



We Protect Tax Dollars Like It's Our Own Money

By City Attorney Mara W. Elliott

San Diego welcomes visitors from all over the world, and we hope they leave our beautiful city with great memories and maybe a few souvenirs.

Occasionally we get visitors who want something more – like millions of your tax dollars.

That's when the litigators in the City Attorney's Office go into action.

Recently we defended the City against lawsuits filed by two visitors who hoped to win million-dollar jury awards. Both went away disappointed.

The first was an actress from Los Angeles who was in a low-speed collision with a City dump truck and thought that warranted more than \$2 million in damages. The second, a visitor from Monterey, broke his neck while surfing at Mission Beach. He blamed the accident on a City lifeguard who was nearby, and sued the City for damages, medical costs, and lifetime medical expenses.

As your City Attorney, one of my most important responsibilities is safeguarding taxpayer dollars that can be used to pay for things that matter most to us: our safety, and public amenities such as streets, sidewalks, libraries, and parks, to name a few.

San Diego gets sued hundreds of times each year – as all big cities do – and our litigators carefully analyze each case with an eye to protecting the public pocketbook. When the City bears some responsibility, we will settle a lawsuit for an appropriate sum. When it doesn't, we go to trial.

We often deal with plaintiffs who dream of undeserved windfalls. They figure: What's a few million dollars to a city like San Diego? But in the City Attorney's Office, we protect every tax dollar like it's our own money.

In the case of the actress's fender bender, we hired an accident reconstruction expert to conduct a post-accident inspection of her car to see if the collision could have really caused the injuries she claimed. She brought a damaged car to the inspection, but not the same car that was in the accident. That didn't sit well with the jury.

She was awarded \$2,281 for estimated damages to her car – about 1 percent of what she wanted.

The surfer suffered greatly from his accident, but the question was always who bore responsibility. He tried to blame his decision to dive off his surfboard on a lifeguard who was in the water on a jet ski

(continued)

responding to a nearby emergency. The jury did not buy his account of what happened in the water that day, or why he dove off his surfboard and hit his head on the ocean floor. His lawyers asked the jury to award him over \$5 million. Instead, the jury found the City was not at fault and awarded him nothing at all.

I'm proud of our litigators. They work hard every day to defend the City, resulting in tens of millions of dollars saved every year -- tax dollars that are needed to keep us safe, improve our neighborhoods, and preserve the resources and beauty of this great city.

I'm also impressed by San Diego's juries. They take their responsibilities as jurists seriously and spend countless hours sifting through the facts to arrive at the truth. I hope that each of you, if called to jury service, takes the time to fulfill this important civic duty.

###

City Attorney Mara W. Elliott
1200 Third Ave., Suite 1620
San Diego, CA 92101
Phone: 619-236-6220
Email: cityattorney@sandiego.gov
www.Sandiego.gov/cityattorney