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Burke Secures Unanimous Defense Jury Verdict for City of Los Angeles

Los Angeles – A Burke, Williams & Sorensen, LLP litigation team won a unanimous defense verdict after a nine-day jury trial in *Duffy v. City of Los Angeles* (BC675781) in Los Angeles County Superior Court. The team was led by Burke partners Elisabeth A. Frater and Lisa W. Lee.

Plaintiff Jillian Duffy brought a civil action for injuries, economic losses and emotional distress, claiming she was physically attacked and beaten by a Los Angeles Department of Transportation (LADOT) non-sworn traffic enforcement officer. Duffy alleged the female traffic officer responded rudely and with anger when the Plaintiff asked the traffic officer to hand her the parking citation for an expired meter. Duffy claimed that the traffic officer taunted Plaintiff, shoved her, stepped on her toe, wrongfully restrained her, and hit her repeatedly on the back of the head with a handheld ticket machine. The City's defense team established that the Plaintiff started the physical confrontation when she punched the traffic officer in the eye without provocation, and that the traffic officer's act of hitting her once with the handheld machine was an instinctive reaction to being punched. The defense team persuaded the jury that the Plaintiff's wrongful strike to the traffic officer set the scuffle in motion, that her act of grabbing the traffic officer's shirt collar led to them falling into bushes, and that the traffic officer's multiple strikes against Plaintiff in the bushes were justified by self-defense. When the two were separated, the traffic officer made a citizen's arrest.

Plaintiff's evidence consisted of testimony from the Plaintiff and two civilian witnesses who saw only parts of the physical scuffle and concluded that the traffic officer was the aggressor. Frater and Lee established inconsistencies in their testimony with videos and prior testimony, and elicited favorable evidence from a police witness and the traffic officer to establish that the traffic officer had acted in self-defense and that the citizen's arrest was justified.

"The Plaintiff's witnesses simply had no information about the most critical part of the case, the start of the altercation, and the traffic officer offered an honest and credible accounting of the events," Frater said.

Presiding Judge Douglas Stern granted a pre-trial defense motion to bifurcate liability from damages. As the 12-person jury unanimously

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found that the traffic officer and the City were not liable for the incident, no expert medical or damages testimony was presented.

The jury had to decide two claims: battery and false arrest. They found 12-0 in favor of the defense, following two-and-a-half hours of deliberation.

“It was gratifying to see the jury unanimously come to the conclusion that the traffic officer and the City of Los Angeles bore no liability,” Lee said.

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