



CONSUMER ATTORNEYS OF CALIFORNIA

SEEKING JUSTICE FOR ALL

CAOC announces 2025 award finalists

Consumer Attorney of the Year, Street Fighter of the Year to be honored

SACRAMENTO (Aug. 22, 2025) – Consumer Attorneys of California president Geoff Wells today announced this year’s finalists for the organization’s two major member awards, Consumer Attorney of the Year and Street Fighter of the Year.

Consumer Attorney of the Year is awarded to a CAOC member or members who significantly advanced the rights or safety of California consumers by achieving a noteworthy result in a case. Eligibility for Street Fighter of the Year is limited to CAOC members who have practiced law for no more than ten years or work in a firm with no more than five attorneys. To be considered for either award the case must have finally resolved between May 15, 2024, and May 15, 2025, with no further legal work to occur, including appeals.

The finalists for these awards were selected by a committee consisting of members of CAOC’s Executive Committee; representatives of the attorney groups that won these awards in each of the last three years; and six randomly selected members of CAOC’s Board of Directors. The winners will be chosen by secret ballot of CAOC board members after presentations about each case at the board meeting on September 11. The winners will be announced November 15 at the Annual Installation and Awards Dinner during CAOC’s 64th Annual Convention in San Francisco.

Here are the 2025 finalists:

CONSUMER ATTORNEY OF THE YEAR

Angel Carrasco, Kent Henderson, Daniel Rodriguez and Joseph H. Low, IV
Doe Families v. International Delivery Company

JUSTICE FOR IMMIGRANTS WHOSE LIVES CHANGED FOREVER IN A CRASH WITH A DELIVERY VAN

A delivery van driver was rushing to make his last delivery of the day and failed to slow for stopped traffic on the freeway. He violently slammed into the rear of another vehicle. One of the occupants of that vehicle, a man who had come across the border from Mexico to work in California fields, was killed. A 38-year-old woman who had also come across the border looking for work and was employed at Home Depot suffered a traumatic brain injury; a 9-year-old girl, whose father is an immigrant farm worker, also suffered a traumatic brain injury and spent months in a hospital. The army of defense lawyers at a powerful law firm saw the plaintiffs as Mexican migrant workers who came here with no education and thought a jury would minimize any verdict. They downplayed the injuries and made lowball offers to settle the case. The plaintiffs’ attorneys looked into several punitive damage theories. The first was against the van driver for texting, speeding and ignoring a sign that said, “SLOW DOWN

FOR TRAFFIC AHEAD.” The second was against the driver’s managers, because they failed to enforce safety rules. The final punitive damage claim was against the delivery company for forcing their drivers to speed to meet delivery goals. These claims were supported by depositions of 10 former drivers of the company. The plaintiffs’ attorneys conducted 14 focus groups to better understand how a jury would view the case. Helped in part by a CAOC-sponsored change in California law that allows survivors to recover damages for pain and suffering of a loved one prior to death, the plaintiffs’ attorneys were able to negotiate a substantial settlement after three weeks of trial. This case shows how consumer attorneys can win justice for immigrants, even in the face of a high-powered defense.

Bibianne U. Fell and Marlee R. Horwitz

Davis, et al. v. City of Encinitas, et al.

HOLDING CITY OFFICIALS ACCOUNTABLE FOR PREVENTABLE DEATHS ON A PUBLIC BEACH

A tragedy at a family outing on Grandview Beach in Encinitas in 2019: a huge, multi-ton block of sandstone overlooking the beach collapsed and crushed three remarkable women in the presence of their children and family members. After conducting dozens of depositions and going through tens of thousands of documents, Bibi Fell discovered that this tragedy was not a random act of nature but the predictable result of development that city officials had been warned about. Scientists and engineers had explicitly described what was needed to mitigate the risks of block falls and cliff collapses, and they told officials that the area where the women were killed was an “acknowledged hazardous area” where “additional injuries would occur.” State officials also knew; a bluff collapse in 1983 destroyed the beach’s access stairs and injured three people. The state’s geologist then recommended the stairs not be rebuilt because it would result in more injuries. But the stairs were rebuilt, and there was just one warning sign placed for beachgoers to see on their way onto the beach – and it was covered by a trash can. Fell overcame multiple claims of immunity and four motions for summary judgment to win not only financial compensation for the victims’ families but also the city’s agreement to make a series of crucial safety changes, including increased signage warning about the dangers of unstable bluffs at all Encinitas beach access points; a webpage warning of the dangers of bluff collapse hosted on the city’s website; a QR code at beach access points that links to the bluff warnings; enhanced lifeguard training focused on bluff safety; and development of written policies for lifeguards regarding bluff-related hazards. These actions aim to ensure that the tragedy is not repeated and that all necessary precautions are taken to protect residents and visitors along the coastline.

Paul Matiasic and Craig N. Rosler

Jansen v. HWA 555 Owners LLC, et al.

BATTLING A FORMER PRESIDENT AND LEGACY MAGAZINE ON BEHALF OF THE VICTIM OF A BRUTAL ATTACK

For years, groups of skateboarders have impermissibly used the outdoor space at a San Francisco business complex co-owned by The Trump Corporation to practice and perform various skateboarding stunts and tricks, and to instigate physical altercations with security personnel at the premises. One group of skateboarders had commercial links to Thrasher Magazine, which was alleged to have actively encouraged conflicts between the skateboarders and security personnel, then monetized those conflicts

by posting videos and articles on its website. Dan Jansen, a 57-year-old security supervisor, was erecting metal barricades to prevent skateboarders from skating at the plaza, pursuant to the policies of the building owners, when he was brutally attacked and left for dead by a group of these skateboarders. He suffered permanent brain damage that requires lifelong medical care and treatment, and he remains a shell of his former self. After several law firms turned down the case for being too complex, Paul Matiasic and Craig Rosler mounted novel legal claims seeking to hold an online magazine liable for distributing violent content, resulting in the magazine owners reaching a settlement. The attorneys also successfully argued that, not only did the building owners (one of whom was a former president in the midst of a second run at the White House) send security guards into harm's way, they promulgated policies that escalated conflict, all in the name of protecting the marble adorning their building. Contrary to the defendants' insistence that the building owners had no operational control or involvement in the building, Matiasic and Rosler uncovered evidence that the owners actively intervened in the management of the building, including in favor of certain tenants. With this damning evidence in hand, a significant settlement was reached with the building owners and managers on the eve of trial, allowing Jansen to receive the ongoing medical treatment he needs.

Craig M. Peters, Brian Gearinger and Joseph S. May

Loggervale, et al. v. County of Alameda, et al.

SHERIFF'S DEPUTIES VIOLATED THE CIVIL RIGHTS OF THREE BLACK WOMEN

Aasylei Loggervale, a Black woman, and her two teenage daughters fell asleep in their car in a Castro Valley strip mall parking space after an overnight drive from Las Vegas. Alameda County sheriff's deputies knocked on the window and informed them that they were investigating some break-ins (the limited information about the suspects is that they were young men, never more than two, and, on one occasion, a young Black male). When one of the deputies requested identification, Ms. Loggervale refused, saying she did not believe she was required to produce it. One of the daughters exited the vehicle to use the bathroom, but a deputy said they were being detained and told her to sit in the car. At the same time, Ms. Loggervale was told to exit the vehicle. When she demanded to know why, a deputy grabbed her arm, got her out of the car, handcuffed her, and placed her in the back of a patrol car. When the daughters refused to follow the deputies' commands, they were also handcuffed and placed in the back of different patrol vehicles. The deputies searched the car and the women's purses without asking for or receiving permission to search. After about an hour, the Loggervales were allowed to leave without being cited or charged. The attorneys sued under state and federal civil rights laws, and an Alameda County jury compensated them with the largest civil rights verdict in U.S. history for a case not involving incarceration or severe physical harm. The jury's valuation in this case says something important about how the community now views the harm done by systemic racism. This landmark case sends a powerful message against race-based policing.

Rahul Ravipudi, Paul A. Traina, John W. Shaller, Shawn D. Morris, Michael Malady, Christian Barton, Rupa G. Singh, and Victoria E. Fuller

Greener v. M. Phelps, Inc. d.b.a. Del Mar Jiu-Jitsu Club, et al.

PARALYZED TO PEAKS: HOW ONE VERDICT TRANSFORMED A SPORT AND THE LAW

Jack Greener, a Brazilian Jiu-Jitsu (BJJ) white belt at Del Mar Jiu-Jitsu Club, was paired at the end of a group class to spar with the instructor, a second-degree black belt with multiple international titles. While Jack was face-down on all fours in a defenseless position, where the safe move is to roll the student onto their back, the instructor instead pinned Jack, trapped his left arm, and drove his full weight onto Jack's head and neck, leaving him an incomplete quadriplegic. After multiple surgeries and strokes, Jack fought through intensive rehabilitation to regain function. He turned his injury into a mission to inspire others, proving there is life after a devastating injury. The documentary *Paralyzed to Peaks* chronicled Jack's inspiring journey and extraordinary summit of Mount Whitney, the tallest peak in the continental United States. Jack's attorneys argued the defendants unreasonably increased the risks of BJJ sparring by using a dangerous maneuver incorrectly, immobilizing Jack's arm so he could not protect himself, and failing to disengage even after recognizing imminent danger. A San Diego jury found defendants 100 percent at fault, awarding substantial compensation. The verdict sent shockwaves through the global BJJ community. Plaintiff's expert Rener Gracie debated the case with leading figures before hundreds of thousands on Instagram Live, emphasizing that safety must come first and standards are essential for BJJ to continue as the fastest-growing martial art. As a result, dojos nationwide began implementing new safety protocols. The dojo's insurer appealed, but in a published opinion, the California Court of Appeal affirmed the verdict in full, holding that in close-contact sports like BJJ, instructors can be liable when they create dangers beyond those inherent in the sport, particularly when sparring with students rather than instructing them. The decision sends a clear message: vigorous training is not a license to maim or kill.

Gregory G. Rizio, Eric I. Ryanen, Lauren M. Vogt, Lynn Whitlock and Francis P. Licata

Downey v. City of Riverside, et al.

CLARIFYING THAT BYSTANDERS CAN SUFFER EMOTIONAL DISTRESS WITHOUT KNOWING SPECIFICS ABOUT NEGLIGENCE

This heartbreaking case is already reshaping nationally how courts view a bystander's emotional trauma. A mother (Jayde Downey) was on the phone with her teenage daughter, giving driving directions, when she heard the terrifying sounds of tires screeching, metal crunching, and then complete silence. For several minutes, a panicked mother, fearing the worst, screamed her daughter's name to no response, until she heard a stranger's voice on the phone instructing her to be quiet so he could check for a pulse. Downey wasn't physically present at the crash site, but she clearly suffered every horrifying moment in real time. Downey sued several defendants, including the County of Riverside, for her emotional distress. In litigation, the attorneys learned that Riverside had studied the intersection years before and determined that allowing cars to park on the street would dangerously block a side street driver's visibility of approaching vehicles. The lower courts relied upon a 2021 products liability case that began blurring the long-standing distinction between general negligence cases and medical malpractice cases, finding that a general negligence bystander must be physically present at the scene AND aware of the defendant's negligence at the time of the injury in order to have standing to sue. Downey appealed, and

the California Supreme Court unanimously overturned the lower courts' decisions, finding that a general negligence plaintiff doesn't need to know those two elements during the injury-causing event if the emotional trauma suffered was directly caused by their knowledge that their loved one suffered an injury while it was happening. This landmark decision is being cited in courts nationally, redefining standing for a bystander plaintiff's emotional trauma. It is successfully expanding justice for people who suffer this type of trauma pain, even from afar.

STREET FIGHTER OF THE YEAR

David M. deRubertis, Taylor M. Prainito and Michael Zelman

Gatchalian v. Kaiser Foundation Hospitals/Kaiser Foundation Health Plan, Inc.

A NURSE FIRED IN RETALIATION FOR HER COMPLAINTS ABOUT UNDERSTAFFING AFFECTING PATIENT SAFETY

Maria Gatchalian was a longtime neonatal intensive care unit nurse at Kaiser Woodland Hills who had the courage to stand up and speak out against Kaiser's chronic understaffing that was compromising patient care. Using Kaiser's formal reporting system, she filed numerous complaints, requiring internal investigation and analysis, of problems caused by chronic understaffing. For instance, she filed a report about a nurse who missed feeding a newborn several times one night due to an influx of new patients because the unit was understaffed. Management repeatedly told her she did not need to file these complaints; Kaiser didn't want to determine the root cause of the problems because it already knew the root cause, an intentional decision to put profits over quality of care by chronically understaffing the hospital to save money, at times falling below state-mandated nurse-to-patient staffing ratios. Gatchalian was fired after the anonymous submission of a photo showing her sitting in a recliner with her bare feet resting against an isolette that held a newborn, in violation of the hospital's policy. But evidence showed that much more serious violations had not resulted in terminations of other employees; instead, the attorneys said the real reason for her firing was that she persisted in reporting problems with patient care even after her supervisors told her to stop. David deRubertis argued to the jury that the hospital wanted to ignore Gatchalian's complaints in order to obscure the understaffing. The jury agreed and awarded significant damages, including punitive damages. This case shined a spotlight on the critical role that nurses play as the first line advocates for patient safety. "We received literally hundreds of congratulations messages from nurses around the country who thanked us for the work we did making it easier for nurses to develop the courage to report patient safety concerns," deRubertis said.

Joseph M. McMullen

J.A.M., a minor child, et al. v. United States of America, et al.

TWO CHILDREN WRONGFULLY DETAINED AT THE MEXICAN BORDER BY CUSTOMS AND BORDER PROTECTION OFFICERS

In 2019, as then-President Trump fueled hysteria over caravans of migrants entering the United States, Customs and Border Protection (CBP) officers apprehended two U.S. citizen children lawfully crossing the border with valid U.S. passports in hand on their way to school. The officers claimed 9-year-old Julia didn't look like her passport photo and said she was an undocumented impostor. They threatened to prosecute her 14-year-old brother for smuggling. The children were taken to a secretive underground

jail and told during repeated interrogations they could be released to their parents only if they confessed Julia was not a U.S. citizen. Meanwhile, their mother spent hours pleading with CBP to see her children, showing their photos, birth certificates, Social Security cards and school attendance records. Eventually, the children gave in and signed false confessions. The boy was released after 14 hours, but Julia remained in custody for 34 hours. Soon after Joseph McMullen filed suit, a U.S. Supreme Court decision ended plaintiffs' right to bring lawsuits for damages against CBP officers in a jury trial. Undeterred, McMullen proceeded on a Federal Tort Claims Act theory, revealed a massive coverup effort (all recordings of the children's interrogation and detention were deleted), and carried the case to trial five years after the incident. During trial, two Assistant U.S. Attorneys and every CBP officer witness continued to blame the children and disavow any responsibility. A federal judge found the United States liable for the unconstitutional actions of its officers and awarded damages to the children and their mother. The written verdict concluded that the government's conduct "exceeded all bounds of that usually tolerated in a civilized community," and has been used by civil rights practitioners in other jurisdictions to overcome the legal hurdles to holding accountable federal agents responsible for this type of abuse.

Charles S. Roseman, Richard D. Prager and Jon R. Williams

Saurman, et al. v. Peter's Landing Property Owner, LLC

FORCING CORRECTION OF A BARRIER TO ACCESS FOR DISABLED PERSONS THAT LED TO A DEATH

Kathleen Saurman, a disabled person, was at a restaurant for her birthday dinner with husband Robert when she fell, fracturing her hip on a dangerous barrier to access. Following surgery for that hip fracture, Kathleen contracted a lethal infection causing her untimely death. Robert filed suit under the Americans with Disabilities Act (ADA), Unruh Civil Rights Act, and Disabled Persons Act, seeking an injunction to remove the dangerous barrier to access that caused Kathleen's fall and resulting premature death. But the restaurant argued that, because injunctions require a plaintiff to demonstrate future immediate and irreparable harm, Kathleen (through her estate) had no standing to pursue injunctive relief, because Kathleen was dead and could not encounter any future barriers. The restaurant further moved for \$150,000 in financial sanctions against Charles S. Roseman and Richard Prager, Robert's trial attorneys, to chill zealous advocacy protecting others from suffering Kathleen's fate. The trial court agreed, granting summary judgment and issuing \$98,852 in sanctions against plaintiff's counsel, concluding that Robert's claims were "factually and legally frivolous." Through their appellate counsel Jon R. Williams, and with the amicus assistance of Ben Siminou on behalf of CAOC, Robert argued on appeal that standards that apply to ADA claims brought in federal courts do not apply to ADA claims brought in California state court. Defendants next requested an additional \$30,000 in sanctions against Robert and his counsel for filing a frivolous appeal. The Court of Appeal reversed the sanctions and the motion for summary judgment, agreeing with Robert, ruling that injunctive relief is permitted under the ADA in California state courts, thus protecting other disabled persons from the same barrier to access that killed Kathleen. This was a first-in-the-nation decision considering the differences in federal and state court standing principles affording Californians the right to correct in state court ADA barriers that killed their loved ones.