



MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

PROPOSAL

PREPARED FOR:

Mendocino County
Sheriff's Department

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Los Angeles

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Los Angeles, CA 90017

New York

One Battery Park Plaza
4th Floor
New York, NY 10004

Orange County

19800 MacArthur Blvd.
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Phoenix

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11th Floor
Phoenix, AZ 85012

San Diego

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San Diego, CA 92101

San Francisco

One California Street
Suite 900
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Organizational Information and Key Personnel

About Us

Every organization is a conglomeration of common “parts” combined in a way that makes them 100% unique. What makes us different at Manning & Kass is the pairing of yesterday’s traditional values—respect for leadership, hard work and integrity—with today’s cost-effective, collaborative and flexible case management.

Manning & Kass is not your ordinary law firm—Every case and every client counts. Founded in 1994, with only sixteen attorneys, in twenty-seven years the firm has grown to more than one hundred and sixty-five attorneys in seven offices, including the major U.S. economic centers of New York and Los Angeles. We are known by our clients as competent, innovative attorneys who, even in victory, refuse to fall victim to complacency. We are continually engaged in a daily process of refinement, knowing that small, gradual improvements are stepping stones on the path to monumental achievement.

Manning & Kass pioneered the "team concept," which is key to the success of our firm. Although our system is simple in design and practice, it yields sophisticated results. With our team approach, each client is assigned a lean, carefully chosen group of attorneys tailor-suited to match their needs. Clients are also assigned a team leader, who is conversant with all of their work with the firm. Our clients can efficiently and directly leverage their team's efforts and energies through a single individual.

An attorney’s experiences, skills and personal style are just a few of the factors a leader considers when configuring the team. The right quality and quantity of legal talent are both important, as is the combination of skills and knowledge to understand everything our client needs. Our attorneys get to know our clients, work together to set quantifiable objectives, and create a road map to follow, with identifiable milestones.

Experience

Our lawyers enjoy a well-established reputation as superior litigators with Dennis Kass winning the California Lawyer Attorney of the Year for Civil Litigation (CLAY Award). Many of our trial lawyers have been selected for fellowships in such prestigious professional organizations as the Litigation Counsel of America and the American Board of Trial Advocates (ABOTA), including:

- Steven D. Manning, Litigation Counsel of America (Fellow)
- Dennis B. Kass, ABOTA (Member)
- Eugene P. Ramirez, ABOTA (Associate) and Litigation Counsel of America (Fellow)
- Anthony J. Ellrod, ABOTA (Associate)
- Christopher Datomi ABOTA (Associate)
- Lawrence D. Esten, ABOTA (Member)
- Mark A. Hagopian, Litigation Counsel of America (Fellow)
- Mildred K. O'Linn, ABOTA (Associate) and American Board of Trial Advocates (Fellow)
- John D. Marino, ABOTA (Associate, Life Fellow)
- Brian T. Moss, ABOTA (Associate)
- Louis W. Pappas, ABOTA (Associate)

Several Manning & Kass attorneys have been selected as Super Lawyers in their respective practice areas over the years. Those recognized recently are founding partners Dennis B. Kass (Los Angeles, 2004–2009, 2013–2020), Anthony J. Ellrod (Los Angeles, 2005–2010, 2016–2020) and Eugene P. Ramirez (Los Angeles, 2005–2011, 2014–2017), named partner Fredric W. Trester (Los Angeles, 2006, 2008–2020); firm partners and practice area leaders Scott Wm. Davenport (Los Angeles, 2004–2006, 2009–2020) and Alfred M. De La Cruz (San Diego, 2013–2017); and firm partners John D. Marino (San Diego, 2019), Kenneth Kawabata (San Diego, 2014–2018), Mildred K. O'Linn (Los Angeles, 2004–2016), Steven J. Renick (Los Angeles, 2009–2018) and David V. Roth (San Francisco, 2015–2020). Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition and professional achievement. The selection process includes independent research, peer nominations and peer evaluations.

Several of our attorneys have also received an AV Preeminent® rating from Martindale-Hubbell, which is the highest rating an attorney can receive for legal quality and ethics. This group includes:

- | | |
|------------------------|-------------------|
| • Steven D. Manning | • Mark Hagopian |
| • Dennis B. Kass | • John D. Marino |
| • Anthony J. Ellrod | • Richard V. Mack |
| • Lawrence D. Esten | • Brian T. Moss |
| • Scott Wm. Davenport | • Scott A. Alles |
| • Alfred M. De La Cruz | |

Locations

Dallas

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Los Angeles

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San Francisco

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Practice Area List

- ADA Compliance Litigation
- Business Litigation
- Catastrophic Liability Defense
- Class Action/Mass Torts Defense
- Construction Defect
- Corporate/Commercial Transactions
- Elder Abuse Defense
- Employment Law
- Entertainment Law
- Fraternity and Sorority Defense
- Governmental Entity Liability
- Health Care Liability
- Immigration Law
- Insurance Coverage/Bad Faith
- Landlord/Tenant/Habitability
- Legal Malpractice
- Military and Veterans Law
- Premises Liability
- Product Liability
- Professional Liability
- Professional License Defense
- Professional Sports Law
- Real Estate Team
- Religious Institution Defense
- Retail, Restaurant, and Hospitality Litigation
- School Civil Liability
- Security Services and Security Guard Litigation
- SIU/Insurance Fraud Litigation
- Sports, Recreation, & Attractions Law
- Strategy, Writs, and Appeals
- Subrogation and Recovery
- Trucking and Transportation
- Trusts and Estates
- Workers' Compensation

Governmental Entity Liability Team

The law firm of Manning & Kass has deep, patriotic ties to America’s public entities. For more than two decades, our firm has represented city, county, state and federal governmental clients. And founding partner Steven D. Manning is the son of former Los Angeles City Fire Department Chief, Donald O. Manning.

Our Governmental Entity Liability Team is led by Eugene P. Ramirez, of whom the Daily Journal stated, “when local law enforcement agencies get in trouble, they call Ramirez.” For twenty years, he has provided training to thousands of police officers and supervisors across the United States and Canada. Our Governmental Entity Liability Team handles:

- dangerous condition cases
- educational law
- internal affairs investigations
- law enforcement officer liability, including:
 - arrest related deaths
 - civil rights defense
 - electronic control device (ECD) litigation
 - in-custody deaths and medical issues
- municipal liability
- policy review
- public entity defense and audits

Since many of our attorneys have held careers in the public sector, we are particularly adept at understanding the special environment in which public entities operate. We are well versed in the procedural and substantive defenses afforded to governmental defendants by the Federal Torts Claims Act, the California Torts Claim Act and such related judicial doctrines as government contractor doctrine, exhaustion of remedies, standing, and sovereign immunity. Our Firm has represented a myriad of public entities and law enforcement agencies, including those in the following list of selected clients:

- | | | |
|-----------------------------|---------------------------|--|
| • California Highway Patrol | • City of Manhattan Beach | • County of Riverside |
| • City of Azusa | • City of Oxnard | • County of San Bernardino |
| • City of Beaumont | • City of Redondo Beach | • County of Ventura |
| • City of Claremont | • City of Richmond | • Department of Corrections and Rehabilitation |
| • City of Coalinga | • City of Riverside | • Federal Bureau of Investigation |
| • City of Colton | • City of San Bernardino | • UCLA Police Department |
| • City of Covina | • City of South Gate | |
| • City of Fresno | • City of Torrance | |
| • City of Fairfield | • City of Whittier | |
| • City of Gardena | • County of Los Angeles | |

Strategy, Writs and Appeals (“SWAT”) Team

The vast majority of civil litigators rarely, if ever, set foot in the state's appellate courts, so they have never developed expertise in appellate law. Just as you would never hire a general practitioner to perform cardiac surgery, it makes sense that appellate matters require well-trained and highly skilled specialists. At Manning & Kass, adept members of our Strategy, Writs, and Appeals Team handle these cases. Our team consists of 13 attorneys, three of whom are certified specialists. Our Strategy, Writs, and Appeals Team—nicknamed the “SWAT” unit—includes experts in matters pertaining to:

- appellate litigation;
- the Supreme Court; and
- law and motion.

Our Strategy, Writs & Appeals Team enhances everything our litigators do in other practice areas. From assisting in devising litigation strategy at the inception of a case, to developing cogent law-and-motion strategy to maximize the potential of prevailing on dispositive and non-dispositive motions, to performing trial support and extraordinary writ back-up, our Strategy, Writs, and Appeals Team is actively involved long before a notice of appeal is ever filed.

Four attorneys on this team are certified appellate law specialists by the California State Bar Board of Legal Specialization, and two lawyers have been listed as Southern California Super Lawyers. Collectively, the 13 attorneys on this team have far more than 100 years of appellate experience, more than enough to match and exceed the resources that opposing counsel can bring to bear on a case.

Unlike the attorneys at appellate boutique firms, our “SWAT” lawyers can solicit the experienced perspective of any of more than 160 trial attorneys. The firm’s team-based litigation support and counsel in myriad areas of administrative, business, and civil law provides reciprocal benefits to our “SWAT” members. Our appellate lawyers also draw from their own extensive past experience as trial lawyers. Team attorneys have argued cases and prevailed at all appellate levels, including the United States and California Supreme Courts; clerked for federal judges; and taught in law schools. Experienced appellate law veterans who comingle with real-world practitioners deliver superior representation for our clients. Our team’s lawyers are engaged—on a daily basis—where the rubber meets the road.

We handle two types of appeals. First, we receive appellate cases which arise in-house. Frequently, these come in response to appeals and writs filed by our opponents after successful trial wins. We give every client an appropriate cost/benefit analysis so that they are fully informed of the legal ramifications of moving forward at all stages of the proceedings.

Secondly, many clients send us cases exclusively for the purpose of preparing an appeal or a writ. A client who faces an unfavorable jury verdict should never feel compelled to retain an overworked trial attorney or one inexperienced in this process. And sometimes a trial litigator cannot separate an intimate knowledge of the matter from what others will construe from reading the appellate record. We take a fresh look at the sustentative facts, and offer a new perspective.

We strive to ensure that our clients have the best possible representation at all phases of a case. The simple truth is that counsel who may have superior litigation skills may or may not possess the same skill set to adequately represent a client on appeal. These same litigators may unwittingly fall prey to a staggering array of errors which can jeopardize, or be fatal to, the client’s hoped-for outcome. The best defense against such misfortune is to hire specialized appellate counsel—at the earliest possible stage. We assist many of our clients who are changing their business model to establish a pool of dedicated appellate professionals (including both claims professionals and attorneys) to oversee appellate matters. Many feel this gives them a competitive edge over their competitors.

Proposed Project Team Members

Lead Attorney: Governmental Entity Liability Team Co-Leader Mildred K. O'Linn



Mildred K. O'Linn is a partner in the Los Angeles office of Manning & Kass, Ellrod, Ramirez, Trester LLP. Ms. O'Linn has an unparalleled background as an attorney and technical expert in peace officer civil liability, training and tactics and the defense of governmental entities. Ms. O'Linn was a police officer for eight years at the Kent State University Police Department. Subsequently, she served as the Legal and Technical Advisor for the Law Enforcement Television Network, Inc. (LETN).

In her 35-year legal career, Ms. O'Linn has been repeatedly recognized for her skills as litigator. In 2009 Ms. O'Linn was accepted as a member of the distinguished American Board of Trial Advocates (ABOTA), an award only bestowed upon proven trial attorneys. In 2011, she was inducted into the Litigation Counsel of America as a Senior Fellow, an invitation-only trial lawyer honorary society representing less than one-half of one percent of American lawyers. Most recently in 2020, Ms. O'Linn was a featured speaker in the LA-ABOTA Masters in Trial Program, "Put Your Pants on and Pick a Jury" series in the Civil Rights - Police Misconduct presentation.



Tony M. Sain is a partner in the Los Angeles office of Manning & Kass and a trial lawyer and appellate advocate on the Governmental Entity Defense Team. He defends public agencies and law enforcement officers in civil rights actions and employment cases and has successfully defended his clients as lead trial attorney in a wide variety of jury and bench trials. Mr. Sain is also an expert on police officer personnel record procedural protections, has written a book on the topic, and was the lead lecturer for a seminar series hosted by the California Peace Officers Association training dozens of local law enforcement agencies across California.



Strategy, Writs and Appeals ("SWAT") Team Leader Scott Davenport and his team of dedicated attorneys support the team at all stages, including assisting in devising litigation strategy, developing cogent law-and-motion strategy to maximize the potential of prevailing on dispositive and non-dispositive motions, and performing trial support and extraordinary writ back-up.

Qualifications and Experience

Recent Case Summaries

Police Team Wins Reversal at Ninth Circuit in Excessive Force Case

Los Angeles Partners Missy O'Linn and Angela Powell and Senior Counsel Julie Fleming recently won a reversal at the Ninth Circuit Court of Appeals for the City of Torrance in an excessive force case where a woman was shot and killed while evading arrest and ramming police vehicles with her car. The three judge panel ruled that the shooting was objectively reasonable due to the imminent threat to the officers' lives, overruling a trial court opinion that there was a question as to whether deadly force is justified when a suspect is attempting to hit law enforcement officers with a motor vehicle.

Suspect came to the attention of Torrance Police after members of the public called in a suspected DUI driver in downtown Torrance. The first officer to encounter her observed her driving erratically, weaving in and out of oncoming traffic, and that her airbag had been deployed and her horn was honking on its own. As the suspect passed the officer, she raised her middle finger and looked directly at him. The officer followed in pursuit and called for backup.

Once additional officers arrived, they performed a maneuver designed to stop a vehicle without causing injury or significant damage. The officers then commanded the suspect to keep her hands raised, which she responded to by raising both of her middle fingers and smiling. As the officers moved to block the suspect in, she dropped her right hand and proceeded to ram vehicles in front of and behind her, before accelerating her vehicle toward officers. At this point, the officers fired on the suspect, who tragically died from her injuries.

The suspect's family filed suit against the officers and the City of Torrance, alleging a number of causes of action, most of which were dismissed by the trial court on summary judgment. Incredibly, the trial court did not dismiss the excessive force claim, ruling that there was a question as to whether the use of force was reasonable in this situation.

Our Police Team then appealed to the Ninth Circuit, who in reversing the trial court wrote, "[b]ecause the decedent accelerated toward the officers from only a few feet away, a reasonable officer under these circumstances would have perceived the decedent's actions to constitute a significant and immediate threat to the officers in the path of her vehicle and to other members of the public who were in the vicinity." We're thrilled that the Ninth Circuit has vindicated the professional conduct of these dedicated police officers and pleased that we could deliver this outcome for the City of Torrance.

California Supreme Court Rules in Favor of City of Gardena in Police Pursuit Immunity Case

Ruling Adopts Practical Standard for Agency Immunity for Police Pursuits

Today, the California Supreme Court, in a highly anticipated decision in *Ramirez v. City of Gardena*, Supreme Court case number S244549, found in favor of the City of Gardena in a high profile police pursuit case.

The Supreme Court's ruling, which will benefit governmental entities statewide, held that in order for immunity granted by Vehicle Code section 17004.7 to apply, law enforcement agencies must impose a requirement that all of their officers certify in writing that they have received, read, and understand the agency's vehicle pursuit policy. However, agency immunity is not lost simply because some officers have not completed the certification or records are not available to prove 100% compliance. Under the Court's ruling, immunity depends upon AGENCY compliance with the statute, not OFFICER completion of the certification mandate.

The Supreme Court accepted the argument by the City of Gardena, represented by Manning & Kass, Ellrod, Ramirez, Trester LLP, and a number of law enforcement agencies that submitted friend-of-the-court briefs, that obtaining certification from every officer by the date of a pursuit incident would impose an impractical and extremely onerous, if not impossible, standard on law enforcement agencies, some of whom have as many as 10,000 officers and all of whose officers may be unavailable to certify due to temporary absences for medical leave, family leave, administrative leave, military deployment, task force and undercover work, etc. The Court held that adopting a standard with which law enforcement agencies can reasonably comply serves the purpose of the statute to protect the public and officers by incentivizing law enforcement agencies to adopt and train their officers on safe vehicle pursuit policies. The Court rejected the plaintiff's argument that if a single officer does not complete the certification, the agency loses immunity.

"We're pleased the Supreme Court understood the untenable condition that requiring officer compliance rather than agency compliance would create, and we're also pleased that the City of Gardena persevered to establish this clear standard for law enforcement agencies statewide," said Ladell Hulet Muhlestein, a partner with Manning & Kass and lead appellate lawyer for the City of Gardena on the matter.

The case made its way to the Supreme Court after the trial court granted summary judgment in favor of the City of Gardena, finding that it satisfied the requirements of the immunity statute in a case involving a pursuit that occurred after armed robbery suspects fled when officers attempted to pull them over. The California Court of Appeal agreed with the City of Gardena, and disagreed with the San Diego Court of Appeal, which held in an earlier case that every officer must certify in order for an agency to obtain immunity, creating a conflict between the two Courts of Appeal. Because of the importance of the issue to all law enforcement agencies in the state, the City of Gardena took the unusual step of putting its victories in the courts below on the line and joining the plaintiff's request urging the Supreme Court to

review the case to resolve the conflict between the two Court of Appeal opinions and clarify the certification requirement.

In the case of *Huerta v. City of Santa Barbara*, a federal court wrongful death case, we assisted the Santa Barbara Assistant City Attorney. The case involved the use of a body wrap restraint device. We wrote and filed a motion for summary judgment, which was granted as to all the federal claims. The state claims were remanded back to state court. The case eventually settled for a low amount (2019).

Opposing Counsel: Catherine J. Swysen and Miguel A. Avila

Federal Judge: Terry J. Hatter

Our Attorneys: Eugene P. Ramirez and Scott Davenport

In the case of *Shirley v. City of Torrance*, a federal wrongful death case, we were retained to defend the case. We wrote and filed a motion for summary judgment which the trial judge denied. However, the Ninth Circuit recently reversed and held that the use of deadly force was objectively reasonable (2019).

Opposing Counsel: Federico C. Sayre

Federal Judge: S. James Otero

Our Attorneys: Mildred K. O'Linn and Angela Powell

In the case of *Valdez v. County of Riverside*, we represented the County and several deputies involved in a non-fatal shooting against claims of excessive force and failure to provide immediate medical care. Our motion for summary judgment eliminated all claims, except the failure to provide immediate medical care. The federal jury returned a defense verdict in 51 minutes (2019). There was no appeal.

Federal Judge: David O. Carter

Opposing Counsel: Charles L Murray III

Result: Defense Verdict against a demand of \$100,000.00

In the case of *Rodarte v. County of San Bernardino*, we defended the county and several members of the SWAT Team in a wrongful death shooting case involving a barricaded suspect who was not armed at the time of the shooting. The jury returned a defense verdict (2017). There was no appeal.

Opposing Counsel: Mark Pachowicz

Federal Judge: Magistrate Judge David Bristow

Result: Defense verdict against a demand of \$5 million

Our Attorney: Eugene P. Ramirez

References

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Project Approach

The proposed team for this project will be led by partner Mildred K. O'Linn, who co-leads the Firm's Governmental Entity Liability practice area. Ms. O'Linn is an accomplished litigator whose outstanding track record in defending local governments and law enforcement agencies has earned her national recognition and induction into both the American Board of Trial Advocates and American Board of Trial Advocates. She has represented Sheriff's Departments across the State of California and beyond and has an unparalleled background as an attorney and technical expert in peace officer civil liability, training and tactics and the defense of governmental entities.

The second chair will be partner Tony M. Sain, an experienced litigator with an impressive history of defense victories on behalf of California law enforcement agencies. Mr. Sain is also an expert on the Police Officer's Bill of Rights and related provisions in California law regarding the confidentiality of peace officer personnel records. His book, *Police Officer Personnel Record Procedural Protections in Civil Cases*, is the go-to guide for law enforcement agencies with questions about this area of law. He recently completed a training tour on the topic, comprised of eight workshops held around the state, for the California Peace Officers Association.

Each of the firm's individual practice area teams are led by a designated partner who is a seasoned veteran in litigating cases in that area. They will be consulted as needed on a case-by-case basis. If ongoing consultation and collaboration is required, another partner or a senior associate will be assigned to assist in the handling of cases. Additional associate attorneys will be assigned to individual cases, as necessary and appropriate, to support the practice area team leaders in their defense of the County for that case.

Billing Rates and Costs

Manning & Kass's legal services under this proposal are offered to the County at the following rates:

Partners at a rate of \$300/hour

Associates at a rate of \$275/hour

Paralegals at a rate of \$150/hour

Additional costs and expenses that we may incur on behalf of the County and include in our invoices include, but are not limited to, process servers' fees, fees fixed by law or assessed by courts or other agencies, court reporters' fees, long distance telephone calls, messenger and other delivery fees, postage, parking, investigation expenses, consultants' fees, expert witness fees, telecopies, mileage at the IRS approved rate, in-office photocopying at \$0.25 per page, and other similar items.

Additional Information

Manning & Kass's Governmental Entity Liability Team



Team Leader Eugene P. Ramirez

Eugene P. Ramirez, a founding partner of the firm, leads the Governmental Entity Liability Team. Nationally recognized for his law enforcement defense work, Mr. Ramirez has been honored with a Lifetime Achievement Award from the Association of Los Angeles Deputy Sheriffs and was selected as the Los Angeles County Sheriff's Department's Trial Lawyer of the Year in 1993 and 2006, by two different Sheriffs. An expert litigator, Mr. Ramirez was named to the distinguished American Board of Trial Advocates, an award only bestowed upon proven trial attorneys.

He was recently named a 2019 "Top Litigator and Trial Attorney" by the *Los Angeles Business Journal* and in 2011 was selected as one of the Top 25 Municipal Attorneys in California by the *Daily Journal*, who stated, "When local law enforcement agencies get in trouble, they call Ramirez."

Mr. Ramirez is frequently invited to speak to law enforcement agencies across the United States on handling high profile cases and risk management issues. He serves as an advisor to several public entities on the issues of use of force, canine and SWAT issues, policies and procedures. Mr. Ramirez also serves as general counsel for both the California Association of Tactical Officers and United States Police Canine Association and is a former legal section chair for the National Tactical Officers Association.

Team Co-Leader Mildred K. O'Linn



Mildred K. O'Linn is a partner in the Los Angeles office of Manning & Kass and the Co-Leader of the Governmental Entity Liability Team. Ms. O'Linn has an unparalleled background as an attorney and technical expert in peace officer civil liability, training and tactics and the defense of governmental entities.

Ms. O'Linn has been repeatedly recognized as a Southern California Super Lawyer by *California Magazine* and as one of the Top Women Attorneys in Southern California. In 2009, Ms. O'Linn was accepted as a member of the distinguished American Board of Trial Advocates (ABOTA), an award only bestowed upon proven trial attorneys. In 2011, she was inducted into the Litigation Counsel of America and is a Senior Fellow, an invitation-only trial lawyer honorary society representing less than one-half of one percent of American lawyers.

Partners



Tony M. Sain is a partner in the Los Angeles office of Manning & Kass and a trial lawyer and appellate advocate on the Governmental Entity Defense Team. He defends public agencies and law enforcement officers in civil rights actions and employment cases and has successfully defended his clients as lead trial attorney in a wide variety of jury and bench trials. Mr. Sain is also an expert on police officer personnel record procedural protections, has written a book on the topic, and was the lead lecturer for a seminar series hosted by the California Peace Officers Association training dozens of local law enforcement agencies across California.



Angela M. Powell is a partner in the Los Angeles office of Manning & Kass. As a member of the firm's Governmental Entity Liability Team, Ms. Powell represents and counsels governmental entities, public entities and individual police officers in civil rights actions. She has tried more than 60 cases in her 20-year career and has established herself as a tenacious attorney with a proven ability to obtain favorable results for her clients. Ms. Powell began her career as a Los Angeles County Deputy District Attorney, where she prosecuted hundreds of violent crimes, including robbery, kidnapping and capital murder.



Lynn L. Carpenter is a newly promoted partner in the Los Angeles office of Manning & Kass who practices with the Governmental Entity Liability Team. In her time with the firm she has handled numerous wrongful death/excessive force cases, and has defended every manner of use of force, including use of firearm, TASER, K-9 deployment, O.C. spray, control holds, manual and baton strikes, as well as SWAT/SRT tactical operations all within the context of claims made under the civil rights statute. Ms. Carpenter' comprehensive approach has led to an impressive string of victories, including defense verdicts in two back-to-back jury trials for the Sherriff's Department of Riverside County.

Sherriff's Department of Riverside County.

Associates



Tori Bakken



Garros Chan



Andrea Kornblau

Not Pictured:

Joseph Gordon

Stephen
McNicholl

Full bios for partners are included in the Attorney Biographies section. Biographies for associates are available by request or at www.manningllp.com/our-team



Eugene P. Ramirez, a founding partner of the firm, leads the Governmental Entity Liability; Military and Veterans Law; and School Civil Liability Teams. Mr. Ramirez is a frequently quoted national expert in police use of Body Worn Cameras. He serves as general counsel for both the California Association of Tactical Officers (CATO) and United States Police Canine Association and is a former legal section chair for the National Tactical Officers Association (NTOA).

Mr. Ramirez is frequently invited to speak to law enforcement agencies across the United States on use of force, handling high profile cases and risk management issues. He was recently named a 2019 "Top Litigator and Trial Attorney" by the *Los Angeles Business Journal*. He was selected as the Los Angeles County Sheriff's Department's Trial Lawyer of the Year in 1993 and 2006, by two different Sheriffs. He was selected as the 2009 Alumni Attorney of the Year for Whittier School of Law. He was also selected in 2011 as one of the Top 25 Municipal Attorneys in California by the Daily Journal, California's largest legal news provider, who stated, "When local law enforcement agencies get in trouble, they call Ramirez."

Mr. Ramirez has been profiled in the *California Lawyer Magazine* for his law enforcement defense work, and been honored with a Lifetime Achievement Award from the Association of Los Angeles Deputy Sheriffs (ALADS). He has also been named as a 2005–2011 and 2014–2017 Super Lawyer for Southern California. This award only goes to the top 5% of attorneys in the Los Angeles/Orange County Bar. He was also named to the distinguished American Board of Trial Advocates (ABOTA), an award only bestowed upon proven trial attorneys.

Mr. Ramirez is experienced in defending SWAT teams in civil liability cases. He is an instructor on liability issues for the Los Angeles County Sheriff's Department's Basic SWAT School, and also for the California Association of Tactical Officers (CATO) and the National Tactical Officers' Association (NTOA). He was a member of the State Attorney General's Blue Ribbon SWAT Committee, and POST's Executive Advisory Committee for SWAT Teams. He is a former member of the LAPD Board of Inquiry (which examined LAPD SWAT operations) and an approved California POST instructor.

He serves as an advisor to several public entities on the issues of use of force, canine and SWAT issues and policies and procedures. Mr. Ramirez acquired significant expertise on civil liability arising out of the use of police dogs in law enforcement by winning several cases, and has lectured on the subject to police departments nationwide. He has provided training to thousands of canine officers and supervisors, from around the country and Canada, for more than 20 years. He has authored several articles for the USPCA's *Canine Courier*.

Before joining the firm, Mr. Ramirez worked as a deputy district attorney for the L.A. County District Attorney's Office, where he conducted numerous misdemeanor and felony jury trials, including murder trials. He has also worked as a reserve police officer for the Whittier police department and the Monterey Park police department.

He graduated from Whittier College School of Law (JD 1987), where he was notes & comments editor of the *Law Review*, a member of the Moot Court Honors Board, and president of the Student Bar Association. At Whittier, he received an award as the Best Oral Advocate and the Outstanding Moot Court Graduate Award. He received his undergraduate degree in political science from California State University, Long Beach (BA 1983), where he minored in criminal justice & public policy.

Practice Areas

- Governmental Entity Liability
- Military and Veterans Law

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Mildred K. O'Linn is a partner in the Los Angeles office of Manning & Kass, Ellrod, Ramirez, Trester LLP. Ms. O'Linn has an unparalleled background as an attorney and technical expert in peace officer civil liability, training and tactics and the defense of governmental entities. Ms. O'Linn was a police officer for eight years at the Kent State University Police Department. Subsequently, she served as the Legal and Technical Advisor for the Law Enforcement Television Network, Inc. (LETN).

In her 35 year legal career, Ms. O'Linn has been repeatedly recognized for her skills as litigator and in 2009 Ms. O'Linn was accepted as a member of the distinguished American Board of Trial Advocates (ABOTA), an award only bestowed upon proven trial attorneys. In 2011 she was inducted into the Litigation Counsel of America as a Senior Fellow, an invitation-only trial lawyer honorary society representing less than one-half of one percent of American lawyers. Most recently in 2020, Ms. O'Linn was a featured speaker in the LA-ABOTA Masters in Trial Program, "Put Your Pants on and Pick a Jury" series in the Civil Rights - Police Misconduct presentation.

Since coming to California in 1991, she has served the law enforcement community on a variety of committees and provided training to tens of thousands of peace officers. In 1992 Ms. O'Linn served as a member of both the California POST Use of Force Committee and as a member of the California Peace Officers' Association committee to develop a model use of force policy. Between 1992 and 1995, Ms. O'Linn was a member of the Los Angeles Police Department's Use of Force Training Review Committee and served on the Los Angeles Police Department's Civilian Martial Arts Advisory Panel in development of the LAPD's arrest and control curriculum. She has served on numerous additional California POST committees including: Ethical Decision-Making; Officer Involved Shootings; Dog Encounters: Keeping Officers Safe Committee; Learning Domain 20: Use of Force; Law Enforcement Officers Killed and Assaulted; the Mental Health Course Development Workshop; the De-escalation Curriculum Development Workshop; and Crowd Management, Intervention, and Control Guidelines. The training concepts she has developed are considered revolutionary and include the Constitutional Law Crate, the Use of Force Equation, the CRISIS Communications Crate and the 835a Anagram. Missy also serves on the PoliceOne Editorial Advisory Board and has published numerous articles on law enforcement related topics.

In 2012, Ms. O'Linn was retained to assist the City of Spokane Washington Use of Force Commission in reviewing the agencies use of force policies and training and their FTO program and then in 2015 served as a consultant in the City's response to the collaborative reform issues with the federal DOJ. She served on the Los Angeles County Chiefs of Police Public Outreach Committee and on the Legal Affairs Committee and the Professional Development Committee for the Major County Sheriffs of America.

Ms. O'Linn has received numerous awards and acknowledgments for excellence in representation and for her contributions to the defense of the law enforcement community from various agencies. In 2005 she was named the Los Angeles County Deputy Sheriffs Association's recipient of the Award for Civilian Leadership. In December, 2006 Ms. O'Linn received a Meritorious Service Award from the City of Gretna, Louisiana Police Department for her assistance to law enforcement in the aftermath of Hurricane Katrina. More recently, the State of California awarded her the California POST Lifetime Achievement Award for Excellence in Law Enforcement Training and she was inducted into Safariland Training Group's "Monadnock Hall of Fame" for her dedicated service to educating those who are tasked to protect others.

Practice Areas

- Governmental Entity Liability
- Employment Law



Lynn L. Carpenter is a partner in the Los Angeles office of Manning & Kass. She practices with the Governmental Entity Liability Team.

Prior to joining the firm, Ms. Carpenter was an assistant district attorney in Payne County, Oklahoma where her work as lead or co-counsel resulted in the successful prosecution of complex felony assault trials including child abuse, sexual assault, and domestic violence. As an assistant district attorney, Ms. Carpenter developed special training protocols in conjunction with law enforcement professionals for evidence gathering and trial preparation. As an ardent advocate of victim's rights, Ms. Carpenter was keenly responsive to victims who were in the unfamiliar, and often hostile, courtroom environment. As a standout for victim's advocacy, she was awarded the Be The One Award for child abuse prosecution in 2015.

Ms. Carpenter earned a BA in liberal arts from Langston University and a JD from the University of Tulsa College of Law. During her tenure in law school, Ms. Carpenter received the CALI Excellence for the Future Award® in trial practice, evidence presentation, state administrative law, and legal reasoning, analysis, and writing.

Ms. Carpenter is admitted to practice law in Oklahoma, California, and the United States Central District of California.

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Practice Areas

- Governmental Entity Liability



Angela M. Powell is a partner in the Los Angeles office of Manning & Kass. As a member of the firm's Governmental Entity Liability Team, Ms. Powell represents and counsels governmental entities, public entities and individual police officers in civil rights actions. She has tried more than 60 cases in her 20-year career and has established herself as a tenacious attorney with a proven ability to obtain favorable results for her clients.

Ms. Powell began her career as a Los Angeles County Deputy District Attorney, where she prosecuted hundreds of violent crimes, including robbery, kidnapping and capital murder. After leaving the District Attorney's office, Ms. Powell was a successful plaintiff's attorney in a boutique Beverly Hills law firm, where she represented employees in sexual harassment and discrimination litigation.

However, her dedication and commitment to public service led her to return to representing governmental and public entities —this time as a civil defense attorney. Ms. Powell has represented and counseled law enforcement clients in civil rights litigation and has also represented management in employment and general litigation. She is a strong and effective advocate for her clients both inside and outside the courtroom, often sitting on panels and participating in community forums.

Whether drafting an answer to a complaint, propounding and responding to discovery, taking and defending depositions, or preparing for and conducting a jury trial, Ms. Powell performs each task with the utmost care for her clients' needs and a keen attention to detail. As a former plaintiff's attorney, Ms. Powell can quickly assess the strengths and weaknesses in her opponent's case and is able to form an effective strategy to either resolve the case or take the matter to trial.

Ms. Powell received her Bachelor of Arts in Political Science from Pepperdine University and went on to receive her Juris Doctorate from the Pepperdine University School of Law. Ms. Powell is a member of the California State Bar and is also admitted to the Bar of the United States District Court in the Central and Eastern District of California.

Practice Areas

- Governmental Entity Liability

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Tony M. Sain is a partner in the Los Angeles office of Manning & Kass, Ellrod, Ramirez, Trester LLP. He is a trial lawyer and appellate advocate on the Governmental Entity Defense Team: defending public agencies and law enforcement officers in civil rights actions and employment cases, as well as other clients in general and entertainment-related litigation.

Mr. Sain has successfully defended his clients as lead trial attorney in a wide variety of jury and bench trials. For cases where Mr. Sain has been the lead or co-lead, there has been a defense win in over seventy percent of the trials and over ninety percent of the appeals; and, since becoming a partner, Mr. Sain has won all of his jury trials – including a police TASER/paralysis case against the nation's most successful plaintiffs' police civil attorney, Dale K. Galipo; a police K-9 dog bite case against Johnny Cochrane's heir, Brian T. Dunn; and a high-publicity police civil rights/officer-involved shooting case involving a knife-armed, teen suicidal suspect.

Mr. Sain is also one of a select group of pro bono prosecutors who try criminal cases for the Los Angeles County District Attorney's Office. Mr. Sain has been admitted to the California State Bar since 2007; and he is also admitted to the Bar of all of the California federal district courts, the Ninth Circuit Court of Appeals, and of the U.S. Supreme Court. He has also been a leader in training public entities and officers in the legal implications of SB 1421 and AB 748, including as a lead lecturer for the seminar series hosted by the California Peace Officers' Association ("CPOA"); and he is the author of "The *Pitchess* Privileges: A Guide to Understanding Police Officer Personnel Record Procedural Protections In Civil Cases" – available on Amazon.com.

Mr. Sain is also a member of the American Board of Trial Advocates, Los Angeles Chapter's ABOTA Side Bar program; and he has been named as a Super Lawyers Rising Star annually since 2013. Before practicing law, Mr. Sain served for ten years as a senior executive in various corporate and non-profit organizations: specializing in policy development, organizational restructuring and efficiency, community/public relations, entity alliance-building, and marketing.

Mr. Sain is a graduate of Princeton University's elite School of Public and International Affairs; and he is a graduate of Loyola Law School of Los Angeles' prestigious Hobbs Trial Advocacy Program, Williams Civil Rights Litigation Program, and of the Scott Moot Court Board for competitive appellate advocacy – in which he won the Best Advocate award for California.

Practice Areas

- Governmental Entity Liability

Admission

- California

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Scott Wm. Davenport serves as the firm’s general counsel and leads the firm’s 13 member Strategies, Writs, and Appeals Team. Mr. Davenport, a certified specialist in appellate law, has served as the chair of the California State Bar Committee of Bar Examiners and the Appellate Law Advisory Commission. He is an AV[®] Preeminent attorney (the highest Martindale-Hubbell ranking an attorney can receive for legal quality and ethics) and was selected as a 2009–2020 Super Lawyer, a distinction awarded to no more than five percent of attorneys in a state who have attained a high degree of peer recognition and professional achievement. Throughout this career, Mr. Davenport has served as the lead counsel in approximately 400 appellate matters, many of which resulted in published opinions involving cases of first impression, including a *per curiam* summary reversal in the United States Supreme Court. He has also written multiple amicus briefs on behalf of the Southern Poverty Law Center, a national organization known for its civil rights victories and tolerance education programs.

In addition to currently serving as an appellate settlement officer with the Second District Court of Appeals, Mr. Davenport has served as a judge pro tem in the San Bernardino Superior Court. Mr. Davenport recently co-authored a book for the Continuing Education of the Bar on the proper use of scientific evidence, is a regular contributor to the *Los Angeles Daily Journal* and has recently been featured in the State Bar’s Ad Campaign, “What Kind of Lawyer Becomes a Certified Specialist?” He also served as a legal consultant on the CBS television series “The Guardian,” an activity which resulted in the drafting of a recurring character for the program named “Scott Davenport.”

In 2006, Mr. Davenport was involved in three United States Supreme Court matters and one matter before the California Supreme Court. In 2007, Mr. Davenport was back in front of the High Court, this time obtaining a summary reversal in *Rettele v. County of Los Angeles*. From 2008 to 2010, Mr. Davenport filed multiple briefs in the California Supreme Court in the Marriage Cases, as well as an Amicus Curiae brief in the Ninth Circuit Court of Appeals in the subsequent constitutional challenge to Proposition 8.

Prior to joining the firm, Mr. Davenport served as a deputy attorney general with the California Department of Justice and as a judicial extern with both the California Court of Appeal and the United States District Court. Based on this background, Mr. Davenport is often called upon to defend the State of California and the California Department of Corrections and Rehabilitation in extraordinary writ petitions venued in the variety of trial and appellate courts throughout the state. Mr. Davenport is also a licensed real estate broker who provides practical advice to the firm’s real estate clients.

In 2011, Mr. Davenport authored a book on workers’ compensation appeals. He regularly presents on the topic of workers’ compensation appeals.

Fluent in Spanish, Mr. Davenport has coached youth baseball and soccer, and is a 32nd degree Mason and a Shriner. Mr. Davenport and his wife of 30 years reside in Huntington Harbor.

Practice Areas

- Appellate Law (Strategy, Writs, & Appeals)

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