

## **Municipalities and Government Entities**

Bird Marella represents and challenges governmental authorities, including municipalities, at the local, state and federal levels.

## **Overview**

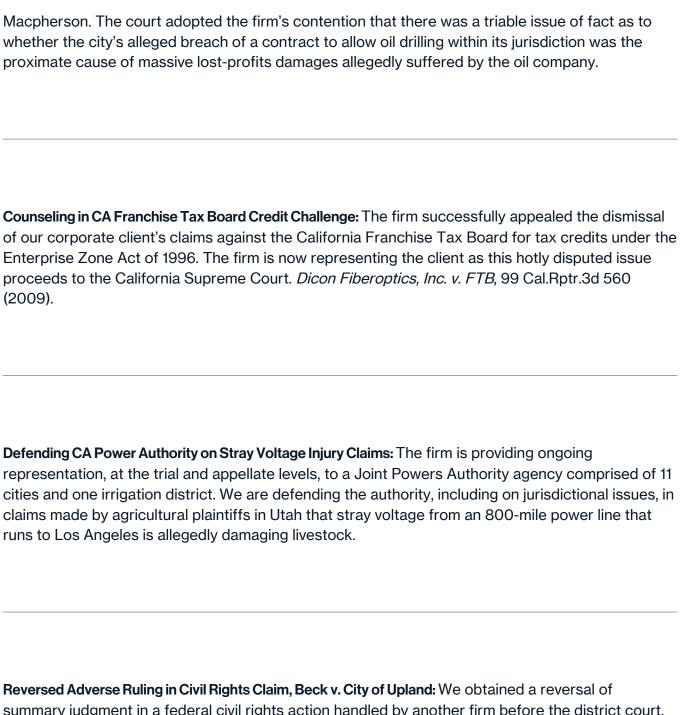
We have resolved a range of sophisticated disputes and Constitutional challenges that have resulted in both published decisions and new precedents. Our expertise includes trials and appeals related to the function of municipalities as permitting and contracting agencies, political referenda, civil rights, wrongful arrests, and prosecutorial misconduct.

Several of our attorneys are former Assistant United States Attorneys. They provide deep experience and understanding of various governmental processes and procedures in both the civil and criminal context.

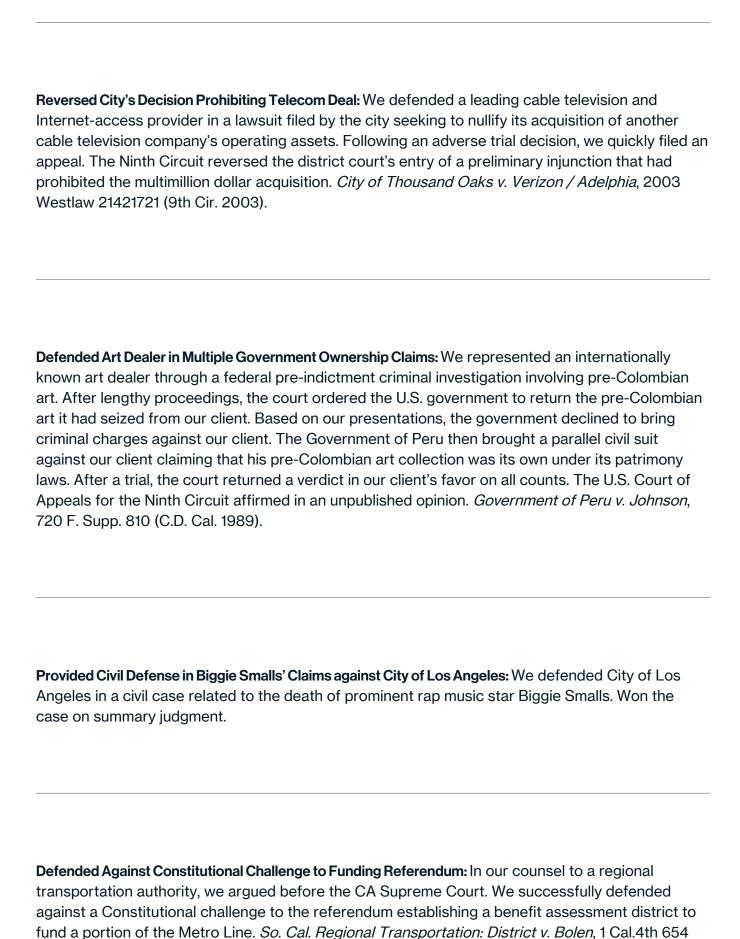
Frequently, clients engage us following adverse decisions in a case handled by other counsel. Bird Marella has earned a reputation as valued strategists in sophisticated and protracted litigation and in matters demanding accountability from a government authority. Our appellate practice provides extensive resources in sophisticated municipal matters requiring resolution by higher courts.

## **Experience**

Represented City of Hermosa in Oil Drilling Dispute: We provided trial and appellate counsel in a "bet the city" contractual dispute with Macpherson Oil Company related to drilling rights. The case involved unique issues connected to the city's function as both a permitting and contracting agency, the political referendum process, and local residents' ability to control their environment and lifestyle. Our representation included *City of Hermosa Beach v. Superior Court*, 2010 Westlaw 459609 (Cal. App. 2010), in which we acted on behalf of Hermosa Beach on a petition for writ of mandate attacking the trial court's entry of summary adjudication in favor of the plaintiff,



Reversed Adverse Ruling in Civil Rights Claim, Beck v. City of Upland: We obtained a reversal of summary judgment in a federal civil rights action handled by another firm before the district court. The client, a government contractor, brought a civil rights claim for damages after having been falsely arrested for allegedly "making a threat" to municipal officials. While the district court ruled based on a long-established Ninth Circuit precedent that the contractor could not establish that any damages were proximately caused by the improper arrest, the Ninth Circuit's 36-page opinion in *Beck v. City of Upland*, 527 F. 3d 853 (9th Cir. 2008), adopted the firm's contention that this precedent could not stand in light of a recent U.S. Supreme Court decision. The Ninth Circuit adopted a new causation standard for wrongful arrest / prosecution cases whenever First or Fourth Amendment rights are implicated.



(1992).			

Obtained Favorable Prosecutorial Misconduct Ruling for Convicted Client: We represented a defendant appealing his conviction in a case where the U.S. Court of Appeals for the Ninth Circuit accepted the firm's contention that the federal government had engaged in prosecutorial misconduct at trial. The case was dismissed in its entirety following remand to the trial court. *United States v. Kojayan*, 8 F.3d 1315 (9th Cir. 1993).