



Protecting Taxpayers from Meritless Lawsuits

By City Attorney Mara W. Elliott

As your City Attorney, one of my most important responsibilities is safeguarding taxpayer dollars that can be used to protect the things that matter most to us: our safety, streets, libraries, and parks, to name a few.

Our city is frequently sued, and our litigators' courtroom expertise saves you millions every year. When the City bears some responsibility, we will settle a lawsuit on its merits and for an appropriate sum. When a case has no merit, we're eager to go to trial. Our Civil Litigation Division prides itself in winning cases outright or, alternatively, turning million-dollar claims into lunch-money verdicts.

Two incidents still in the news provide good examples. Both were tragedies, and heart-breaking to be sure, but not the taxpayer's responsibility.

One lawsuit began when a Scripps Ranch woman, driving while extremely high on marijuana, drove over a median barrier and into oncoming traffic. The other began when a Navy man, impaired by alcohol and texting, sped across the Coronado Bridge in his truck, lost control, and flew off the bridge and into Chicano Park below.

Both drivers were charged with felonies by the District Attorney's Office. The first was convicted of gross vehicular manslaughter, the second of vehicular manslaughter while intoxicated and driving under the influence.

Yet before those criminal cases were heard, my office defended the City of San Diego from lawsuits alleging that the City had caused the accidents – and you, the taxpayer, should pay for them.

In the Scripps Ranch case, an injured motorist blamed the road design, not the driver who crossed a raised median, a still-warm marijuana pipe at her side. Though no formal settlement demand was made, the attorney boasted that his case was worth as much as \$70 million.

In the Coronado Bridge incident, eight individuals filed four different lawsuits seeking millions of dollars in damages caused by the falling truck. They claimed the City should have posted signs to warn them of the danger of falling vehicles, and placed barriers in the park anywhere a falling vehicle could land.

The good news for taxpayers: The Scripps Ranch lawsuit, and one of the Coronado Bridge lawsuits, were thrown out by a judge before trial. We are confident we will get the remaining lawsuits dismissed, too. These pre-trial dismissals were hard-fought victories for the high-performing deputy city attorneys who defend the City.

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A third recent victory followed the discovery that a plaintiff invented the story of how he injured himself.

He alleged he was riding his motorcycle on Black Mountain Road in Mira Mesa when he hit a center median strip, was thrown from his motorcycle, and broke his clavicle. Blaming his injuries on a poorly lighted median, he sued taxpayers for \$400,000 to pay medical bills, reimburse lost income, and repair his motorcycle.

When my office investigated, however, we discovered that he gave a different story to the Emergency Room medical staff. He never mentioned a motorcycle or a median, instead stating that he had been hurt when he fell down a flight of stairs.

Confronted with this evidence, his lawyer withdrew the lawsuit. We've seen other cases we suspect are equally dishonest, though the deceit is not as easy to prove.

These are just three examples of the many lawsuits that my office stopped in their tracks, saving taxpayers tens of millions of dollars. I firmly believe that our attorneys are the most cost-effective employees anywhere. They protect the City pocketbook so your tax dollars can go to public safety, neighborhood services, and the community improvements that make San Diego a safe and beautiful place to live.

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