ACCEL

Authority for California Cities Excess Liability
c/o Alliant Insurance Services, Inc.
Corporation Insurance License No. 0C36861
560 Mission Street, 6th Floor, San Francisco, CA 94105

AGENDA

LEGEND: A - Action may be taken
I - Information
1 - Included
2 - Handout
3 - Separate
4 - Verbal

JPA: **ACCEL CLAIMS COMMITTEE MEETING**

DATE/TIME: Tuesday, August 5, 2025, at 11:00 AM

LOCATION: Teleconference
Link:https://alliantinsurance.zoom.us/j/96439577386?pwd=WWiHUHb8ZsKm92SlUo9HG6PvKm1RL4.1
Meeting ID: 964 3957 7386
Passcode: 295369
Dial: (669) 900-6833

In accordance with the requirements of the Brown Act, notice of this meeting must be posted in publicly accessible places, 72 hours in advance of the meeting, at the office of ACCEL's Secretary.

Per Government Code section 54954.2, persons requesting disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Alliant Insurance Services at (415) 403-1400, 24 hours in advance of the meeting. Access to some buildings may require routine provision of identification to building security. However, ACCEL does not require any member of the public to register his or her name, or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.

MEMBER LOCATIONS VIA TELE - CONFERENCE

- **City of Bakersfield**, 1600 Truxtun Ave., 4th Floor, Bakersfield, CA 93301
- **City of Modesto,** 1010 10th Street, Modesto, CA 95354
- **City of Mountain View,** 500 Castro St, Mountain View, CA 94041
- **City of Santa Cruz**, 1200 Pacific Ave., Suite 290, Santa Cruz, CA 95060
- **City of Santa Monica**, 1685 Main Street, Room 131, Santa Monica, CA 90401

PAGE			
		A. CALL TO ORDER	
		B. CONSENT CALENDAR	(A)
3-5	*1*	**1.** Approval of Minutes for the May 12, 2025, Claims Committee Meeting *The Committee will review these minutes and will take action to approve or give direction.*	
		C. REPORTS	
		1. CLAIMS COMMITTEE'S REPORT	
6	*1*	a) Election of Claims Committee Chair *The Claims Committee annually convenes to elect the Claims Committee Chair. Action may be taken, or direction given.*	(A)
7-9	*1 & 4*	b) George Hills Services Team Update *George Hills will provide the Committee an update regarding the Claims Administration Service Team*	(I)
10-23	*1*	c) Litigation Update *George Hills will provide the Committee a litigation update.*	(I)
24-27	*1*	d) Member Attorney Rates *The Committee will review the disclosed attorney rates for reasonableness and may take action or provide direction.*	(A)

3 e) **CLOSED SESSION – Pursuant to Gov't Code 54956.95** (A)
Members will review the following Closed Session items and may take action or give direction.
i. Izumi Strellar v. Santa Monica

RECONVENE - DISPOSITION OF CLOSED SESSION ITEMS

D. PUBLIC COMMENTS (I)
4 *The public is invited at this point to address the Committee on issues of interest to them.*

ADJOURNMENT

ACCEL
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560 Mission Street, 6th Floor, San Francisco, CA 94105

MINUTES OF THE ACCEL CLAIMS COMMITTEE MEETING
Monday, May 12, 2025, at 1:30 PM

Item No. B.1
Claims Committee
August 5, 2025

LOCATION:
TELECONFERENCE

Link: https://alliantinsurance.zoom.us/j/91284747163?pwd=GLGxT4xerllONxxAl20BVo5yQeUpIn.1

Meeting ID: 912 8474 7163
Passcode: 517204
Dial: (669) 900-6833

MEMBERS PRESENT:
Jena Covey, City of Bakersfield
Lisa Cox, City of Monterey
Ross Brandon, City of Santa Cruz
Oles Gordeev, City of Santa Monica (left at 2:59 PM)

MEMBERS ABSENT:
Marquie Lugo, City of Ontario Alternate

GUESTS AND CONSULTANTS:
Ben Oram, George Hills Company
David Tratuz, George Hills Company
Rich Santana, George Hills Company
Conor Boughey, Alliant Insurance Services
Lorissa Huey, Alliant Insurance Services

A. CALL TO ORDER

Jena Covey called the meeting to order at 1:30 PM.

B. CONSENT CALENDAR

B1. Approval of Minutes for the March 4th, 2025, Claims Committee Meeting

A motion was made to approve the consent calendar.

MOTION: Oles Gordeev **SECOND:** Ross Brandon **MOTION CARRIED**

	Jena Covey	Lisa Cox	Marquie Lugo	Ross Brandon	Oles Gordeev
Aye	X	X		X	X
Nay					
Abstain					

C. REPORTS

C1. CLAIMS COMMITTEE'S REPORT

C1a. Litigation Update

Every quarter, Ben Oram provides the Claims Committee a litigation update. The litigation update is posted on the ACCEL Website in the Members' Only Section.

Members asked questions, which were addressed.

C1b. CLOSED SESSION – Pursuant to Gov't Code 54956.95

A motion was made to enter into Closed Session at 1:40 PM.

MOTION: Oles Gordeev **SECOND:** Ross Brandon **MOTION CARRIED**

	Jena Covey	Lisa Cox	Marquie Lugo	Ross Brandon	Oles Gordeev
Aye	X	X		X	X
Nay					
Abstain					

A motion was made to come out of Closed Session at 3:00 PM.

MOTION: Ross Brandon **SECOND:** Jena Covey **MOTION CARRIED**

	Jena Covey	Lisa Cox	Marquie Lugo	Ross Brandon	Oles Gordeev
Aye	X	X		X	
Nay					
Abstain					

RECONVENE - DISPOSITION OF CLOSED SESSION ITEMS

Lorissa Huey reported out of Closed Session that direction was given to the Claims Administrators.

D. PUBLIC COMMENTS - There were no public comments.

ADJOURNMENT

Lorissa Huey adjourned the meeting at 3:02 PM.

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560 Mission Street, 6th Floor, San Francisco, CA 94105

Item No. C.1.a
Claims Committee
August 5, 2025

Election of Claims Committee Chair

ISSUE: The Claims Committee annually elects a Committee Chair. The Committee Members are:

- Ross Brandon, City of Santa Cruz, Primary *(Current President)*
- Jena Covey, City of Bakersfield, Primary *(Past Chair)*
- Matthew Braley, City of Modesto, Primary
- Samhitha Cutshaw, City of Mountain View, Primary
- Oles Gordeev, City of Santa Monica, Primary *(Current Treasurer)*

RECOMMENDATION: Staff recommends the Committee discuss and take action to elect a new Claims Committee Chair.

FISCAL IMPACT: No financial impact is expected from the recommended action.

BACKGROUND: The Executive Committee annually appoints Members of the Board to serve on Committees in July. Each year the Claims Committee elects a Chair, most recently held by Jena Covey. From 2021-2024, Tracey Matthews was the Chair. From 2020-21, Oles Gordeev was the Chair. From 2018-20, Betsy McClinton was the Chair. In 2017-18, the Chair was Charlotte Dunn, City of Visalia. Prior to Charlotte, Deb Hossli from the City of Santa Monica served as Committee Chair.

ARTICLE VI
COMPOSITION AND DUTIES OF COMMITTEES

The operation of the Authority shall be overseen by four standing committees: Executive, Underwriting, Finance, and Claims. ACCEL Member Alternates may be appointed to serve as members of the Underwriting, Finance and Claims Committees, but not as Chairperson.

ATTACHMENT: None.

Samantha Morgan
1373 Goldeneagle Drive
Corona, CA. 92879
(951) 258-8581 – Samantha.jm258@gmail.com

OBJECTIVE:
To obtain a position where my experience and knowledge would be an asset to the continuing growth and success of the organization.

QUALIFICATIONS:
- 27+years of claims and litigation experience which includes 13+years in Public Entity/General Liability
- Understanding risk assessment/exposure early in litigation process
- Identify needs and identification of experts when appropriate
- Direct/discuss with counsel best defense strategies, constant communication
- Ongoing discussions with counsel concerning litigation budget up to and including trial
- Identification of potential early settlement via Mediation, MSC or ADR
- Attend and monitor trials as needed or appropriate
- Application of CCP 998's, structured settlements, Minors Compromise, Prop 51, Prop 213

EXPERIENCE:
George Hills Company
June 2025 – Present
Claims Supervisor – Supervising a team of four adjusters and the primary point of contact for all claims-related matters for the client account that the adjuster is handling.

March 2022 – June 2025
Senior Claims Adjuster - Administering general liability claims for Schools, Cities and Water Districts.
- Review and analyze all liability claims against the entity, whether primary or excess entities and MOC's
- Types of claims include, employment, slip/trip/fall, OIS's, water/sewage flooding, SAM's claims
- Evaluate the entity's liability and advise of potential areas of liability
- Conduct additional investigation as necessary
- Work with the city attorney and outside counsel on litigated files as well as settlement on claims
- Conduct claim reviews telephonically and via zoom.
- Ensure adequacy of reserves of all claims including litigated files
- Attend mediation, MSC's and small claims if needed

Gallagher Bassett
August 2021 – March 2022
Resolution Manager - Administering general liability claims for School Districts and Libraries
- Review and analyze all liability claims against the entity
- School Board Legal Liability claims, employment claims, slip/trip/fall
- Work alongside defense counsel on litigated files as well as settlement on claims and Brokers
- Ensure adequacy of reserves of all claims including litigated files
- Attend mediation and MSC's if needed

George Hills Company
August 2019 – August 2021
Senior Claims Adjuster - Administering general liability claims for Cities and Water Districts.

• Review and analyze all liability claims against the entity
• Types of claims include, slip/trip/fall, OIS's and sewer back-ups,
• Evaluate the entity's liability and advise of potential areas of liability
• Conduct additional investigation as necessary
• Work with the city attorney and outside counsel on litigated files as well as settlement on claims
• Conduct claim reviews telephonically and via zoom.
• Ensure adequacy of reserves of all claims including litigated files
• Attend mediation and MSC's, small claims if needed

Alliance of School for Cooperative Insurance Programs (ASCIP)
April 2018 - August 2019
Claims Adjuster – Handling claims for various School Districts and Colleges administering their claims, working with the districts risk management department. Claims include employment claims, whether for discrimination, sexual harassment or wrongful termination, SAM's claims.
• Conduct additional investigation as necessary including going out into the field
• Review and analyze all liability claim against the district
• Work with outside defense counsel on litigated files as well as settlement on claims
• Advise the District on potential areas of liability and where they could train employees
• Ensure adequacy of reserves of all claims including litigated files
• Attend small claims, mediation and MSC's as needed
• Use of structured settlements and ADR for quicker resolution and optimal results

Carl Warren & Company
August 2013 – April 2018
Claims Specialist - Handling general liability public entity claims for various cities and alongside the city's risk management department and city attorney's
• Review and analyze all liability claims against the entity and valuate the entity's liability
• Conduct additional investigation as necessary
• Work with legal on litigated files as well as settlement on claims
• Advise entity on potential area of liability and where they could train employees
• Ensure adequacy of reserves of all claims including litigated files
• Attend small claims, mediation and MSC's as needed on behalf of the entity
• Use of structured settlements and ADR for quicker resolution and optimal results

Farmers Insurance Group / 21st Century Insurance
August 1995 – May 2013
Claims Examiner Senior/Special Claims Rep Liability: September 2003 – May 2013
• Extensive file review experience and assurance that files comply with FSCP
• Lead a team of office adjusters in round tabling files and shepherd to closure
• Handle a wide array of injury exposures from soft tissue to wrongful death claims
• Conduct additional investigation into coverage and liability as necessary
• Effectively manage and maintain files, including ensuring adequacy of reserves, handling litigated files, monitoring trials and directing defense counsel regarding discovery
• Knowledgeable in the applications/principles of Dillon vs. Legg, loss of consortium, Prop 51, Prop 213, Prop 103 and policy limit apportionment.
• Bodily Injury Examiner: July 1998 - September 2003
• Responsible for evaluating liability, settling claims within the policy limits and managing case/file communications

EDUCATION:
California State University of Los Angeles
BS – Business Administration – Management 1995
Public Entity Certification Program (PECP) - 2021

INTERESTS:
Committee Board Member of the Combined Claims Conference 2008 – Present

References Available Upon Request

ACCEL

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Item No. C.1.c
Claims Committee
August 5, 2025

LITIGATION UPDATE

ISSUE: At today's meeting, Ben Oram, ACCEL Litigation Manager will provide another update because the Committee requested these to be provided quarterly.

RECOMMENDATION: This is an information item; no action is necessary.

FISCAL IMPACT: No financial impact is expected.

BACKGROUND: The Program Administrators discussed services with ACCEL's Prior Chair, Tracey Matthews. As a result of that discussion, ACCEL requested that George Hills provide a quarterly update.

ACCEL has not previously received litigation updates as part of our litigation management services, but has received updates at strategic planning meetings.

The Litigation Update documents are posted on the ACCEL Website in the Members' Only section.

ATTACHMENT: Litigation Update from George Hills.

GEORGE HILLS
Our minds over your matters.

Authority for California Cities Excess Liability
Litigation Review and Update
July 25, 2025
Benjamin Oram, Esq.

Summary

1. *Whitehead v. City of Oakland* – Dangerous condition; release of liability not effective
2. *Restivo v. City of Petaluma* – Dangerous condition; general notice is not enough
3. *Tindall v. County of Nevada* - Dangerous condition; parking lot is a street
4. *Tillinghast v. L.A. Unified School District* – Failure to train on use of AED machines
5. *Estate of Soakai v. Abdelaziz* – Police pursuit not entitled to qualified immunity based on facts
6. *A.B. v. County of San Diego* – Restraint asphyxiation dismissal reversed post-MSJ appeal
7. *Hubbard v. City of San Diego* – Teaching yoga is free speech which could not be barred by City
8. *Animal Protection & Rescue v. County of Riverside* – Threat of arrest in response to protest
9. *Coyote Aviation Corp. v. City of Redlands* - Written terms of lease enforced in favor of City
10. *Stanley v. City of Stanford* – ADA discrimination does not extend to retirees
11. *Ames v. Ohio Department of Youth Services* – Majority group discrimination has same rules
12. *Sacramento Television Stations Inc. v. Superior Court* – CPRA: Entity must prove basis to withhold
13. *E.I. v. El Segundo Unified School Dist*. – Decisions to address bullies do not get immunity
14. *Taylor v. Los Angeles Unified School Dist*. – District immune for non-school related conduct
15. *Allos v. Poway Unified School Dist.*– Immunity for decisions related to control of disease
16. *Lampkin v. County of L.A.* – Labor Code 1102.5; Must win for prevailing party attorney fees
17. *Brown v. City of Inglewood* – Labor Code 1102.5; Elected officials are not employees

Cases and Analysis

DANGEROUS CONDITION OF PUBLIC PROPERTY – RELEASE OF LIABILITY

Whitehead v. City of Oakland
California Supreme Court
Docket: S284303
Opinion Date: May 1, 2025
Judge: Kelli M. Evans
Areas of Law: Civil Procedure, Contracts, Personal Injury

Summary Rules:
A general release of liability executed for an event is not sufficient to release a public entity from liability when it has a statutory obligation to maintain its property.

Facts:
Ty Whitehead suffered a serious head injury during a bicycle training ride for a charity fundraiser due to a large pothole on Skyline Boulevard in Oakland. Whitehead alleged that the City of Oakland breached its statutory duty to maintain a safe roadway. Prior to the ride, Whitehead signed a release and waiver of liability, which included a provision discharging the City from any liability for negligence.
The Alameda County Superior Court granted summary judgment in favor of the City, holding that the release was valid and enforceable, thus barring Whitehead's claim. The court reasoned that the release did not affect the public interest, relying on the multifactor test from Tunkl v. Regents of University of

California. The Court of Appeal affirmed the trial court's decision, also relying on the Tunkl framework.

Holding and Analysis:
The Supreme Court of California reviewed the case and concluded that the release was against public policy under Civil Code section 1668, which prohibits contracts that exempt a party from responsibility for their own fraud, willful injury, or violation of law. The court held that an agreement to exculpate a party for future violations of a statutory duty designed to protect public safety is unenforceable. The court reversed the judgment of the Court of Appeal and remanded the case for further proceedings, allowing the City to argue the doctrine of primary assumption of risk on remand.

DANGEROUS CONDITION OF PUBLIC PROPERTY – NOTICE OF CONDITION

Restivo v. City of Petaluma
Docket: A169918(First Appellate District)
Opinion Date: May 20, 2025
Judge: Kathleen M. Banke
Areas of Law: Government & Administrative Law, Personal Injury

Summary Rules:
The City's general notice of street condition via its pavement improvement plan was not sufficient to establish notice of a specific defect.

Facts:
Plaintiff Jennifer Restivo was skateboarding on a residential street in Petaluma, California, when her skateboard wheel caught in a large crack, causing her to fall and sustain a serious arm injury. She alleged that the City of Petaluma was negligent in maintaining the street and that the city had sufficient notice of the dangerous condition to repair it before her accident. The city moved for summary judgment, arguing that it had neither actual nor constructive notice of the dangerous condition.

The Sonoma County Superior Court granted summary judgment in favor of the city. The court found that there was no triable issue of material fact regarding the city's notice of the dangerous condition. The court noted that the city had maintained records of complaints about city streets for over ten years and had received no complaints about the street in question. Additionally, the city engineer testified that the city had conducted inspections of the street and found no significant issues that required repair.

Holding and Analysis:
The California Court of Appeal, First Appellate District, reviewed the case and affirmed the trial court's decision. The appellate court held that the city had neither actual nor constructive notice of the dangerous condition. The court emphasized that the city's inspection and maintenance practices, including the bi-annual pavement condition reports and subsequent inspections, did not reveal the specific crack that caused the plaintiff's fall. The court also noted that the plaintiff's expert's opinion did not provide sufficient evidence to establish that the city had notice of the dangerous condition. The main holding of the appellate court was that the city did not have actual or constructive notice of the dangerous condition that caused the plaintiff's injury, and therefore, the city was not liable for the plaintiff's injuries. The judgment in favor of the city was affirmed.

DANGEROUS CONDITION OF PUBLIC PROPERTY – WEATHER IMMUNITY

Tindall v. County of Nevada
Docket: C099205(Third Appellate District)

Opinion Date: June 18, 2025
Judge: Stacy Boulware Eurie
Areas of Law: Government & Administrative Law, Personal Injury

Summary Rules:
The parking lot of a public building is considered a street for purposes of weather immunity.

Facts:
Rhonna Tindall, a correctional nurse working in the County jail in Nevada City, slipped on a layer of ice in a parking lot owned by the County of Nevada and injured her knee. Tindall knew it had snowed, wore snow boots to work, went for a walk at lunch in the melting snow, but slipped when she left work after the melted snow froze again and became ice. She sued the County, alleging that the icy parking lot was a dangerous condition of public property under Government Code sections 830 and 835. The County moved for summary judgment, claiming immunity under section 831, which provides that a public entity is not liable for injuries caused by weather conditions affecting the use of streets and highways.

The trial court granted the County's motion for summary judgment, ruling that the parking lot was a "street" or "highway" within the meaning of section 831, and that the County was entitled to "weather immunity." The court also found that a reasonably careful person would have anticipated the potential existence of slippery ice in the parking lot. Tindall appealed, arguing that section 831 immunity does not apply to parking lots, that the dangerous condition resulted from a combination of weather and other factors, and that the County did not meet its burden to show that a reasonably careful person would have anticipated the ice.

Holding and Analysis:
The California Court of Appeal, Third Appellate District, reviewed the case. The court concluded that the parking lot is a "street" within the meaning of section 831, largely based on the Vehicle Code's definition of "street" as a publicly maintained place open to the public for vehicular travel. The court found Tindall's arguments unpersuasive and determined that the County was not liable for her injury caused by the weather condition. The court also held that Tindall's arguments regarding the combination of weather with other factors and the reasonably careful person standard were forfeited on appeal. The judgment of the trial court was affirmed.

NEGLIGENT TRAINING REGARDING AED UTILIZATION

Tillinghast v. L.A. Unified School District
Docket: B332299(Second Appellate District)
Opinion Date: May 5, 2025
Judge: John Shepard Wiley Jr.
Areas of Law: Civil Procedure, Personal Injury

Summary Rules:
District responsible to train employees on use of AED when AED was on site.

Facts:
Maxwell Tillinghast, a 13-year-old student, collapsed from sudden cardiac arrest while jogging during a physical education class at Palms Middle School. Although the school had a defibrillator in the main office, the teachers were unaware of its presence. Despite being trained to use a defibrillator, the teachers could not utilize it, leading to Tillinghast's death. His father sued the Los Angeles Unified School District (LAUSD) and several employees, alleging negligence for failing to inform the teachers about the defibrillator.

The Superior Court of Los Angeles County heard the case, where the jury focused on whether Tillinghast's latent heart defect would have been fatal even if the teachers had known about the defibrillator. The jury found the school district negligent and awarded Tillinghast's father $15 million in damages. The jury exonerated the school principal, Dr. Derek Moriuchi, from negligence.

Holding and Analysis:
The LAUSD appealed to the Court of Appeal of the State of California, Second Appellate District, Division Eight, arguing that the trial court erred in giving a specific jury instruction (CACI No. 423) related to public entity liability for failure to perform a mandatory duty. The appellate court found that the school district had forfeited its objections to this instruction by not raising the issue during the trial. Additionally, the court noted that the school district had conceded mistakes were made regarding the defibrillator's availability and training.

The Court of Appeal affirmed the judgment, holding that the evidence supported the jury's verdict and that the school district's failure to inform the teachers about the defibrillator constituted negligence. The court awarded costs to the respondent, Tillinghast's father.

POLICE PURSUIT – QUALIFIED IMMUNITY DENIED BASED ON FACTS

Estate of Soakai v. Abdelaziz
Docket: 23-4466 (Ninth Circuit)
Opinion Date: May 16, 2025
Judge: Susan Graber
Areas of Law: Civil Rights

Summary Rules:
The specific facts of a police pursuit and its aftermath may eliminate application of qualified immunity if the evidence demonstrates that the officers did not act with an appropriate law enfrocement purpose.

Facts:
A group of innocent bystanders was injured when a fleeing suspect lost control of his car and crashed into them during a high-speed police chase. The plaintiffs, including the estate of a deceased individual and several injured parties, alleged that the police officers conducted the chase with the intent to harm the suspect and failed to provide or summon emergency services after the crash.

The United States District Court for the Northern District of California denied the officers' motion for judgment on the pleadings based on qualified immunity. The officers appealed, arguing that they were entitled to qualified immunity because the plaintiffs did not state a claim for a violation of their constitutional rights.

Holding and Analysis:
The United States Court of Appeals for the Ninth Circuit affirmed the district court's decision. The court held that the plaintiffs plausibly alleged a substantive due process claim by asserting that the officers conducted the high-speed chase with a purpose to harm the suspect, which exceeded any legitimate law enforcement purpose. The court also held that the law was clearly established that such conduct was unconstitutional, thus the officers were not entitled to qualified immunity.

Additionally, the court addressed the plaintiffs' state-created danger claim, holding that the officers' failure

to summon or render emergency services after the crash, despite witnessing the injuries, constituted deliberate indifference to a known danger. The court concluded that the plaintiffs plausibly alleged that the officers' actions violated clearly established law, and therefore, the officers were not entitled to qualified immunity on this claim either. The court emphasized that its decision was based on the unique facts of the case and did not preclude the possibility of qualified immunity being granted at a later stage.

POLICE USE OF FORCE – RESTRAINT ASPHYXIATION

A.B. v. County of San Diego
Docket: D084376M (Fourth Appellate District)
Opinion Date: July 18, 2025
Judge: Martin Buchanan
Areas of Law: Civil Rights, Criminal Law, Legal Ethics, Personal Injury, Professional Malpractice & Ethics

Summary Rules:
Granting a defendant's MSJ not appropriate when an expert opinion from the plaintiff states that the use of force could be deemed excessive, which creates a triable issue of material fact.

Facts:
Kristopher Birtcher, experiencing a mental health crisis due to abuse of methamphetamine, was reported to law enforcement by a Hobby Lobby manager. Birtcher, unarmed and not threatening anyone, was detained by sheriff's deputies. During the detention, Birtcher attempted to flee but was subdued by multiple deputies who restrained him in a prone position, applying bodyweight pressure to his back. Despite Birtcher's pleas that he could not breathe, the deputies maintained the restraint, and Birtcher eventually stopped moving and died from asphyxiation and sudden cardiac arrest.

In the Superior Court of San Diego County, the trial court granted summary judgment in favor of the defendants, finding no triable issues of material fact regarding the excessive force claim. The court concluded that the deputies' actions were in accordance with their training and that Birtcher's restraint was proper. The court also ruled that plaintiff failed to establish a legal basis for the negligent training claim against Sheriff William D. Gore.

Holding and Analysis:
The California Court of Appeal, Fourth Appellate District, Division One, reviewed the case. The court reversed the trial court's decision, holding that there were indeed triable issues of material fact regarding the excessive force used by the deputies. The appellate court found that the evidence, including expert testimony, suggested that the deputies' use of bodyweight pressure on Birtcher while he was restrained in a prone position could be considered excessive force. The court also held that the trial court erred in granting summary judgment on the negligent training claim against Sheriff Gore, as there was a statutory basis for the claim and evidence suggesting his involvement in the training policies. The appellate court reversed the judgment in favor of all defendants and remanded the matter for further proceedings.

FIRST AMENDMENT - FREE SPEECH

Hubbard v. City of San Diego
Docket: 24-4613 (Ninth Circuit)
Opinion Date: June 4, 2025
Judge: Holly Thomas
Areas of Law: Constitutional Law

Summary Rules:
Teaching free yoga classes at public parks is protected free speech and the City had no authority to ban such activities by ordinance.

Facts:
Two yoga teachers, Steven Hubbard and Amy Baack, challenged the City of San Diego's ordinance prohibiting teaching yoga to four or more persons at the City's shoreline parks or beaches. They argued that this prohibition violated their First Amendment rights. The ordinance defined teaching yoga as a non-expressive activity and prohibited it without the City's permission, even if offered for free. Hubbard and Baack, who offered free yoga classes in these parks, were stopped by City park rangers and issued infraction tickets for violating the ordinance.

The United States District Court for the Southern District of California denied their motion for a preliminary injunction. The court found that teaching yoga was not protected speech under the First Amendment and that the City's prohibition was a valid time, place, and manner restriction. The court also concluded that issuing an injunction was not in the public interest, as the City had not banned yoga entirely but had restricted it to non-shoreline parks.

Holding and Analysis:
The United States Court of Appeals for the Ninth Circuit reviewed the case and reversed the district court's decision. The appellate court held that teaching yoga is protected speech under the First Amendment because it involves communicating and disseminating information about yoga's philosophy and practice. The court found that the City's ordinance was content-based, as it specifically targeted yoga, and thus failed strict scrutiny. The City did not demonstrate a compelling interest or narrow tailoring to justify the prohibition. The court concluded that Hubbard and Baack were likely to succeed on the merits of their as-applied First Amendment claim, would suffer irreparable harm without an injunction, and that the balance of equities and public interest favored granting the injunction. The case was remanded with instructions to enter a preliminary injunction in favor of Hubbard and Baack.

LAW ENFORCEMENT - PROTEST TO RESPONSE

Animal Protection and Rescue v. County of Riverside
Docket: D085176(Fourth Appellate District)
Opinion Date: June 4, 2025
Judge: Julia Craig Kelety
Areas of Law: Civil Procedure, Civil Rights

Summary Rules:
Law enforcement threat of arrest in response to protest is not a violation of Ralph Act or Bane Act since its not violence or intimidation.

Facts:
In June 2018, Leslie Davies and volunteers from the Animal Protection and Rescue League, Inc. protested against a pet store in a Temecula shopping mall, alleging the store sourced dogs from puppy mills. They were asked by mall officials to move their protest due to a table reservation conflict. When Davies refused, Riverside Sheriff's Deputy Rudy Leso threatened her with arrest if she did not comply. Davies requested a citation instead, but Leso insisted on arrest. Consequently, Davies and the volunteers left the area.

The plaintiffs, Davies and the League, filed a lawsuit against the County of Riverside and Deputy Leso in August 2019. The Superior Court of Riverside County sustained demurrers without leave to amend for

several causes of action, including negligence, Bane Act, and Ralph Act claims. The court also granted summary judgment in favor of the defendants on the remaining cause of action for declaratory relief.

Holding and Analysis:
The California Court of Appeal, Fourth Appellate District, reviewed the case. The court affirmed the lower court's decisions, finding no error. It held that Davies's negligence claim failed because she did not allege physical injury or a breach of duty. The Ralph Act claim was dismissed as the threat of arrest did not constitute violence. The Bane Act claim was also dismissed because the threat of arrest alone did not amount to coercion or intimidation. Lastly, the court upheld the summary judgment on the declaratory relief claim, noting there was no actual controversy since the County agreed that mall rules are not laws and cannot provide probable cause for arrest. The appellate court affirmed the judgment in favor of the County and Deputy Leso.

CONTRACT LAW - LEASE OF HANGAR FROM CITY

Coyote Aviation Corp. v. City of Redlands
Docket: E081591(Fourth Appellate District)
Opinion Date: June 5, 2025
Judge: Douglas Miller
Areas of Law: Contracts, Real Estate & Property Law

Summary Rules: Written termination date of lease remained in effect despite later amendment which did not change the date. Leasee ordered to vacate despite sending late notice to exercise option to extend.

Facts:
Coyote Aviation Corporation (Coyote) entered into a 20-year lease with the City of Redlands (City) on April 4, 2000, for property at the Redlands Municipal Airport. The lease included two 15-year options to extend. An amended lease was signed on September 5, 2000, with the same termination date of April 4, 2020. Coyote believed the lease should terminate on September 5, 2020, but no written amendment was made. In June 2020, Coyote attempted to exercise the extension option, but the City rejected it, stating the lease had already terminated. The City issued a 30-day notice to quit, and Coyote filed a lawsuit for breach of contract and other claims.

The Superior Court of San Bernardino County sustained the City's demurrer to Coyote's first amended complaint (FAC) and entered judgment against Coyote. The court found that Coyote failed to provide timely written notice to exercise the extension option as required by the lease. The court also rejected Coyote's claims of breach of the implied covenant of good faith and fair dealing, declaratory relief, and promissory estoppel, finding no clear promise by the City to amend the lease termination date.

The City filed an unlawful detainer action when Coyote did not vacate the property. The trial court granted summary judgment in favor of the City, ordering Coyote to vacate. The court found no triable issues of fact regarding the timeliness of Coyote's notice to exercise the extension option and rejected Coyote's arguments of estoppel and waiver.

Holding and Analysis:
The California Court of Appeal, Fourth Appellate District, Division Two, affirmed the trial court's decisions. The court held that the lease's terms were clear and unambiguous, requiring written notice to exercise the extension option. The court also found that City officials did not have the authority to amend the lease orally or accept late notice. The court upheld the trial court's rulings on the demurrer and summary judgment, denying Coyote's claims and requests for leave to amend.

EMPLOYMENT – DISCRIMINATION BASED ON DISABILITY

Stanley v. City of Stanford
Supreme Court of the United States
Docket: 23-997
Opinion Date: June 20, 2025
Judge: Neil Gorsuch
Areas of Law: Civil Rights, Constitutional Law

Summary Rules:
ADA protections do not extend to retirees just because they retired due to disability. Protections only extend to individuals that held or desired to hold a position but for the discrimination.

Facts:
Karyn Stanley, a firefighter for the City of Sanford, Florida, since 1999, was forced to retire in 2018 due to a disability. When she was hired, the City provided health insurance until age 65 for retirees with 25 years of service or those who retired due to disability. In 2003, the City revised its policy, limiting health insurance to 24 months for those retiring due to disability. Stanley, who retired under the revised policy, received only 24 months of health insurance.

Stanley sued the City, alleging that the revised policy violated the Americans with Disabilities Act (ADA) by discriminating against those who retire due to disability. The district court dismissed her ADA claim, stating that the alleged discrimination occurred after her retirement, making her not a "qualified individual" under Title I of the ADA, as she no longer held or sought a job with the City. The Eleventh Circuit affirmed the district court's decision.

Holding and Analysis:
The Supreme Court of the United States reviewed the case and affirmed the lower courts' decisions. The Court held that to prevail under §12112(a) of the ADA, a plaintiff must prove that they held or desired a job and could perform its essential functions with or without reasonable accommodation at the time of the alleged discrimination. The Court concluded that the ADA's protections do not extend to retirees who neither hold nor seek a job. The judgment of the Eleventh Circuit was affirmed, upholding the dismissal of Stanley's ADA claim.

EMPLOYMENT – DISCRIMINATION BASED ON SEXUAL ORIENTATION

Ames v. Ohio Department of Youth Services
Supreme Court of the United States
Docket: 23-1039
Opinion Date: June 5, 2025
Judge: Ketanji Brown Jackson
Areas of Law: Civil Rights, Labor & Employment Law

Summary Rules:
Discrimination alleged by majority group member need not show additional evidence on background circumstances to establish claim of retaliation and discrimination. The rules are the same for minority discrimination and majority discrimination.

Facts:
Marlean Ames, a heterosexual woman, worked for the Ohio Department of Youth Services since 2004. In

2019, she applied for a management position but was passed over in favor of a lesbian woman. Subsequently, Ames was demoted from her role as a program administrator, and a gay man was hired to fill her previous position. Ames filed a lawsuit under Title VII, alleging discrimination based on her sexual orientation.

The District Court granted summary judgment to the agency, applying the McDonnell Douglas framework for evaluating disparate-treatment claims. The court held that Ames failed to make a prima facie case of discrimination because she did not show "background circumstances" suggesting the agency discriminated against majority-group members. The Sixth Circuit affirmed, requiring Ames to meet this additional burden as a straight woman.

Holding and Analysis:
The Supreme Court of the United States reviewed the case. The Court held that the Sixth Circuit's "background circumstances" rule, which imposes a heightened evidentiary standard on majority-group plaintiffs, is inconsistent with Title VII's text and precedents. Title VII prohibits discrimination against any individual based on protected characteristics without distinguishing between majority and minority groups. The Court vacated the judgment and remanded the case for application of the proper prima facie standard under Title VII.

Sacramento Television Stations Inc. v. Superior Court
Docket: C102316 (Third Appellate District)
Opinion Date: June 6, 2025
Judge: Stacy Boulware Eurie
Areas of Law: Civil Procedure, Government & Administrative Law

Summary Rules:
A public entity claiming exemption from disclosure under the CPRA, will need to establish why a partial production is sufficient and why additional

Facts:
In this case, Sacramento Television Stations Inc. (Sac TV) sought additional audio and video recordings from the City of Roseville (City) under the California Public Records Act (CPRA). The recordings pertained to an incident on April 6, 2023, where Roseville Police Department (Roseville PD) officers discharged firearms at a suspect, Eric J. Abril, resulting in injuries and a fatality. The City provided limited footage, arguing that further disclosure would interfere with an active investigation.

The Superior Court of Placer County ruled that the City had shown by clear and convincing evidence that releasing more footage would substantially interfere with the ongoing investigation into Abril's criminal case. Consequently, the court denied Sac TV's petition for additional recordings. Sac TV then filed a petition for writ of mandate in the California Court of Appeal, Third Appellate District, seeking to overturn the superior court's decision.
The California Court of Appeal reviewed the case and concluded that the superior court's finding of an "active investigation" was not supported by substantial evidence. The appellate court determined that the City had not provided sufficient detail to demonstrate how further disclosure would interfere with an active investigation. The court also found that the superior court correctly interpreted that more disclosure was required under subdivision (e) of section 7923.625 of the Government Code, but it had not determined the extent of additional disclosure needed.

Holding and Analysis:
The Court of Appeal vacated the superior court's ruling and directed it to hold further proceedings,

including an in camera review of the City's recordings, to determine the extent of additional disclosure required. The appellate court emphasized the importance of providing sufficient context to understand the events captured in the recordings, as mandated by the CPRA.

DISCRETIONARY IMMUNITY

E.I. v. El Segundo Unified School Dist.
Docket: B325733 (Second Appellate District)
Opinion Date: June 13, 2025
Judge: Victor Viramontes
Areas of Law: Civil Procedure, Education Law, Government & Administrative Law, Personal Injury

Summary Rules:
Discretionary immunity under Gov. Code §820.2 does not protect decisions which are operational in nature rather than decisions related to policy.

Facts:
A student, E.I., attended El Segundo Middle School during the 2017-2018 school year and experienced bullying from classmates, particularly Skylar. Despite E.I. and her parents repeatedly reporting the bullying to school officials, including the principal and counselor, the school failed to take effective action. The bullying included verbal harassment, social media abuse, and physical aggression, which led E.I. to self-harm and develop PTSD and depression. The school's anti-bullying policies were not adequately followed by the staff.

The case was initially reviewed by the Superior Court of Los Angeles County, where a jury found the El Segundo Unified School District negligent and awarded E.I. $1 million in damages. The District moved for a new trial and for judgment notwithstanding the verdict, both of which were denied by the court.

Holding and Analysis:
The California Court of Appeal, Second Appellate District, reviewed the case. The District argued several points on appeal, including errors in allowing reliance on certain Education Code provisions, claims of immunity under Government Code section 820.2, insufficient evidence of causation, improper consideration of a negligent training and supervision theory, admission of expert testimony, and attorney misconduct during closing arguments. The appellate court found that many of the District's arguments were either waived or lacked merit. The court held that the District was not immune from liability under Government Code section 820.2, as the actions in question were operational rather than policy decisions. The court also found substantial evidence supporting the jury's causation finding and determined that any potential errors were not prejudicial. Consequently, the appellate court affirmed the judgment in favor of E.I.

EMPLOYMENT – IMMUNITY FOR PERSONAL WORK OUTSIDE OF EMPLOYMENT

Taylor v. Los Angeles Unified School Dist.
Docket: B333718 (Second Appellate District)
Opinion Date: July 2, 2025
Judge: Rashida A. Adams
Areas of Law: Education Law, Personal Injury

Summary Rules:
School District immune from liability for death caused by employee, when the employee was off campus

babysitting for the plaintiff, which was not a school activity and where the District had no supervisory responsibility.

Facts:
Kenya Taylor hired Los Angeles Unified School District (LAUSD) employee Tyler Martin-Brand (a part time playground worker) to babysit her six-year-old son, Dayvon, during the winter break in 2019. She relied on Martin-Brand's employment with LAUSD as a sort of affirmation of his trustworthiness when making the decision to hire him. LAUSD policy prhobited intereaction with students outside of school. Tragically, Martin-Brand killed Dayvon by phsycially beating him to death. Taylor sued LAUSD, alleging negligent hiring and supervision of Martin-Brand. A jury found in favor of Taylor, awarding her $30 million in damages. LAUSD appealed the trial court's denial of its motion for judgment notwithstanding the verdict (JNOV) and the judgment itself.

The Superior Court of Los Angeles County denied LAUSD's motions for JNOV and a new trial, asserting that LAUSD was immune from liability under Education Code section 44808. The jury had found LAUSD negligent in hiring and supervising Martin-Brand, attributing 90% of the fault to LAUSD and 10% to Taylor.

Holding and Analysis:
The Court of Appeal of the State of California, Second Appellate District, Division Three, reviewed the case. The court concluded that LAUSD was immune from liability for Dayvon's off-campus death under Education Code section 44808, which limits school district liability for student injuries occurring off school property unless the district has specifically undertaken responsibility for the student. The court found that Dayvon's death did not occur during any school-sponsored activity or under LAUSD's supervision. Consequently, the court reversed the trial court's order and judgment, directing the trial court to enter judgment in favor of LAUSD.

EMPLOYMENT – IMMUNITY FOR DECISIONS RELATED TO PREVENTING DISEASE

Allos v. Poway Unified School District
Docket: D084062 (Fourth Appellate District)
Opinion Date: July 7, 2025
Judge: Judith McConnell
Areas of Law: Government & Administrative Law, Labor & Employment Law

Summary Rules:
Public entities are entitled to immunity for decisions related preventing or controlling disease even whether the decision is to disallow a person to work exclusively from home.

Facts:
Kheloud Allos filed a lawsuit against her former employer, Poway Unified School District (PUSD), alleging violations of the Fair Employment and Housing Act (FEHA) and the Labor Code. Allos claimed that PUSD's refusal to allow her to work exclusively from home during the COVID-19 pandemic constituted disability discrimination, failure to provide reasonable accommodation, failure to engage in an interactive process, associational discrimination, and retaliation. She also alleged that PUSD failed to maintain a safe and healthy workplace and retaliated against her in violation of the Labor Code.

The Superior Court of San Diego County granted PUSD's motion for summary judgment, finding that Allos's claims were barred by Government Code section 855.4, which provides immunity to public entities for decisions related to preventing disease or controlling its spread. The court also found that Allos failed to establish a triable issue of fact regarding her disability, the essential functions of her job, and whether she

experienced an adverse employment action. The court noted that PUSD had engaged in multiple interactive meetings with Allos and provided various accommodations.

Holding and Analysis:
The Court of Appeal, Fourth Appellate District, Division One, affirmed the trial court's judgment. The appellate court agreed that section 855.4 provided immunity to PUSD for its decisions related to COVID-19 safety measures. The court also found that Allos failed to present evidence of a qualifying disability under FEHA, as her alleged vaccine allergy and other health conditions did not constitute a disability. Additionally, the court held that PUSD's interactive process and accommodations were reasonable and that Allos did not suffer an adverse employment action, as she voluntarily retired. The court concluded that Allos's claims for associational discrimination, retaliation, and Labor Code violations were without merit.

EMPLOYMENT – NUISANCES OF WHISTLEBLOWER RETALIATION UNDER LABOR CODE §1102.5

Lampkin v. County of Los Angeles
Docket: B336806(Second Appellate District)
Opinion Date: July 8, 2025
Judge: Helen Zukin
Areas of Law: Civil Procedure, Labor & Employment Law

Summary Rules:
Prevailing party attorney fees are only available where the party is successful in obtaining some form of relief, meaning that a juyry verdict finding of violation of Labor Code section 1102.5 is not enough without a corresponding award of monetary damages for that violation.

Facts:
D'Andre Lampkin, a deputy at the Los Angeles County Sheriff's Department (LASD), filed a complaint alleging whistleblower retaliation after he reported an interaction with Michael Reddy, a retired deputy sheriff. Lampkin claimed that Reddy's friends at LASD retaliated against him, leading to his suspension, a search of his residence, and termination of medical benefits. Lampkin sought monetary damages and other relief. The case went to trial, and the jury found that while Lampkin engaged in protected whistleblowing activity and this was a factor in LASD's actions against him, LASD would have made the same decisions for legitimate, independent reasons. Consequently, the jury awarded no damages.
Lampkin moved to amend his complaint to seek injunctive and declaratory relief, but the trial court denied the motion. He then filed a motion to be declared the prevailing party and sought attorney's fees, arguing that the same-decision defense should not preclude a fee award, as held in Harris v. City of Santa Monica for FEHA cases. The trial court agreed, declared Lampkin the prevailing party, and awarded him costs and attorney's fees.

Holding and Analysis:
The County of Los Angeles appealed to the California Court of Appeal, Second Appellate District. The appellate court held that Lampkin did not bring a "successful action" under Labor Code section 1102.5 because he obtained no relief due to the County's successful same-decision defense. Therefore, he was not entitled to attorney's fees. The court also found that the County was the prevailing party under section 1032, as neither party obtained any relief, and thus Lampkin was not entitled to costs. The appellate court reversed the trial court's judgment and order awarding fees and costs to Lampkin and directed the trial court to enter a new judgment in favor of the County.

Brown v. City of Inglewood
California Supreme Court

Docket: S280773
Opinion Date: July 7, 2025
Judge: Martin J. Jenkins
Areas of Law: Government & Administrative Law, Labor & Employment Law

Summary Rules:
Elected Officials are not considered “employees” for the purposes of claiming protection under Section 1102.5 of the California Labor Code.

Facts:
Wanda Brown, the elected treasurer of the City of Inglewood since 1987, raised concerns in late 2019 and early 2020 about the city's financial management, specifically alleging that the mayor had misappropriated public funds. Following these allegations, Brown claimed she faced retaliatory actions from the city and its officials, including a reduction in her salary and authority, exclusion from meetings and committees, and other punitive measures. Brown subsequently filed a lawsuit against the city, its mayor, and council members for retaliation under California Labor Code section 1102.5, which protects whistleblowers.

The Los Angeles County Superior Court denied the defendants' anti-SLAPP motion, which sought to strike Brown's retaliation claim on the grounds that she was not an "employee" under section 1102.5. The court reasoned that Brown's claim did not arise from protected speech activities but from alleged retaliatory actions. The Court of Appeal reversed this decision, concluding that Brown's retaliation claim did arise from protected activities and that she was not an "employee" under section 1102.5, as the statute did not explicitly include elected officials within its protections.

Holding and Analysis:
The Supreme Court of California reviewed the case and affirmed the Court of Appeal's judgment. The court held that elected officials, such as Brown, are not considered "employees" under Labor Code section 1106 and therefore cannot invoke the protections of section 1102.5. The court's decision was based on the statutory language, legislative history, and the context of related whistleblower statutes, which indicated that the Legislature did not intend to include elected officials within the scope of these protections.

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Item No. C.1.d
Claims Committee
August 5, 2025

Member Attorney Rates

ISSUE: ACCEL revised the Claims Handling Policy and Procedure to include a Member requirement to notify the Claims Committee (CC) when defense fees are in excess of $400 per hour.

There are two Members that have provided a letter to ACCEL for the CC review for approval:

1. City of Bakersfield
    - This is the fifth year that the City has submitted a letter regarding its contract with Marderosian and Cohen to the CC for its review and consideration. ACCEL has requested the City to submit a letter annually.
2. City of Burbank
    - This is the second year the City has requested a CC review regarding its contract with Nielsen Merksamer Parrinello Gross & Leoni. ACCEL has requested the City to submit a letter annually.

RECOMMENDATION: Staff recommends the Claims Committee review the disclosed defense attorney rates for reasonableness and take action or provide direction.

Additional Consideration

In favor: The proposed acceptance of the letter indicates that the Committee has reviewed for reasonableness and may request the City to file a letter annually for ACCEL's consideration.

Against: The Committee may vote against accepting these rates as reasonable defense costs. This would lead to further discussions between the Member and ACCEL. This has never occurred, and next steps would be discussed on a case-by-case basis.

FISCAL IMPACT: No financial impact is expected from the recommended action. The policy and procedure ask members to disclose rates in excess of $400 per hour. Rates at this level or higher will quickly erode a member's self-insured retention, but Bakersfield has agreed not to seek reimbursement from ACCEL for defense costs. If claims penetrate the excess insurance layers, there could be issues with excess carriers regarding appropriate defense fees.

BACKGROUND: ACCEL's Claims Reporting and Handling Policy and Procedure, VIII. Claims Reimbursement Requests states:

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The Authority will reimburse Members or credit their Self-Insured Retentions (SIRs) for reasonable attorney fees and necessary litigation expenses incurred while managing, investigating, defending or litigating covered claims.

ACCEL Members are required to notify the Claims and Program Administrators regarding any claim in which attorney rates are in excess of $400/hour. The Program Administrators will agendize the claim for the Claims Committee to review rates for reasonableness. The Committee may take action or provide direction.

The City of Bakersfield is the first Member to request a Claims Committee review. The first time this was reviewed was at the August 31, 2021 Claims Committee Meeting. As a result of that meeting, ACCEL sent a letter to the City of Bakersfield, signed by the Program Administrators, with the Claims Committee Chair carbon copied stating ACCEL accepts the letter and requests the City to file a letter annually for ACCEL's consideration.

The City of Bakersfield provided another letter in September 2022 outlining the rates for Marderosian and Cohen, which exceed this hourly rate. The City of Bakersfield also provided its contract with Marderosian and Cohen, which includes the defense of all law enforcement cases (up to 30 annually) for a flat annual fee. The rates for Committee review are $600 per hour for Mick Marderosian and $500 per hour for Heather Cohen.

These costs will erode the City of Bakersfield's retention with ACCEL, but the City does not intend to recover costs from ACCEL, in essence this caps the defense costs at $1,000,000 regardless of the expenses associated to the claim.

In August 2023, the City of Burbank submitted a request to review rates for the firm, Hanson Bridgett. The Committee took action to accept the letter from Burbank for the FY 23-24. The City has confirmed that they no longer use Hanson Bridgett.

In 2024, the City of Burbank submitted a request to review rates for a new firm, Nielsen Merksamer Parrinello Gross & Leoni. The rates for Committee review are $720 per hour for Marguerite Leoni and $670 per hour for Christopher Skinnell. The Committee took action to accept the letter from Burbank for the FY 24-25 and ACCEL has requested the city to submit a letter annually.

ATTACHMENT:

1. 2021 ACCEL Claims Committee letter to City of Bakersfield
2. 2024 ACCEL Claims Committee letter to City of Burbank

SEPARATE:

1. City of Bakersfield's 2025 letter to ACCEL with current outside counsel rates
2. City of Burbank's 2025 letter to ACCEL with current outside counsel rates

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c/o Alliant Insurance Services
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Santa Cruz
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Visalia

September 21, 2021

Jena Covey, Risk Manager
City of Bakersfield, 5th Floor
1600 Truxtun Avenue
Bakersfield, CA 93301

Dear Jena,

This letter is in response to the City of Bakersfield letter to ACCEL on July 8, 2021 regarding the disclosure of defense fees to comply with ACCEL's Claims Handling Policy and Procedure.

At the August 31, 2021 Claims Committee Meeting, the Committee reviewed and took action to accept the City's letter for FY 21-22 for the firm Marderosian & Cohen. The Committee requests the City file this request annually for ACCEL's consideration.

If you have any questions or concerns, please contact Conor Boughey at Alliant or ACCEL's Claims Committee Chair Tracey Matthews.

Sincerely,

Conor Boughey, ARM
Program Administrator for Authority for California Cities Excess Liability
cboughey@alliant.com

cc: Tracey Matthews, Claims Committee Chair

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Salinas
Santa Barbara
Santa Cruz
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Visalia

August 29, 2024

Alvaro Valdez, Assistant Management Services Director
City of Burbank
275 East Olive Avenue
Burbank, CA 91502

Dear Alvaro,

This letter is in response to the City of Burbank letter to ACCEL on August 5, 2024 regarding the disclosure of defense fees to comply with ACCEL's Claims Handling Policy and Procedure.

At the August 29, 2024 Claims Committee Meeting, the Committee reviewed and took action to accept the City's letter for FY 24-25 for the firm Nielsen Merksamer Parrinello Gross & Leoni. The Committee requests the City file this request annually for ACCEL's consideration.

If you have any questions or concerns, please contact Conor Boughey at Alliant or ACCEL's Claims Committee Chair, Jena Covey.

Sincerely,

Conor Boughey, ARM
Program Administrator for Authority for California Cities Excess Liability
cboughey@alliant.com

cc: Jena Covey, Claims Committee Chair