

Barrett S. Litt

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Education

1966 B.A. University of California at Berkley
1969 J.D. UCLA School of Law

Honors and Awards

1987 Pro Bono Firm of the Year Award from Public Counsel (Litt & Stormer)
1992 Civil Rights Firm of the Year Award from the NAACP Legal Defense Fund (Litt & Marquez)
1995 Public Interest Alumnus of the Year Award from UCLA School of Law
2010 California Lawyer Attorney of the Year Award (CLAY)

Recent Contributions to Professional Publications

“Class Certification in Police/Law Enforcement Cases”, *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.18, Ch.3, West Publishing 2002

“Rights for Wrongs”, addressing issues under the California Civil Rights statutes, *Los Angeles Lawyer Magazine*, December 2005

“Select Substantive Issues Regarding Class Action Litigation In The Jail/Prison Setting”, *National Police Accountability Project*, October 2006

“Obtaining Class Attorney’s Fees,” *Civil Rights Litigation and Attorney’s Fee Annual Handbook*, Vol.26, West Publishing 2010

Professional

1/2013 to the present	Kaye, McLane, Bednarski & Litt, LLP
2004 to 2012	Litt, Estuar & Kitson, LLP
1997 to 2004	Litt & Associates
1991 to 1997	Litt & Marquez
1984 to 1991	Litt & Stormer

Licensed to practice in:

State of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California
Ninth Circuit Court of Appeals
Fourth Circuit Court of Appeals
Fifth Circuit Court of Appeals
Eleventh Circuit Court of Appeals
D.C. Circuit Court of Appeals
United States Supreme Court

Admitted Pro Haec Vice in:

U.S. District of Columbia
U.S. District Court, Northern District of Georgia
U.S. District Court, District of Maryland

Rated “AV” by Martindale-Hubbell

Listed in *Southern California Super Lawyers* in the fields of civil rights and class actions for the years 2005-present.

Civil Rights Class Actions – Classes Certified; Cases Resolved Favorably on Merits:

Williams v. Block, Case No.: CV-97-03826-CW (Central District of California) and related cases (a series of county jail overdetention and strip search cases, settled for \$27 Million and a complete revamp of jail procedures);

Bynum v. District of Columbia, Case No.: 02-956 (RCL) (D.D.C.) (class action against the District of Columbia for overdetentions and blanket strip searches of persons ordered released from custody; final approval of \$12,000,000 settlement occurred January 2006; estimated number of over-detention class members is 6000-7000; estimated number of strip search class members is);

Craft v. County of San Bernardino, 468 F.Supp.2d 1172 (C.D.Cal. 2006) (certified class action against the Sheriff of San Bernardino County for blanket strip searches of detainees, arrestees, and persons ordered released from custody; partial summary judgment decided for plaintiffs; \$25.5 Million settlement approved April 1, 2008);

MIWON v. City of Los Angeles, Case No.: CV 07-3072 AHM (C.D. Calif.) (class action against City of Los Angeles and others for use of police force and related conduct at MacArthur Park on May 1, 2007; final approval of class settlement for \$12,800,000 settlement granted June 24, 2009, the largest class action protest settlement in the Nation);

Barnes v. District of Columbia, Civil Action No: 06-315 (RCL) (D.D.C.) (class action against District of Columbia for continuing to both over-detain and strip search post-release inmates despite settlement in *Bynum, supra*; class certification granted; summary judgment granted Plaintiffs on most claims, but existence of policy and custom of over-detaining inmates during a discrete part of the class period set for trial on 3/1/13; estimated number of overdetention class members in the 4000-6000 range depending on result of upcoming trial; estimated number of strip search class members is 3500-4500).

Lopez v. Youngblood, No. CV07-00474 LJO (DLBx) (E.D. Calif.) (class action against Kern County, California, for unlawful pre-arraignment and post-release strip searches and strip searches not conducted in private; class certification and summary judgment on liability granted; settlement in principle in October 2010 for putative class fund of approximately \$7 Million, subject to preliminary and final court approval);

Aichele et al. v. City of Los Angeles, et al. Case No.: CV 12-10863 DMG FFM (x) (C.D. Calif.) (class action for injunctive relief and damages for arrests and related actions regarding the shutdown of the use of the City Hall

lawn by Occupy LA; estimated class size is 300-400; class certified; \$2,675,000 settlement pending);

Ofoma v. Biggers, Case No.: 715400 (Complex Litigation Panel) (Orange County Superior Court)(family discrimination class action settled in 1996 for damages for the individual plaintiffs and the class of residents, a consent decree and an award of attorney's fees);

Francis, et al. v. California Department of Corrections, et al., Case No: BC302856 (class action against the CDC(R) for the failure to reimburse inmates assigned to the restitution centers in Los Angeles for their obligations as ordered by the court. Case was successful in bringing about the restructuring of the CDCR's inmate accounting systems, and in the payment of restitution settlement in the amount of \$325,000.)

People of the State of California v. Highland Federal Savings and Loan, Case No. CA 718 828 (Los Angeles Superior Court)(class action filed on behalf of the People of the State of California and a class of tenants residing in several slum buildings located in Los Angeles for financing practices encouraging and perpetuating slum conditions, settled for \$3.165 million after decision in *People v. Highland*, 14 Cal.App.4th 1692, 19 Cal. Rptr. 555 (1993) established potential liability for lenders);

Hernandez v. Lee, No. BC 084 011 (Los Angeles Superior Court)(a class action on behalf of tenants of numerous buildings for slum conditions settled in 1998 for \$1,090,000);

Mould v. Investments Concept, Inc., Case No.: CA 001 201 (Los Angeles Superior Court)(race discrimination class action on behalf of a class of applicants and potential housing applicants, settled in 1992 for a total of \$850,000 for the class and a comprehensive consent decree regarding the defendants' discriminatory policies and practices);

California Federation of Daycare Association v. Mission Insurance Co., Case No.: CA 000 945 (Los Angeles Superior Court)(class action on behalf of several thousand family daycare providers whose daycare insurance policies were canceled mid-term or were not renewed by Mission Insurance Company, settled in 1980's for reinstatement of policies and attorney's fees; brought at request of Public Counsel);

Pending/on Appeal Civil Rights Class Actions:

Amador v. Baca, No. 10-1649 SVW (RC) (C.D. Calif) (pending class action for group strip searches of women inmates in outside bus bay; estimated number of class members is 80,000-100,000; 23 (b)(2) and (b)(3) classes certified);

Roy v. Los Angeles County Sheriff's Department, Case No. CV 12-9012 RGK (FFMx) (pending class action for injunctive relief and damages; class size unknown, but is estimated at potentially 40,000; discussions under way regarding possibility of pre-litigation settlement);

McKibben v. County of San Bernardino, Case No. EDCV 14-2171 - JGB (SPx) (pending class action for injunctive relief and damages for unequal treatment of Gay, Bisexual and Transgender jail inmates);

Brewster v. City of Los Angeles, Case No. EDCV14-2257- JGB (SPx) (class action for injunctive relief and damages for 30 day impounds of cars without a warrant; class certification motion and motion for preliminary injunction pending; case dismissed and will be appealed);

Miranda v. Bonner, No. CV 08-03178 SJO (PJWx) (C.D. Calif.) and related cases (pending class actions to certify statewide plaintiffs' and defendants' classes to enjoin, and provide restitution or damages for, seizing and impounding vehicles pursuant to California Vehicle Code §14602.6 without meeting Fourth Amendment or due process standards; there are various actions against different government entities; the number of potential class members unknown; class certification motion pending);

Nozzi v. Housing Authority of the City of Los Angeles, CV 07-00380 GW (C.D. Calif.) (class action against the Housing Authority for violations of due process and federal regulations by failing to provide proper notice of Section 8 rent increase affecting approximately 22,000 tenants; case dismissed on sj for defendants; reversed by Ninth Circuit; dismissed again; second appeal pending; class certification issue never reached);

Gail Marie Harrington-Wisely, et al. v. State of California, et al., Superior Court Case No.: BC 227373 (a case involving searches of visitors to California prisons utilizing backscatter x-ray methods without reasonable

suspicion; injunctive relief and damages classes certified; stipulated injunction entered; appeal on damages and attorneys' fees pending);

Multi-party Civil Rights Cases:

Hospital and Service Employees Union, SEIU Local 399, AFL-CIO v. City of Los Angeles (Los Angeles Superior Court) (a settlement in 1993 of \$2.35 million against the Los Angeles Police Department for injuries to 148 demonstrators at Century City organized by the Justice for Janitors campaign of SEIU);

Rainey v. County of Ventura, Case No.: 96 4492 LGB (C.D. Calif.)(action against County of Ventura for race discrimination on behalf of 12 police officers, settled for damages, structural relief and attorney's fees);

Lawson v. City of Los Angeles, Case No.: BC 031 232 (Los Angeles Superior Court)(lawsuit filed in 1991 on behalf of individuals who had been subjected to what plaintiffs alleged were unlawful use of force practices by the Los Angeles Police Department's Canine Unit, settled in 1995 for \$3.6 million and comprehensive structural relief);

Tipton-Whittingham v. City of Los Angeles, Case No.: CV-94-3240 (TH)(C.D. Cal.)(sex discrimination and harassment suit against the Los Angeles Police Department, involving over 25 individual officers, as a result of which the Department has already completely revamped its anti-discrimination policies and procedures; damages claims settled for \$4.85 Million in 2004 in addition to separate fee award of nearly \$2 Million in 2000 for injunctive relief, resulting in decision in *Tipton-Whittingham v. City of Los Angeles* (2004) 34 Cal.4th 604, in which the California Supreme Court upheld catalyst fees under California law);

Hampton v. NRG (racial harassment in employment claim; jury verdict of \$1,000,000 for two former employees, plus award of attorney's fees and costs; settled in mid-'90's while on appeal);

Zuniga v. Los Angeles Housing Authority, 41 Cal.App.4th 2 (1995) (holding that the Housing Authority could be held responsible for injuries to tenants after the Housing Authority was put on notice that tenants were being victimized on the premises and took no reasonable measures to prevent the injury; case settled for \$1,040,000);

PIN v. HACLA, Case No: CV-96-2810 RAP (RNBx)(action against the Housing Authority of the City of Los Angeles on behalf of several hundred present or former tenants for discrimination by failing to provide adequate security for isolated minorities in housing developments, settled in 1998 for \$1.3 Million plus a comprehensive structural relief settlement agreement);

Heidy v. United States Customs Serv., 681 F.Supp. 1445 (C.D.Cal. 1988) (injunction against U.S. Customs Service for policies and practices of seizing materials from persons traveling from Nicaragua in violation of the First Amendment);

Castaneda v. Avol (Los Angeles Superior Court) (1985) (action on behalf of approximately 350 slum housing residents, settled in 1988 for a comprehensive injunction and \$2.5 Million damages, plus a separate award of attorneys' fees).

Individual Civil Rights Cases: Wrongful Conviction Cases

Frank and Nicholas O'Connell v. County of Los Angeles, et al., Case No. 13-01905-MWF (PJWx) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information and eyewitness manipulation, resulting in murder conviction; plaintiff spent 27 years in prison before his habeas petition was granted, and he was not re-tried; suit on behalf of son as well for denial of relationship with father as result of conviction);

Thomas Goldstein v. City of Long Beach et al., Case No. 04-CV-9692 AHM (Ex) (C.D. Cal.) (civil rights cases for police failure to turn over exculpatory information regarding jailhouse informant perjury and eyewitness manipulation, resulting in murder conviction; plaintiff spent 24 years in prison before his habeas petition was granted, and he was not re-tried; brought in mid-way through the case to act as lead counsel; final settlement of \$7.95 Million approved by the Court; Ninth Circuit recently reversed dismissal of County/DA's Office, and case against DA settled for additional \$900,000);

Bruce Lisker v. City of Los Angeles, Case No CV 09-9374 AHM (AJW) (C.D. Cal.) (civil rights cases for police fabrication of evidence and failure to turn over exculpatory information, resulting in murder conviction; plaintiff spent 26 years in prison before his habeas petition was granted, and he was

not re-tried; case set for trial 9/2012; asked by habeas counsel who were also handling the civil rights case to come in assume primary responsibility for the extensive motion work, but will not try the case).

Consulting counsel in wrongful conviction cases of *Franky Carrillo v. County of Los Angeles*, CV 11-10310-SVW(AGR_x) (pending case), *Obie Anthony v. City of Los Angeles*, CV 12-01332-CBM (AJW_x) and *v. County of Los Angeles*, CV 13-07224-CBM (AJW_x), and *Harold Hall v. City of Los Angeles*, C.D. Cal. No. CV 05-1977 ABC, 9th Cir. No. 10-55770 (appeal from grant of summary judgment affirmed).

Other Individual Civil Rights Cases:

McClure v. City of Los Angeles, No. CV-92-2776-E (C.D. Cal.)(fair housing and equal protection case against City of Long Beach and its agents for preventing six group homes for Alzheimer's victims from opening; jury verdict of \$22.5 Million (reduced on remittitur to \$13,826,832) plus approximately \$10,000,000 in attorney's fees and costs; settled while on appeal for \$20 Million);

U.S. v. Hovsepian, 359 F.3d 1144, 1147 (9th Cir. 2004)(en banc) (successful action to naturalize individuals previously convicted of conspiracy to bomb Turkish consulate in Philadelphia), aff'd en banc after remand, 422 F.3d 883 (9/6/05);

Walker v. City of Lakewood, 263 F.3d 1005 (9th Cir. 2001) (reversing district court decision dismissing fair housing organization's claim against city for retaliation for supporting tenants suing landlord; case subsequently settled for structural relief, damages and attorneys' fees);

Tavelman v. City of Huntington Park (individual employment discrimination case against the City on behalf of a Jewish police officer who had been subjected to a campaign of religious harassment which was settled in mi-'90's for \$350,000);

Ware v. Brotman Medical Center (Los Angeles Superior Court) (1993 \$2.5 million jury verdict against hospital for removal of hospital privileges of black doctor; settled for \$1.75 million);

Mathis v. PG&E (1991 \$2 million verdict against PG&E for barring contract employee from Diablo Canyon Nuclear Power Plant; reversed by the Ninth Circuit);

Macias v. State of California (Los Angeles Superior Court) (action against the State of California and others for blinding of young man as a result of exposure to malathion spray, a portion of which was decided in *Macias v. State of California*, 10 Cal.4th 844 (1994));

Melgar v. Klee (Los Angeles Superior Court) (1988) (\$1.5 million jury verdict against Los Angeles Police Department for police shooting; settled for \$1.45 million).

Selected Civil Rights Decisions (from 1995 forward):

Aichele v. City of Los Angeles, 2:12-CV-10863-DMG, 2013 WL 2445195 (C.D. Cal. June 5, 2013)

Biggs v. Best, Best & Krieger, 189 F.3d 989 (9th Cir. 1999);

Bynum v. Dist. of Columbia, 384 F.Supp.2d 342 (D.D.C. 2005);

Bynum v. District of Columbia, 412 F.Supp.2d 73 (D.D.C. 2006);

Craft v. Cnty. of San Bernardino, EDCV 05-359 -SGL, 2006 WL 4941829 (C.D. Cal. Mar. 23, 2006);

Craft v. County of San Bernardino, 468 F.Supp.2d 1172 (C.D.Cal. 2006);

Craft v. Cnty. of San Bernardino, 624 F. Supp. 2d 1113 (C.D. Cal. 2008);

Goldstein v. City of Long Beach, 603 F. Supp. 2d 1242 (C.D. Cal. 2009);

Goldstein v. City of Long Beach, CV 04-9692AHM, 2010 WL 3952888 (C.D. Cal. Apr. 9, 2010)

Goldstein v. City of Long Beach, 715 F.3d 750 (9th Cir. 2013)

Haynie v. Superior Court, 26 Cal.4th 1061 (Cal. S. Ct. 2001);

Jones v. Murphy, 256 F.R.D. 519 (D. Md. 2009)

Jones v. Murphy, 470 F.Supp.2d 537 (D.Md. 2007);

Jones v. Murphy, 567 F. Supp. 2d 787 (D. Md. 2008);

Lisker v. City of Los Angeles, CV 09-09374 AHM AJWX, 2011 WL 3420665 (C.D. Cal. Aug. 4, 2011);

Lisker v. City of Los Angeles, CV09-09374 AHM AJWX, 2012 WL 3588560 (C.D. Cal. Aug. 20, 2012);

Lisker v. City of Los Angeles, 2:09-CV-09374-ODW, 2014 WL 293463 (C.D. Cal. Jan. 27, 2014)

Lopez v. Youngblood, 609 F.Supp.2d 1125 (E.D.Cal. 2009);

Lopez v. Youngblood, CV-F-07-0474 DLB, 2011 WL 10483569 (E.D. Cal. Sept. 2, 2011)

Macias v. State of California, 10 Cal.4th 844 (Cal. S. Ct. 1995).

Mathis v. Pacific Gas and Elec. Co., 75 F.3d 498 (9th Cir. 1996);

Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles, 2009 WL 1065072 (C.D. Cal. Mar. 19, 2009)

Nozzi v. Hous. Auth. of City of Los Angeles, 425 F. App'x 539, 540 (9th Cir. 2011)

Powell v. Barrett, 376 F.Supp.2d 1340 (N.D.Ga. 2005);

Powell v. Barrett, 496 F.3d 1288 (11th Cir. 8/23/07)

Powell v. Barrett, 541 F.3D 1298 (11th Cir. 2008) (en banc) [this opinion overruled a portion of the preceding panel decision; after remand to the panel, it remanded the remaining issues to the District Court];

Silva v. Block, 49 Cal.App.4th 345 (1996);

Streit v. County of Los Angeles, 236 F.3d 552 (9th Cir. 2001);

Tipton-Whittingham v. City of Los Angeles, 316 F.3d 1058 (9th Cir. 2003);

Tipton-Whittingham v. City of Los Angeles, 34 Cal.4th 604 (2004);

U.S. v. Hovsepien, 359 F.3d 1144 (9th Cir. 2004) (en banc);

U.S. v. Hovsepian, 422 F.3d 883 (9th Cir. 2005) (en banc);

Walker v. City of Lakewood, 272 F.3d 1114 (9th Cir. 2001);

Zuniga v. Housing Authority, 41 Cal.App.4th 82 (1995);