200 (including the \$1,500 from CCTLA) was donated to the Mustard Seed School by CCTLA board members, members and friends.

Guenard then turned the gavel over to Amar Shergill as the 2026 president, who presented Guenard with a plaque and thanked him for all his work during the past year as president.



Past Pres. Justin Ward, Vice Pres. Marti Taylor and Board Member Kellen Sinclair



2025 CCTLA President Glenn Guenard above left with CCTLA Judge of the Year Lauri Damrell and on right, with Larry Phan, CCTLA Advocate of the Year



2026 CCTLA President Amar Shergill, right, presents plaque to 2025 Pres. Guenard



Jill Telfer, retiring editor of *The Litigator*, is honored by 2025 Pres. Guenard



Marti Taylor, left, and Past President Shelley Jenni accepting the Daniel E. Wilcoxon Mentorship & Service Award from 2025 Pres. Guenard on behalf of Dan Wilcoxon



CCTLA Board members: Chris Wood, Anthony Garilli, Shahid Manzoor, President Amar Shergill, Margot Cutter and Marti Taylor



CCTLA Past Presidents David Smith and Shelley Jenni, with Judge Geoffrey Goodman (ret.)

Holiday Reception . . .



Above, Justice Art Scotland (ret.) Judge Lauri Damrell, Judge Steven Gevercer, Meredith Schaff, Judge Jill Talley, Judge Kendall Newman (ret.) and Jeff Schaff



Left, CCTLA Board members Robert Nelsen, Ian Barlow, Kelsey DePaoli, Peter Tiemann, Kellen Sinclair and Nolan Jones

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Holiday Reception . . .



CCTLA Executive Director Debbie Keller and Noah Schwartz



Robert Nelsen, Kelsey Fischer and 2026 CCTLA President-elect Jacqueline Siemens



Goldy and Amar Shergill with Kellen Sinclair

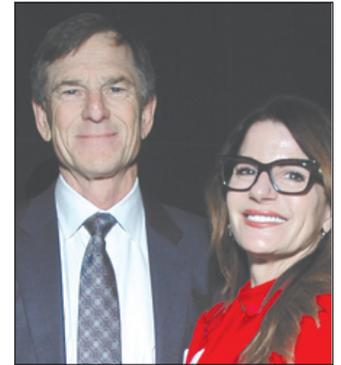


Denise Pereira and Shafeeq Sadiq

Below, Nick Anderson, Seth Bradley and Kristofor Helm



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Brooks Cutter and Judge Jill Talley

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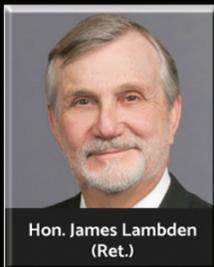
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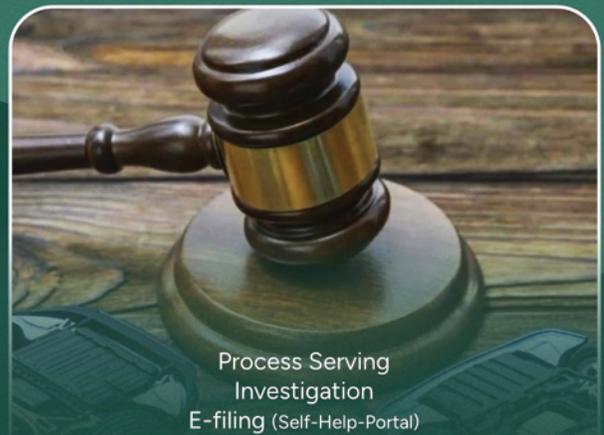
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(BOSTON, MA) —Public Justice, The Legal Aid Society, the Refugee and Immigrant Center for Education and Legal Services (RAICES), the NYU Immigrant Rights Clinic, Free Migration Project, and Covington & Burling LLP filed a federal class action lawsuit late last year on behalf of two immigrants facing ruinous civil fines of up to \$1.8 million, and on behalf of the Immigrant Legal Resource Center (ILRC).

The case seeks to represent a nationwide class of more than 21,500 people who have been issued these fines since January 2025, for a total amount in excess of \$6 billion.

Earlier in 2025, the Trump Administration revived a long-dormant provision of immigration law to issue fines of up to \$998 per day, resulting in penalty notices that often exceed \$1.8 million per person. These fines have been imposed on individuals who are lawfully applying for immigration relief, such as adjustment of status, complying with ICE under orders of supervision, or unable to safely return to their home country.

Individual plaintiffs — Maria L. of Massachusetts and Nancy M. of Florida — both face enormous penalties despite following the law, maintaining contact with immigration officials, and actively pursuing formal relief that would allow them to remain in the United States.

Organizational plaintiff ILRC, a national nonprofit that educates communities and legal advocates on immigration law, joined the lawsuit because the government enacted the new penalty system without public notice or the opportunity for organizations like ILRC to meaningfully participate in the required rulemaking process.

The lawsuit was filed in the United States District Court for the District of Massachusetts against the Department of Homeland Security, Immigration and Customs Enforcement (ICE), and the Department of Justice for imposing unprecedented civil penalties on immigrants who remain in the U.S. while seeking lawful ways to stay with their families.

“This is just another example of the Administration weaponizing the law to intimidate and harass immigrant communities,” said Charles Moore, senior attorney from Public Justice. “If the Administration is going to impose these fines that no other President has ever pursued, it at least has to follow the law and respect the

New Lawsuit Challenge Federal Government’s Unconstitutional Civil Penalty Scheme That Fines Immigrant Families Up to \$1.8 Million

Constitution. That isn’t happening, and that is why we brought this lawsuit.”

“These fines are designed to terrorize families,” said Hasan Shafiqullah, supervising Attorney in the Civil Law Reform Unit at The Legal Aid Society. “The people we serve are doing exactly what the law requires: pursuing legal relief through immigration courts and immigration agencies. In return, the government is threatening to seize their wages, cars, even their homes.”

“Let’s be abundantly clear about the purpose of these fines: it’s about punishing people and families who are exercising their legal and human right to seek protection from harm in this country,” said Javier Hidalgo, legal director at RAICES. “This administration is finding every which way to dehumanize, criminalize, and harm those that it has deemed “less than” to coerce them into giving up the legal protections afforded to them by our Constitution. RAICES will hold this administration accountable for its unlawful actions because an infringement on the rights of others threatens our own.”

“We are proud to fight alongside the immigrants who have received these fines to end this unprecedented policy and ensure that all communities can live without the fear of intimidation,” said Ximena Valdarrago, student in the New York University School of Law Immigrant Rights Clinic. “The Trump Administration has once again chosen to waste government resources in pursuit of cruelty, imposing and enforcing cartoonishly large fines on people who are simply trying to build

a better life in this country—this cannot stand,” said Ajay A.V. Singh, another law student at the New York University School of Law Immigrant Rights Clinic.

“This abusive collection scheme is part of the Trump administration’s racist project to ethnically cleanse this country,” said David Bennion, executive director of Free Migration Project. “Working people already under daily threat from ICE are getting collection bills for millions of dollars intended to push them out of the country. This must stop.”

The lawsuit seeks to vacate the rule that authorizes the mass issuance of civil fines, declare the penalties unlawful and unconstitutional, and permanently enjoin the government from assessing or collecting them.

The complaint argues that the government’s civil penalty scheme violates multiple constitutional and statutory protections: the Fifth Amendment’s Due Process Clause, because the government issues fines without fair notice, without evidence, and without any meaningful opportunity to challenge them; the Eighth Amendment’s Excessive Fines Clause, because penalties reaching nearly \$2 million are grossly disproportionate and financially ruinous; and the Seventh Amendment right to a jury trial, because the government imposes monetary penalties through internal agency proceedings instead of a court. The lawsuit further asserts that the rule violates the Administrative Procedure Act, because it was issued without the required notice-and-comment process and is arbitrary and capricious.

Presiding Judge Civil Law Advisory Committee
Hybrid Meeting
December 4, 2025
Schaber Sacramento Courthouse- Department 46
12:10 p.m. to 1:30 p.m.

SACRAMENTO CIVIL COURTS ADVISORY COMMITTEE
BOARD MEETING MINUTES

Judicial Members Present: Hon. Bunmi Awoniyi, PJ; Hon. George Acero; Hon. Larry Brown; Hon. Alin D. Cintean; Hon. Laurie Damrell; Hon. Steven M. Gevercer; Hon. Christopher Krueger; Hon. Judge Richard K. Sueyoshi; and Hon. Jill Talley.

Court Representatives Present: Robyn Bullington (Operations Manager – Civil); Amy Malone (Operations Manager, Civil).

Attorney Members Present: Louis Anapolsky; Ellen Arabian-Lee; Joe Babich; Bob Bale; Michael Cross; Glenn Guenard; Karen Goodman; Karen Jacobsen; Bill Kershaw; Walter Loving; Angelina Ray; Justin Rodriguez;); Ronald Scholar; Jill Telfer; Bill Warne; Joe Weinberger; and Bob Zimmerman.

Minutes Taken by Ellen Arabian-Lee and Bill Kershaw.

Call to Order: 12:14 p.m. by Hon. Bunmi Awoniyi, PJ.

1. **Congratulations to Judge Gevercer on Assistant Presiding Judge Appointment.**

Judge Awoniyi congratulated Judge Gevercer on his appointment to APJ for 2026.

2. **Update on Four Civil Home Court Departments Implementation.**

Judge Gevercer explained that the new four independent civil home courts were recently successfully rolled out and he is very happy with the built-in efficiency this new system brings to the Court. There have been only a few very minor issues with cases that have a law and motion matter that needs to be heard by the prior judge (e.g., motions for reconsideration), but other than that, things have gone smoothly.

The Civil Home Courts are:

Department 25 – Judge Julie G. Yap
Department 28 – Judge Richard C. Miadich
Department 53 – Judge Richard K. Sueyoshi
Department 54 – Judge Christopher E. Krueger

3. **Trials and Courtroom Availability.**

Judge Awoniyi explained that the Court recently has experienced a bottleneck of civil cases not proceeding to trial as scheduled. In fact, recently, the only civil cases to be assigned a courtroom for trial were cases that were preassigned. Part of the problem is that the Court had some longer trials (10+ days), which kept judges and courtrooms

Continued on page 39

SACRAMENTO CIVIL COURTS ADVISORY COMMITTEE BOARD MEETING MINUTES

Continued from page 38

Civil Trial Stats through the end of November 2025.

2025 Jan - Nov	
Total Scheduled Civil Trial Assignment Hearings	3,404
Total Civil Trials addressed by Dept. 47	648
Assigned to a Department	162
Pre-Assigned to a Department	26
Reset <i>(lack of courtroom availability)</i>	0
Continued <i>(requested by party w/in 4-6 weeks of trial date)</i>	256
Settled <i>(Settlements that occurred in D.59 and Notices of Settlement reported by parties within 4-6 weeks of trial date)</i>	74
Trailed	0
Dismissed	48
No Appearance	7
Dropped	30
TSP Referral	52
OSC Re: Dismissal	13

Judge Awoniyi noted that the Court has received a lot of new case filings.

There were no updates to report for the Complex courtrooms, but it was noted that approximately 80% of the docket consists of wage and hour employment cases (PAGA and class actions).

4. Recent Judicial Appointments.

Judicial assignments for 2026 will not be announced until March or April 2026, when the new courthouse is opened. Until then, the current judicial assignments remain.

Judge Jose Olivera, of Yolo County, was recently appointed and sworn in to serve as a Judge in the Sacramento County Superior Court. Olivera has worked as a Director & Associate General Counsel at Meta Platforms, Incorporated since 2019. He served as an Assistant U.S. Attorney for the U.S. Attorney’s Office, for the Northern District of California from 2014 to 2019. Olivera served as a Trial Attorney in the U.S. Department of Justice from 2011 to 2014. Olivera received a Juris Doctor degree from the University of California, Davis School of Law.

5. Announced and Anticipated Retirements for 2025 and 2026.

Judge Delbert Oros, from the criminal division, is retiring in December.

6. Update on Courthouse Opening Timelines and Plans.

It is expected that the new courthouse will open in March or April 2026.

7. Plans for 2026 with Incoming Presiding Judge Judge Lawrence Brown.

Judge Brown is excited to serve as the new PJ and he will continue to address the challenge of finding available judges for civil trials. He acknowledged that the court has lost some of its long-time civil law trial judges to retirement and it’s a statewide challenge to find experienced new judges for civil trials. He discussed the on-going issue of the shortage of court reporters, and he discussed a pilot project wherein civil court reporters are used in criminal courtrooms.

8. Thank you to Judge Awoniyi.

Judge Awoniyi was given a warm thank you from the entire committee for her dedication and service as PJ. over the past two years

Future Court Meetings: March 5, June 4, September 3, December 3, 2026

MEMBER VERDICTS & SETTLEMENTS

CCTLA members are invited to share their verdicts and settlements: Contact Marti Taylor, editor of *The Litigator*, mtaylor@wilcoxenlaw.com, for preferred sample format. The next issue of *The Litigator* will be the Summer 2026 issue, and submissions need to be sent to Marti before May 1, 2026. Please try to keep word count below 2,000.

ARBITRATION: \$9,027,634

*Sujei Gonzalez v. Morning Star Institute, Inc.,
and The Morning Star Company et al.*
Employment Case

Plaintiff prevailed on (1) Retaliation (Gov Code §12940(h); (2) Failure to Prevent or Remedy Retaliation (Gov. Code §12940(k); and (3) Wrongful Termination in Violation of Public Policy, but did not prevail on (4) Sexual Harassment

Total Arbitration Award: Past emotional distress, \$750,000; past economic, \$405,599; future economic, \$1,430,618; punitive damages, \$1,836,217; prejudgment interest, \$358,523; costs, \$44,085; attorney fees, \$3,935,505; fees and costs to vacate, \$267,087

Plaintiff's Counsel: Christopher Whelan, Inc.: Christopher H. Whelan, Esq., and Donia A. Pestana, Esq.

Defendant's Counsel: Weintraub Tobin Chedial Coleman Grodin: Charles L. Post, Esq., Meagan D. Bainbridge, Esq. Hicks Thomas, LLP: Grant, Esq., Bradley Benbrook, Esq.

Arbitrator: Hon. Robert C. Hight (Ret.)

Arbitration Hearing: Mar. 22 to 26, 2021, followed by years of briefing, motions and hearings, that concluded on Ap. 8, 2024. Final judgment was entered on Sept. 19, 2024. Defendants appealed on Nov. 14, 2024, claiming political bias against Defendants because their owner is a Libertarian. The appeal was fully briefed Nov. 12, 2025.

Case Summary

Plaintiff had a HR type of position for Morning Star Company ("MSC"), the largest tomato processor in the world. The company had a unique "self-management" structure in which there were no titles or specific job descriptions, and there was a horizontal rather than a hierarchal management structure. Every employee was responsible for all aspects of the operation.

Plaintiff complained about the sexual harassment of female employees by a male who oversaw the commercial operations at the Los Banos plant and who was one of the owner's favorite employees. Plaintiff requested the harassing conduct stop and that it be investigated. In response and in retaliation to Plaintiff's protected activity of reporting and opposing sexual harassment, she was terminated on Sept. 24, 2018, based upon a pretext survey the owner ordered his son to conduct. His son had no experience in interviewing or surveying, unlike Plaintiff, who had skills and expertise in that area. The bogus survey came to the conclusion that Plaintiff was not doing her job of training the employees regarding the principles of "self-management," and she was terminated.

The arbitrator found that "it is clear the surveys were simply used as a means to justify terminating Ms. Gonzalez's employment." The owner's inexperienced son "could not identify the specific dates of the written interviews, details as to how he performed the survey, and who, if anybody, assisted

him." However, Plaintiff, who "had the skills and expertise" in that area, was not included in the surveys.

The first survey was admittedly deficient so a second survey was allegedly conducted, but little if anything could be remembered about the second survey. Neither the questions, nor names of those allegedly interviewed, nor the dates, or locations of the interviews were remembered or written down. The arbitrator found "reliance on the survey results is simply not believable. The surveys were unplanned, amateurish, not designed to discover any useful or measurable information."

Other supporting evidence for the arbitrator's conclusion that the surveys were mere pretext included the temporal proximity between Plaintiff's protected activity of reporting and opposing sexual harassment, Defendants' "shifting reasons" for her termination, and their deviation from their normal policies in allegedly eliminating her position.

Experts: Plaintiff's were George Andrew Jouganatos, Ph.D., economist: economic damages. Defendants' were Craig Enos CPA: economic damages; Maria Brady, mitigation efforts; Rhoma Young, adequacy of Defendants' sexual harassment investigation.

ARBITRATION - \$5,809,745.98

*Timothy Barth v. Capital City Honda;
Group 1 Automotive, Inc. et al*

Employment, disability discrimination, whistleblower

Total Arbitration Award: Economic damages: \$2,053,078; emotional distress: \$1,000,000.; attorneys' fees: \$2,705,358; costs: \$51,309.98. Total award: \$5,809,745.98

Plaintiff's Counsel: Christopher H. Whelan, Inc.

Christopher H. Whelan, Esq. and Donia A. Pestana, Esq.

Defendant's Counsel: Fisher & Phillips, LLP. Gregory L. Blueford, Esq. Mark J. Jacobs, Esq.

Arbitrator: Judge David De Alba (Ret.)

Arbitration Hearing: July 14-18, 2025

Case Summary

Plaintiff Tim Barth served 27 years as manager of the Parts Dept. of Mel Rapton Honda and subsequently at Capital City Honda before he was terminated from his position on Jan. 19, 2023. The arbitrator found that Barth "was described as a leader and a good man committed to his job and those who worked for him. He was demonstrably committed to his family, his faith, the safety of his customers and honest dealing with all."

Group 1 Automotive acquired Mel Rapton Honda in October 2021 and operated as Capital City Honda. The first several months of the transition to the new ownership was disruptive because of new systems, new employees and resignation of Mel Rapton Honda employees.

After the first year, Plaintiff's dedication and long hours

Continued on page 41

MEMBER VERDICTS & SETTLEMENTS

Continued from page 40

earned a profit in his Parts Dept., while other departments generated large losses. However, the stresses of these conditions and time demands took their toll on Barth, and on Nov. 8, 2022, his doctor ordered an accommodation of a schedule reduction to 35 hours per week. Defendant delayed putting the reduced schedule in place. On Jan. 12, 2023, a second doctor's note was delivered to Capital City Honda, extending Barth's reduced schedule to Mar. 31, 2023.

On Jan. 10, 2023, Barth was asked to examine and report on potential problems in the offsite collision center. Barth described what he found as a "nightmare." He discovered, photographed and reported "hundreds of uninstalled parts on closed work orders (ROs) and collected an eight–10-inch stack of documents he found "stuffed in desk drawers, lying around loose and haphazardly jammed into folders." He was alarmed by the "enormous undertaking" that would have to be done to inventory and separate parts from closed work orders, to isolate "safety parts," and to reconcile all the invoices and paperwork "floating around." Barth told his supervisor, "*This is a big problem, and it needs to be thoroughly investigated because there are tremendous liabilities with this.*"

The arbitrator found "Barth believed the situation in the collision center presented potential criminal liability for fraud, as insurance companies were billed and paid for uninstalled parts that Capital City Honda may have represented as installed. He also saw the possibility of liability to customers and others who have been or could be injured by the collision center's negligence and failure to replace missing or damaged parts before releasing the automobile to the customer."

The arbitration award noted that Barth's supervisor "was genuinely concerned and instantly understood the magnitude of the problem. He appeared agitated and told Barth... '*this is f'ing fraud. I'm not going to jail for this.*' Barth's supervisor "testified he was concerned and agreed the problem was serious and that there was a potential for fraud and safety issues if parts were not installed on cars." "In his pretrial deposition, [this supervisor] described the situation as a 'disaster.'" Barth's supervisor "believed the stacks of uninstalled parts on closed work orders (RO's) could be the subject of an investigation by the BAR, "...if notified." The manager of the dealership admitted at the hearing that: "*...any dealership with the BAR involved is going to be concerned about that, about them being involved.*"

On Jan. 19, 2023, Barth was terminated based on the pretext of an alleged need to reduce headcount. Barth's termination was seven days after he delivered a second doctor's note supporting his disability accommodation of a reduced schedule, and nine days after he discovered and reported the "nightmare" at the collision center.

At the time of his termination by the manager of the dealership, Barth's supervisor told him that he had nothing to do with the termination decision. The arbitrator noted in his award that Barth's replacement admitted in his deposition that he, "and everybody else in the parts department, were shocked by Barth's termination."

In support of his award, the arbitrator pointed to "the

numerous inconsistencies in Respondents' witnesses' accounts of the events and their failure of recollection about material facts surrounding the termination. Respondents' witnesses were repeatedly impeached with their prior deposition testimony or contradicted by the testimony of their colleagues."

Experts: Plaintiff's economic expert: Charles R. Mahla, Ph.D.; EconOne. Defense economic expert: Karl Erik Volk, MA; JS Held - MIL granted excluding his testimony.

SETTLEMENT - \$8,000,000

Doe Plaintiff v. Roe Hospital

Medical Malpractice

Date Case Resolved: July 21, 2025

Total Amount of Settlement: \$8,000,000 paid by Roe Hospital

Plaintiff Attorneys: Ikuta Hemesath LLP: Benjamin T. Ikuta, Esq., Vanessa N. Raven, Esq.

Defendant Attorneys: N. Ben Cramer, Esq., Kelly, Trotter & Franzen (representing Roe Hospital)

Case Summary

Doe Plaintiff, a minor child, sustained catastrophic and permanent brain injuries during labor and delivery at Roe Hospital. The mother had experienced a normal, uncomplicated pregnancy and presented to the hospital at 41 weeks gestation after her water broke and contractions began.

Upon admission, fetal monitoring showed a strong baseline heart rate around 165 beats per minute, but with concerning minimal variability from the outset. Approximately an hour and 45 minutes later, a massive, prolonged late deceleration occurred, with the fetal heart rate dropping below 70 beats per minute and lasting over four minutes. Throughout the rest of the evening, the fetal monitoring strips showed increasingly ominous patterns. The fetal heart rate continued to drop into the 80s, 70s, and then 60s. An emergency cesarean section was finally performed, but by this time, it was far too late.

Doe Plaintiff was born pale, limp, and unresponsive with catastrophically low Apgar scores. The infant was immediately transferred to the NICU and placed on therapeutic hypothermia. However, there was an additional delay in initiating this critical treatment, as the birth hospital did not have cooling capabilities, and the infant had to be transferred to another facility. MRI imaging revealed devastating findings including widespread white matter injury and global ischemia. Now five years old, Doe Plaintiff suffers from profound and permanent disabilities and will require 24-hour care for life.

Plaintiff's Contentions

Plaintiff contended the hospital's medical staff negligently:

- * Failed to perform timely cesarean section despite clear and prolonged signs of severe fetal distress
- * Ignored or minimized ominous Category II fetal heart rate tracings showing minimal to absent variability for hours
- * Failed to respond appropriately to a massive late deceleration that should have prompted immediate delivery
- * Allowed labor to continue despite a 45-beat-per-minute drop in fetal heart rate baseline, which is a pre-terminal sign of

Continued on page 42

MEMBER VERDICTS & SETTLEMENTS

Continued from page 41

hypoxia

* Mischarted and misinterpreted fetal heart rate patterns, incorrectly documenting them as “reassuring” when they showed severe distress

* Confused maternal and fetal heart rates, leading to dangerous delays in intervention

* Failed to recognize and respond to tachysystole, meconium-stained fluid, elevated maternal white blood cell count, and other warning signs

* Delayed emergency cesarean section even after fetal heart rate dropped into the 60s

* Failed to initiate therapeutic hypothermia within the critical six-hour window

Defendant’s Contentions

Defendants denied liability and contended that:

* Fetal monitoring was appropriately interpreted and managed

* The decision-making regarding timing of cesarean section was within the standard of care

* Category II fetal heart rate tracings do not always require immediate cesarean delivery

* The infant’s condition was not predictable, based on the available monitoring

* Some level of birth injury can occur despite appropriate care

* The damages claimed were excessive

Disposition

The matter was resolved through mediation conducted by Steven Denton on July 21, 2025 for a total settlement of \$8,000,000.

SETTLEMENT-Confidential - \$3,000,000

Medical Negligence

Plaintiff’s Counsel: Walter Loving, Wilcoxon Callaham, LLP
Case Summary

This was a medical malpractice case for failure to diagnose sepsis in 36-year-old client’s shoulder, resulting in septic shock. The client had three Emergency Department visits and two visits with his primary care physician within 10 days. Defendants failed to do a basic workup to include lab studies and blood work, which would have diagnosed the condition. As a result, the client was left permanently disabled and in chronic pain.

The case resolved by way of a confidential settlement in the amount of \$3,000,000.

SETTLEMENT-Confidential - \$2,550,000

Medical Negligence/Products Liability

Plaintiff’s Counsel: Walter Loving, Wilcoxon Callaham, LLP
Case Summary

This was a blended products liability/medical negligence case arising from a lumbar surgery which was performed robotically. The plaintiff is a 57-year-old registered nurse. During the course of the surgery, the pedicle screws were misplaced into the neural canal. The following day, Plaintiff awoke in 10 out of 10 pain, and CT imaging confirmed the malpositioning of the

pedicle screws. The operating neurosurgeon blamed the robotic system and specifically, the manufacturers’ representatives, who were present and participated in the surgery, including a robotic specialist. The manufacturer in turn blamed the surgeon for user error and failing to properly register the system with imaging which creates landmarks for the surgical hardware.

As a result of the complications and failed surgery, plaintiff underwent multiple subsequent surgeries.

The case resolved by way of a confidential settlement in the amount of \$2,550,000.

SETTLEMENT-Confidential - \$2,475,000

Medical Malpractice

Type of Case: medical negligence

Plaintiff’s Counsel: Walter Loving, Wilcoxon Callaham, LLP
Case Summary

This was a medical negligence case based on the failure to diagnose an epidural abscess in a 68-year-old woman, leading to permanent paralysis. Plaintiff presented to the Emergency Department after her right leg gave out in the shower, and she had radiating pain and numbness down to her foot. She was unable to lift her right leg or bear weight, and she was admitted. The following day, her symptoms spread to both legs. Only a lumbar MRI was ordered, which showed moderate stenosis and degenerative changes. She was diagnosed with chronic low back pain and radiculopathy and discharged to a skilled nursing facility. One week later, she returned to the hospital with abdominal distension. A thoracic MRI was ordered, revealing osteomyelitis and spinal abscess.

Plaintiffs’ experts opined that a thoracic MRI was mandated under the standard of care once Plaintiff’s symptoms progressed bilaterally. A thoracic MRI would have led to the diagnosis of infection and surgery within three days along with antibiotics would have prevented paralysis.

At mediation, the defense agreed to pay \$2,475,000 as part of a confidential settlement.

SETTLEMENT - \$2,000,000

Nolan v. Gallagher, Sacramento County Superior Court Case No. 34-2023-0033587

Trip & Fall at Apartment Complex

Settlement: \$1,000,000 (medical expenses \$200,000; pain & suffering: \$800,000)

Plaintiff’s Counsel: Glenn Guenard & Anthony Wallen, Guenard & Bozarth, LLP

Defendant’s counsel: Kimberley Allen, Resnick & Louis

Case Summary

On July 8, 2022, Plaintiff was on a first date with someone she met online. They went to a couple bars and had some cocktails. At about 10:30 p.m., they headed over to her date’s apartment in Sacramento, near McGeorge Law School to watch a movie. Plaintiff parked her car in front of the apartment

Continued on page 43

Judge-made immunity doctrines impacting millions

Reprinted from *PublicJustice.net*

What's at Stake

Judge-made immunity doctrines like sovereign and qualified immunity make litigating claims against government actors difficult, but especially difficult for the two million people locked up in state and federal prisons, jails and immigration detention facilities across the United States and who already struggle to obtain representation to protect their rights.

Summary: *Espinosa v. Gittere*

Benjamin Espinosa was incarcerated at Ely State Prison between 2019 and 2021. He was held in protective custody because he was at risk of being targeted by other individuals in the facility. While incarcerated, he filed a suit alleging Eighth Amendment and First Amendment violations against a series of officials who work in Ely State.

His claims arose from allegations that

(1) people incarcerated in general population were poisoning the food prepared for protective custody inmates, and the defendants were deliberately indifferent to those actions, and (2) defendants retaliated against Espinosa after he complained about receiving contaminated food.

Espinosa claims that his food (and the food of others held in protective custody) was contaminated with feces and an undetectable cleaning detergent, and as a result, he and other individuals experienced vomiting, acid reflux, severe heartburn, and tongue numbness. He and others complained to staff, who investigated the allegations, but did not take meaningful action to stop further tampering and poisoning.

Espinosa also claims that he was retaliated against for continuing to report the ongoing problems with contaminated food: two days after complaining there was a metal wire in his meal, he was forc-

ibly extracted from his cell and relocated to the infirmary for thirteen days, where he could not participate in his programs.

Core Legal Problem

A magistrate judge initially recommended granting the defendants' motion for summary judgment, and a district court adopted that recommendation. Benjamin filed for reconsideration, and the district court judge denied the defendant's motion, concluding the defendants were not entitled to qualified immunity for their actions.

The defendants filed an interlocutory appeal challenging the denial of qualified immunity. The appeal will be heard in the U.S. Court of Appeals for the Ninth Circuit. Alongside Rights Behind Bars, we are representing Espinosa in the appeal to ensure that an immunity barrier will not stop him from presenting his claims on the merits, obtaining the relief he seeks, and developing substantive law.

MEMBER VERDICTS & SETTLEMENTS

Continued from page 42

complex. It was very dark. They walked on the sidewalk a short distance. When they got near the front gate to the apartment complex, Plaintiff's left foot slipped out from under her after stepping on a loose brick from a landscaping retaining wall adjacent to the sidewalk and front entrance to the apartment complex. Plaintiff lost her balance and fell backwards.

Plaintiff had immediate excruciating pain to her left hip and was unable to ambulate. An ambulance transported her to Sutter General Hospital. The diagnosis was a displaced femoral neck fracture of the left hip. Plaintiff underwent a left hip hemiarthroplasty. After a week in the hospital, she was transferred to inpatient rehabilitation for two weeks. A few weeks after she was released, Plaintiff developed a serious prosthetic joint infection with sepsis which required another two weeks of hospitalization and revision surgery with removal of the articulating spacer and hip replacement using metal synthetic substitute.

Plaintiff is 59 years old. Many courses of physical therapy have helped, but she continues to experience pain at night in her left hip. She also has a slight limp due to her leg length discrepancy.

Plaintiff made a pre-litigation policy limit demand of \$1,000,000. The insurance carrier denied the claim, based on no liability because Defendant had no notice of the loose bricks. The insurance carrier stated the fall was unwitnessed and even if Plaintiff fell because of a landscaping brick, it was open and obvious and Plaintiff likely was intoxicated.

The manager of the apartment complex testified it was his job to inspect the area in question and that there were never loose bricks in the walkway next to the entrance before or after

the incident. However, the manager was impeached when confronted by Google Earth photos in prior years and shortly after the incident showing the loose bricks. The manager's testimony about the presence of loose bricks was also contradicted by the testimony of the landscaper and by Plaintiff's date.

Defense suggested a mediation after that information came to light. Plaintiff declined and served a CCP Section 998 Offer for the policy limits of \$1,000,000 instead, which Defendant accepted.

SETTLEMENT-CONFIDENTIAL - \$750,000

Medical Malpractice

Plaintiff's Counsel: Marti Taylor

Case Summary

Wrongful death case against a local hospital and surgeon related to the death of a 68-year-old wife and mother of three.

Decedent underwent surgery to repair a hiatal hernia. Plaintiffs asserted that the surgery was negligently performed and that post operative complications were not timely diagnosed and treated.

The procedure performed on the decedent has a high risk of failure, which was known to Defendants. It is imperative to address surgical complications early as they can be catastrophic. Despite the decedent having severe pain post-surgery, she was forced by Defendants to be discharged home the same day. She returned to the hospital when her pain persisted and her condition had worsened. However, there was a delay in diagnosing sepsis and a perforated stomach. Unfortunately, she could not recover and died after suffering for three weeks.

NOTABLE CITES, continued

Continued from page 2

defeating immunity. The error was prejudicial because there was a reasonable probability of a different outcome under the correct standard.

SPROUL v. VALLEE 2025 1DCA/3

California Court of Appeal, No. A172205 (November 21, 2025)

Trial Court Abused Discretion in Not Allowing Leave to Amend

FACTS: Casey and Andrew Sproul and their two minor children lived next door to Leslie and Larry Vallee in Moraga. From 2017 to 2022, Larry exhibited increasingly threatening and violent behavior toward the Sprouls and other neighbors. Leslie repeatedly delivered Larry’s complaints in a threatening manner, warning the Sprouls “you don’t want to make him more mad.”

When the Sprouls asked Leslie whether there were guns in the residence and whether Larry was dangerous (fearing a restraining order would escalate matters), Leslie told them there were no firearms and “diminished Larry’s conduct.” The Sprouls reported incidents to police multiple times but did not seek a restraining order based on Leslie’s reassurances.

On Feb. 12, 2022, Larry attacked Casey in her yard with a metal baseball bat, hitting her repeatedly before her nine-year-old son intervened. Larry barricaded himself in his home and committed suicide with an AR-15 rifle. Thirteen firearms were found in the home, most in the bedroom Leslie and Larry shared, all registered to Leslie or her sons.

The Sprouls filed a complaint against Leslie, who answered rather than demurring. The Sprouls then filed a first amended complaint solely to correct the defendant identification (adding Larry’s estate), not in response to any demurrer. Leslie then filed a demurrer to the first amended complaint, which the trial court treated as a motion for judgment on the pleadings. The trial court sustained it without leave to amend, finding no duty and no reasonable possibility of amendment.

ISSUE: Whether the trial court abused its discretion in denying plaintiffs leave to amend.

RULING: Reversed and remanded. The Court of Appeal reversed and remanded, holding the trial court abused its discretion in denying leave to amend to state a cause of action for negligent misrepresentation. While affirming that the complaint failed to state a negligence claim based on duty to control or warn, the court held plaintiffs should have been given an opportunity to amend their complaint to properly allege reasonable reliance and other elements of negligent misrepresentation.

REASONING: The general rule is that when there is a demurrer to an original complaint, denial of leave to amend constitutes an abuse of discretion unless the complaint ‘shows on its face that it is incapable of amendment. Leave to amend is liberally allowed as a matter of fairness if the plaintiff has not had the opportunity to amend the complaint in response to a demurrer. The plaintiff bears the burden to show a reasonable possibility that any defect can be cured by amendment and may meet this burden for the first time on appeal.

Although the complaint before the court was technically a “first amended complaint,” the court concluded it was appropriate to apply the liberal amendment rule. Leslie chose to answer the original complaint rather than demurring to it. The first amended complaint was filed not in response to a demurrer, but only because plaintiffs learned they had erroneously sued Leslie as personal representative for Larry’s estate when no probate existed.

Thus, the demurrer to the first amended complaint was plaintiffs’ first opportunity to meet Leslie’s theory that the complaint failed to allege a duty to protect them from Larry’s violence. This procedural posture was analogous to *City of Stockton*, where the Supreme Court allowed leave to amend when a demurrer to a second amended complaint was plaintiff’s first chance to respond to a Government Claims Act defense.

The court acknowledged that “plaintiffs may have an uphill battle” but was “not persuaded that the complaint shows on its face that it is incapable of amendment to allege more clearly what misrepresentations Leslie made, how plaintiffs relied on them to their detriment, and why their reliance was reasonable.”

The trial court abused its discretion in denying leave to amend because (1) this was effectively plaintiffs’ first opportunity to respond to Leslie’s legal challenge; (2) liberal leave to amend should be granted as a matter of fairness in such circumstances; (3) the factual allegations, though inadequately pleaded, supported a potential cause of action for negligent misrepresentation; and (4) the complaint did not show on its face it was incapable of amendment to allege the missing elements, particularly reasonable reliance. The matter was remanded to allow plaintiffs to amend their complaint to properly plead negligent misrepresentation.

FANCOURT v. ZARGARYAN

2025 2DCA/8 California Court of Appeal,
Nos. B329565, B331191 (December 22, 2025)

Trial Court Abused Its Discretion by Allowing Plaintiff to Introduce Surprise Expert Witness Seven Days Before Trial Without Reasonable Justification

FACTS: In 2017, Defendant Areg Zargaryan, driving at “walking speed,” ran into Plaintiff Iain McDonald on his motorcycle. McDonald did not fall, walked to the sidewalk without assistance, and left without medical attention. The next day, McDonald reported pain in his right hip, leg, and foot at a clinic—but not in his neck or groin. McDonald later claimed the accident caused debilitating, long-lasting pain by injuring his neck and groin. The defense contested this, pointing out McDonald continued snowboarding, rollerblading and motorcycling after the accident.

In September 2021, the parties exchanged expert designations. McDonald listed 29 experts, then added one more later that month. Dr. Toorag Gravori was not among them.

Trial was scheduled for Friday, Jan. 27, 2023. On Wednesday, Jan. 18, 2023—just nine days before trial and 16 months after expert designations were exchanged—McDonald visited

Continued on page 45

NOTABLE CITES

Continued from page 44

Dr. Gravori for the first time. That same day, Gravori wrote a report recommending spine surgery for McDonald. Until then, no one had proposed spine surgery; it had not been an issue in the case.

No new medical ailment or symptoms prompted McDonald's visit to Gravori. Gravori's report mentioned nothing about recent increased pain or new medical developments. McDonald went rollerblading the day before and the day after his visit to Dr. Gravori. When asked if his attorney referred him to Gravori, McDonald said: "I don't recall, but possibly. Maybe. I think so, before the trial."

On Friday, Jan. 20, 2023, at 4:01 PM (seven days before trial), a paralegal from McDonald's law office emailed Zargaryan's attorney with the message "Hello, Please see the attached. Thanks!" attaching Gravori's report and spine surgery recommendation.

On Tuesday, Jan. 24, 2023 (three days before trial), McDonald emailed Zargaryan a document titled "Plaintiff's Further Supplemental Disclosure of Expert Witness of New Treating Doctors." McDonald did not file this document with the court and did not move for leave of court to augment his witness list under § 2034.610(a)(1) or any other statute.

Zargaryan filed a motion *in limine* to exclude Gravori, arguing this surprise expert was a tardy effort to sandbag Zargaryan on the brink of trial, McDonald opposed the motion. The trial court ruled Gravori could testify if "he's immediately made available for deposition at Plaintiff's expense." The parties deposed Gravori the night of Feb. 1, and Zargaryan renewed his motion to exclude. The court affirmed its prior ruling.

The jury awarded McDonald future medical expenses of \$1,872,900, past pain and suffering of \$2 million, and future pain and suffering of \$10 million. Gravori had recommended two surgical options costing between \$140,000-\$280,000 (possibly both), with risks including infection, stroke, coma, death, and potential ineffectiveness.

ISSUE: Whether the trial court abused its discretion by allowing a plaintiff to introduce a surprise expert witness seven days before trial, without filing a motion for leave to augment the expert witness list as required by Code of Civil Procedure § 2034.610(a)(1), and without any reasonable justification for the 16-month delay since expert designations were exchanged.

RULING: Reversed and remanded. The Court of Appeal vacated the judgment and remanded for a new trial, holding the trial court abused its discretion by permitting the tardy expert to testify. The court held that allowing the deposition of the surprise expert did not cure the prejudice caused by the absence of a reasonable justification for the delay.

REASONING: California's expert disclosure statutory scheme is designed to avoid surprise at trial. The Supreme Court has explained that the "statutory scheme as a whole envisions timely disclosure of the general substance of an expert's expected testimony so that the parties may properly prepare for trial."

Surprise at trial is both unfair and inefficient. It is unfair because California has replaced "trial by combat with rules of

professionalism and fair play." It is inefficient because if both sides know what evidence will be produced, they have a better chance of agreeing on the case's value and settling, thereby saving resources of the parties, the judicial system, and jurors.

The statutory scheme requires parties to exchange expert witness information by a specified date (§ 2034.260), with supplemental experts permitted within 20 days (§ 2034.280(a)). After that, a party seeking to designate additional experts must file a noticed motion seeking leave of court to augment the expert witness list (§ 2034.610(a)(1)). This motion practice is essential.

The motion requirement serves important functions: it requires the proponent to demonstrate good cause for the delay, allows the opponent to explain prejudice, and enables the court to gain an overview and minimize litigation disruption. Failure to comply can have drastic consequences.

The court found that McDonald flouted these rules. By statute, he needed court permission to add Gravori but did not file the mandatory motion under § 2034.610(a)(1). He failed to seek court permission. Zargaryan promptly and properly moved to exclude Gravori under § 2034.300 because McDonald unreasonably failed to disclose him in a timely manner.

The trial court's decision to permit McDonald to proceed with Gravori—even with a deposition—was an abuse of discretion because of "the absence of a reasonable justification for McDonald's delay in bringing Gravori into the case."

Neither Gravori nor McDonald reported any explanation for delaying until the eve of trial. Trial counsel submitted a declaration, but it was "worthless as a source of evidence: the lawyer had no personal knowledge of the asserted facts, and this trial lawyer certainly was not offering to testify and be subjected to cross-examination at trial." The declaration was merely "a legal brief: advocacy on behalf of a client."

The court acknowledged that some late designations could have valid justifications: "death, illness, incapacitation, and other serious and uncontrollable events can create an understandable need for replacements." However, McDonald offered no such reasonable justification. "There was no emergency or serious unexpected development. There was only McDonald's pretrial consultation with his lawyer."

The court held that allowing an immediate deposition did not remedy the abuse of discretion. The fundamental problem was not simply the lack of discovery opportunity, but the absence of any reasonable excuse for the delay in the first place. The deposition opportunity did not address why McDonald waited 16 months after expert designations and visited Gravori nine days before trial when no medical emergency or change in condition justified it.

The court's reasoning emphasized that California's expert disclosure rules exist to prevent exactly this type of gamesmanship. The statutory scheme requiring noticed motions for late expert designations is not a mere formality—it serves the critical function of ensuring parties demonstrate good cause for delays and allowing courts to assess prejudice. When a party deliberately bypasses these requirements and introduces a sur-

Continued on page 46

NOTABLE CITES

Continued from page 45

prise expert with a major new theory days before trial, without any emergency or reasonable justification, the trial court abuses its discretion by allowing it, regardless of whether a deposition opportunity is provided. The deposition does not cure the fundamental unfairness and inefficiency of trial by ambush.

RUCKMAN v. AG-WISE ENTERPRISES, INC.

2025 5DCA California Court of Appeal, Fifth Appellate District, No. F086037 & F086187
(Certified for Publication December 29, 2025)

Retained Control Liability: Innocent Bystanders Need Not Prove Affirmative Contribution by Hirer

FACTS: In 2015, a BND employee operating a bulldozer struck an underground high-pressure gas line while performing excavation work on property managed by Ag-Wise Enterprises. The resulting explosion and fire killed the BND employee and severely injured the Ruckman family (Gloria, her 17-day-old son Young Robert, and her mother Amalia) who lived on adjoining property. The explosion occurred 8 days after the USA permit expired. Gloria and Amalia suffered severe burns requiring extensive hospitalization, surgeries, and resulting in permanent scarring, PTSD, and traumatic brain injuries. Young Robert sustained a traumatic brain injury causing developmental delays and neurocognitive deficits.

Plaintiffs sued Ag-wise under a theory of negligence based upon retained control. During the trial, evidence was admitted that Ag-Wise’s president met repeatedly with BND’s owner to plan the work and was often on site to check the work and ensure compliance with Ag-Wise specifications.

The court instructed the jury on the retained-control exception, over the objection of Ag-Wise. The jury found Ag-Wise retained control and awarded \$73 million in noneconomic damages, allocating 10% liability to Ag-Wise, 50% to BND, and 40% to PG&E.

ISSUE: (1) Whether the trial court erred in instructing the jury on the retained control exception to hirer liability.

RULING: The Court of Appeal affirmed the judgment and post judgment cost order in all respects.

REASONING: The court held that innocent bystanders injured by an independent contractor’s negligence face a different burden than the contractor’s employees when seeking to hold the hirer liable under the retained control exception. While employees must prove the hirer “affirmatively contributed” to their injury, innocent bystanders need only prove (1) the hirer retained control over any part of the contractor’s work; (2) the hirer failed to exercise that control with reasonable care; and (3) the hirer’s negligence was a substantial factor in causing the bystander’s injury.

The court found substantial evidence supported the instruction, including that Ag-Wise directed BND to rip in a specific direction, specified minimum depth (5 feet), instructed how to operate over the pipeline, and visited daily to confirm work met specifications. The trial court’s instruction accurately stated the law applicable to innocent bystanders.

The court rejected Ag-Wise’s argument that CACI No. 1009B (which applies to employee injuries) should govern, as plaintiffs were not BND employees and different policy considerations apply when protecting innocent third parties versus contractor employees covered by workers’ compensation.

RANDOLPH v. TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

2026 3DCA California Court of Appeal,
Third Appellate District,
No. C102901 (December 30, 2025;
Certified for Publication Jan. 15, 2026)

Defendant’s Failure to Object to Trial Date Beyond Statutory Deadline Does Not Constitute Oral Stipulation to Extend Deadline

FACTS: Teresa Randolph sued her former employer, California State University, Chico, and others for employment discrimination, whistleblower retaliation and wrongful termination on Apr. 19, 2019. The statutory deadline to bring the case to trial was Oct. 19, 2024 (five years, plus six months under Judicial Council emergency rule 10).

At a Mar. 27, 2024, case management conference, the trial court set the trial date for Feb. 3, 2025—beyond the statutory deadline. The minute order from that conference noted the parties’ appearances and the trial dates set but contained no further information about what occurred at the conference and no discussion of extending the statutory deadline. No reporter’s transcript of the conference was included in the record.

Defendants filed a motion to dismiss on Nov. 1, 2024, arguing Randolph failed to bring the action to trial within the mandatory deadline. Randolph opposed, arguing the parties verbally agreed to the February 2025 trial date at the March 2024 conference, constituting an oral agreement to extend the deadline under Code of Civil Procedure section 583.330(b). The trial court dismissed the action; Randolph appealed.

ISSUE: Whether a defendant’s failure to object to a trial date being set beyond the statutory deadline, as reflected only in a minute order showing the parties’ presence and the date set, constitutes an “oral agreement made in open court, if entered in the minutes” to extend the statutory deadline under section 583.330(b).

RULING: Affirmed. The Court of Appeal affirmed the trial court’s dismissal of the case with prejudice.

REASONING: The court held that section 583.330(b) requires an oral agreement to extend the statutory deadline that is either “entered in the minutes of the court or a transcript is made.” The minute order here merely showed that counsel for both parties were present at the case management conference and that the trial court set the settlement conference, trial readiness conference, and jury trial dates. Nothing in the minute order indicated there was any discussion regarding the trial date or any agreement to extend the statutory deadline beyond Oct. 19, 2024.

The court distinguished *Nunn v. JPMorgan Chase Bank*.

Continued on page 47

NOTABLE CITES

Continued from page 46

N.A. (2021) 64 Cal.App.5th 346, on which Randolph relied. In *Nunn*, the settled statement describing the hearing showed the trial court proposed a specific trial date to accommodate defendants’ interests, and both parties affirmatively indicated they had no objection to that date, and it was “alright with them.” The appellate court in *Nunn* found these expressions of mutual assent constituted an oral agreement. Here, by contrast, the minute order reflected no discussion whatsoever about the trial date and thus showed no mutual assent to extend the deadline.

The court declined to create new law allowing a court to infer that a defendant expressly agreed to a new trial date based solely on a silent minute order and the defendant’s failure to object. The court noted that cases are not authority for propositions not considered, and *Nunn* did not stand for the proposition that “no objection” alone is sufficient to create an oral stipulation.

Because Randolph failed to demonstrate the minute order showed an oral agreement within the meaning of section 583.330(b), the trial court properly granted the motion to dismiss.

TAVARES V. ZIPCAR, INC.

2026 3DCA California Court of Appeal,
Third Appellate District,
No. C122576 (January 30, 2026)

Remote Car Rental Company Was Not Liable for Collision Caused by Intoxicated Driver Who Rented the Vehicle Via an App

FACTS: Mauricio Tavares sued Zipcar, Inc., and PV Holdings Corporation, a remote rental car company, and vehicle owner, for negligent entrustment, negligent maintenance, and vicarious liability after being severely injured as a passenger in a crash caused by an intoxicated driver.

Mohammed Ismail, a Zipcar member and UC Davis student, hosted a party on Mar. 31, 2020, from approximately 9:30 p.m. to 11:00 p.m., during which he consumed alcohol. Ismail used the Zipcar app on his phone to reserve a vehicle for one hour beginning at midnight. The app only asked for date, time, and location of the vehicle—no questions about impairment. Ismail had no in-person or face-to-face contact with any Zipcar employee. He accessed the vehicle remotely by tapping his membership card on a card reader. Within 10 minutes of driving with Tavares and another passenger, Ismail crashed into a tree. Tavares suffered paraplegic injuries.

Ismail’s blood alcohol level measured .095 and .099 percent approximately one hour after the crash. He was convicted of felony DUI causing injury. Zipcar had no prior knowledge that Ismail had ever operated a vehicle while intoxicated. The vehicle was not equipped with a breathalyzer or any alcohol sensing device.

Tavares and Zipcar filed cross-motions for summary judgment/adjudication. The trial court granted Zipcar’s motion and dismissed the action. Tavares appealed.

ISSUE: Whether a remote rental car company operating without in-person customer interactions has a duty to inquire whether a renter appears impaired at the time of rental.

RULING: Affirmed. The Court of Appeal affirmed the trial court’s grant of summary judgment in favor of Zipcar.

REASONING: The court held that Civil Code section 1939.37 exempts remote rental car companies from the driver’s license inspection requirements of Vehicle Code section 14608, and by necessary implication, exempts them from any duty to assess whether renters “appear” impaired at the time of rental.

Vehicle Code sections 14604 and 14608 historically required rental companies to inspect driver’s licenses and compare signatures or photographs with the person renting the vehicle.

In 2016, the Legislature enacted Civil Code section 1939.37, which exempts remote rental car companies from these inspection requirements. The statute applies when the rental is subject to a membership agreement allowing the renter to gain physical access to a vehicle without a key through use of a code, key card, or other remote means. The legislative history specifically mentioned Zipcar as an example of the “car sharing model” the legislation was intended to authorize. By enacting this exemption, the Legislature expressly authorized remote rental companies to rent vehicles without requiring in-person interaction with an employee.

California courts have repeatedly held that the scope of rental car companies’ investigatory duties is defined by statute, not expanded through common law. Prior cases have established that traditional rental companies could be charged with constructive knowledge if customers displayed obvious signs of impairment during required in-person interactions.

However, these cases did not create an affirmative duty to investigate impairment. Rather, they held companies responsible for what they could observe during the in-person license inspections required by statute. The courts in these cases emphasized that “any expansion of the duty of investigation imposed on rental car agencies is a matter for legislative, not judicial, action.”

The court concluded that by exempting remote rental companies from in-person license inspection requirements, the Legislature necessarily intended to exempt them from any duty to assess whether renters “appear” impaired at the time of rental. Such assessment requires in-person observation, which Civil Code section 1939.37 does not require. The court declined to judicially impose such a duty, stating that if the Legislature intended remote rental companies to assess customer impairment, it must clarify the statute.

Tavares also alleged Zipcar negligently maintained the vehicle by failing to equip it with technology to detect driver impairment. The court held Zipcar had no such duty, noting that the Legislature has carefully defined circumstances for electronic surveillance in rental vehicles under Civil Code section 1939.01 et seq., none of which include monitoring for driver intoxication. Imposing such a duty would constitute improper judicial expansion of rental company obligations.

Navigating Federal Tort Claims

Page 10

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CCTLA COMPREHENSIVE MENTORING PROGRAM — The CCTLA Board has developed a program to assist new attorneys with their cases. For more information or if you have a question with regard to one of your cases, contact: Dan Glass at dsglawyer@gmail.com, Rob Piering at rob@pieringlawfirm.com, Glenn Guenard at gguenard@gblegal.com, or Alla Vorobets at allavorobets00@gmail.com

FEBRUARY

Friday, Feb. 27, Noon,

Luncheon: The State of the Sacramento Court – 2026 and Beyond
Location: 58 Degrees & Holding

MARCH

Tuesday, Mar. 10, Noon

Q & A Problem Solving Lunch
CCTLA Members Only | Zoom

March 13-14

CAOC & CCTLA Napa/Sonoma Trial Seminar
Location: The Meritage Resort & Spa

Thursday, Mar. 19, 5:30 - 7 pm

Artificial Intelligence for the Modern Lawyer
Speakers: Kirill Tarasenko, Joe Stephens & Mike Wilson
Location: Tarasenko Law Firm (See page 25)

APRIL

Friday, Apr. 10: 10 am – 2 pm

The Daniel Wilcoxon Liens Program:
A Complete Guide to Liens
Speakers: Drew Widders, Don deCamara & John Rice
Location: McGeorge

APRIL

Tuesday, Apr. 14, Noon

Q & A Problem Solving Lunch
CCTLA Members Only | Zoom

Thursday, Apr. 30: 5 to 7:30 pm

Spring Reception and Silent Auction
The Lady Bird House (See pages 18 and 19)

MAY

May TBA: 10 a.m. to 2 p.m

Voir Dire - An Interactive Approach
Speakers: John Demas, Chris Wood & Judy Rothschild
Location: TBA

Tuesday, May 12

CAOC Justice Day – Save the Date



CCTLA CALENDAR OF EVENTS