

SUMMARY OF SIGNIFICANT LITIGATION

CLIFFORD F. CAMPBELL

The following is a sampling of litigation cases in which Cliff Campbell played a lead or primary role.

Bryson v. City of San Leandro,
Alameda County Superior Court Action No. H-181393-7

Sewage from a municipal sewer line backed up into a private residence. The plaintiffs sued, claiming property damage and emotional distress. After settlement efforts failed, Cliff tried this case to a jury. The jury returned a verdict for less than the City had offered in settlement. As a result, the City was awarded its litigation costs.

Margaret Dowling v. Superior Court, et al.,
Contra Costa County Superior Court Action No. C-04-00973.

This was a case brought under the Americans with Disabilities Act and under California's Disabled Persons Law. The plaintiff claimed that a county courthouse was not wheelchair accessible. Cliff demonstrated that the plaintiff's claims were not founded, and obtained dismissals for his public entity clients.

Bohacek v. City of Stockton,
United States District, Eastern District of California, Action No. CIV.S-04-0939 GGH.

This was an Americans with Disabilities Act lawsuit, in which the plaintiff child claimed that he had impermissibly been denied access to a city summer day camp program. Cliff obtained summary judgment in favor of his public entity client by demonstrating that the child's condition was not a "disability."

Britt v. Cupertino City Council,
Santa Clara County Superior Court Action No. 104CV031827.

This was a case brought under California's Ralph M. Brown Act. The plaintiff claimed that the City Council improperly discussed behind closed doors issues that should have been presented at a public meeting. Cliff obtained summary judgment in favor of his public entity client.

Sullivan v. City of San Leandro,
U.S. District Court, Northern District, Case No. C95 03461 DLJ.

Based upon information from a citizen informant, City police officers detained a van that Sullivan was driving. As a part of that detention the police searched the van and discovered a significant quantity of methamphetamine. The police arrested Sullivan, and he was later prosecuted for drug trafficking. During the course of the District Attorney's prosecution of Sullivan's criminal case, Sullivan convinced a preliminary hearing magistrate that the police had made an unlawful search. The magistrate suppressed the drugs and dismissed the charges against Sullivan. Thereafter, Sullivan sued the City and its police officers under 42 U.S.C. § 1983, asserting that by making an unlawful search of his van, the police had violated his Fourth Amendment rights. Cliff obtained judgment in favor of his police officer clients by demonstrating to the federal court that the search of the Sullivan's van actually had been lawful, and that the preliminary hearing magistrate had erred.

Butler v. City of San Leandro, et al.,
U.S. District Court, Northern District,
Case No. C-95 00737 SAW.

The plaintiff was a passenger in a stolen car at the time it was stopped by the police. He offered no resistance as a police officer walked up to the passenger side of the vehicle and opened the door. While this was occurring a second officer arrived, armed with a shotgun. The second officer stood in the background, pointing his weapon at the passenger. At some point, because the first officer was in the way, the second officer lowered his weapon. As he did so it discharged. Pellets from the shotgun struck the plaintiff, seriously wounding him, and struck the first officer as well. Plaintiff sued, claiming that the force the second officer had used violated his constitutional rights. Cliff defended the city. He successfully prosecuted a summary judgment motion against the plaintiff, which resulted in all of the plaintiff's civil rights causes of action – including their associated attorneys' fees components – being dismissed. What remained was a single negligence cause of action, which settled.