

WRITS & APPEALS

Creative thinking, exceptional analytical brief writing, and strong oral advocacy skills set our writs and appeals practitioners apart—and demonstrate to the appellate bench the merits of our clients' positions

These same abilities translate to handling complex writ and special proceedings at the trial court level.

Our group's specialized legal knowledge is complemented by the extensive experience our attorneys have before California's trial and appellate judges. We have achieved numerous significant and favorable decisions for our clients, handling hundreds of writs and appeals in state and federal courts. Our expertise in matters impacting public entities in California is unmatched.

Our services include:

- Appeals and extraordinary writs in state and federal courts
- Trial court writs and complex litigation
- Dispositive motions in complex litigation
- Position papers, amicus support, white papers, and opinion letters
- Advice and consultation during trial to strengthen or obviate appeals (e.g., preserve the record)

EXPERIENCE

BNSF Railway – City of Long Beach v. City of Los Angeles (2018) 19 Cal.App.5th 465 (SCIG)

Meyers Nave represented BNSF, North America's largest freight railway, in seven consolidated lawsuits challenging its \$700 million Southern California International Gateway project, a near-dock rail transfer facility serving the ports of Los Angeles and Long Beach, litigation culminating in the published decision cited above.

Regents of the University of California – People's Park

Defended the University's approvals for the People's Park student-housing project through the California Supreme Court (Make UC a Good Neighbor v. Regents (2024) 16 Cal.5th 43).

PRACTICE CHAIR



Deborah
Fox
PRINCIPAL

ATTORNEYS

Deborah Fox
Cathy Carlisle
Matthew Nazareth
Jenny Riggs
Margaret Rosequist
Kiana Amiri-Davani
Shaye Diveley
David Skinner
Julia Bond
Kristof Szoke
Christopher Whitman

Sports and Entertainment Venues – Howard Terminal Ballpark

District

Appellate defense of the City of Oakland's environmental review for a proposed waterfront ballpark and mixed-use development, including a 35,000-seat stadium, 3,000 residential units, 1.5 million square feet of office space, 270,000 square feet of retail, a 400-room hotel, and a 3,500-seat performance venue.

City of Milpitas – Steve McHarris v. City of Milpitas – Summary

Judgment Defended on Appeal

Appellate counsel defending a major summary-judgment win in an appeal arising from a lawsuit brought by a former City Manager, after handling a related writ proceeding earlier in the case. In June 2025 the trial court granted the City's summary-judgment motion and ended a two-year fight, disposing of every claim and awarding about \$400,000 in fees and costs.

LADWP – County of Mono v. City of Los Angeles – CEQA

applicability appeal (2022 reversal)

County of Mono, et al. v. City of Los Angeles, et al. (2022), First Appellate District of the Court of Appeal, Case No. A162590. Successfully represented LADWP in appeal overturning trial court's decision that LADWP's annual water allocations to ranchers leasing land from LADWP in Mono County were subject to CEQA.

Los Angeles World Airports (LAWA) – Michaelis, Montanari &

Johnson v. Superior Court

Represented LAWA in the California Supreme Court in a Public Records Act dispute over disclosure of competing lease proposals, in which the Court overturned the lower court's disclosure order.

County of San Bernardino – Michael Gomez Daly v. San Bernardino

County Board of Supervisors (Cal.5th quo warranto/Brown Act appeal)

In a unanimous decision, the California Supreme Court confirmed that the automatic stay pending appeal applies to a superior court judgment that orders mandatory injunctive relief. The trial court judgment ordered the San Bernardino County Board of Supervisors to vacate the Third District seat and then immediately fill the vacant seat with a new appointee selected by Governor Newsom, based on an alleged Brown Act violation in the process the Board had originally employed to fill the vacant seat. The challengers had argued that the judgment was prohibitory in nature, and therefore excepted from CCP § 916's automatic stay. Agreeing with the Board, the Supreme Court instead held that the judgment ordered mandatory injunctive relief because it altered the status quo of the parties at the time the judgment was entered, and the judgment was therefore subject to the automatic stay. Gomez Daly v. San Bernardino County Board of Supervisors, S260209, came to the California Supreme Court in a unique procedural posture. Petitioners Michael Gomez Daly and Inland Empire United ("Petitioners") filed a petition for writ of mandate in the San Bernardino County Superior Court alleging that

the Board had violated the open meeting requirements of the Brown Act when it filled a vacancy on the Board in appointing a supervisor to the Third District seat. Over the Board's strenuous objection, the superior court found that the appointment violated the Brown Act, and was therefore "null and void" under the Brown Act's provisions allowing a court to nullify action taken in violation of the Act. The superior court then entered judgment requiring the Board to vacate the seat and to allow the Governor to make a new appointment. The Board immediately appealed the decision, alleging several errors committed by the superior court. In connection with the appeal, because Petitioners were attempting to immediately enforce the judgment notwithstanding the appeal, the Board sought writ of supersedeas in the Court of Appeal on the basis that CCP § 916's automatic stay applied to the judgment pending appeal. The Court of Appeal denied the petition for writ of supersedeas, the Board petitioned to the Supreme Court for review, and the Court granted review. The Supreme Court laid out the familiar rule: mandatory injunctions are ones that alter the status quo and are therefore subject to the automatic stay; prohibitory injunctions, on the other hand, seek to preserve the status quo and are not subject to the automatic stay. While many cases identify the status quo as the point in time before the injunction is ordered, Petitioners urged the Court to use another definition – the last peaceable, uncontested status preceding the controversy. The Supreme Court harmonized these two competing definitions by explaining that the latter could be used where an injunctive order seeks to prevent injury from future conduct rather than remedy a past wrong. The Court next turned to the facts of the case, and explained that the judgment here was a mandatory injunction. Although the relief stemmed from a finding that the Board's action was "null and void," the relief was nonetheless properly characterized as a mandatory injunction because it required a mandatory act that would change the relative position of the parties by removing the Supervisor from office. Now that the Supreme Court has confirmed the automatic stay applies, the case is back to the Court of Appeal to address the merits of the Board's appeal. With this decision, the Supreme Court affirmed that California law sets the "default rule" to be that mandatory orders are stayed pending appeal. The decision has far-reaching consequences, providing added clarity and guidance for all appeals from injunctive relief judgments.

San Diego Association of Governments (SANDAG) – City of Coronado v. SANDAG (2022) 80 Cal.App.5th 21 – Regional Housing Needs Allocation

Four San Diego area cities, Coronado, Imperial Beach, Lemon Grove and Solana Beach, sued SANDAG demanding a new hearing and rescission of their final Regional Housing Needs Assessment allocation numbers, claiming SANDAG had denied them a fair hearing by deciding their administrative appeals on a weighted vote based on member populations rather than a simple tally.

Meyers Nave obtained a dispositive ruling for SANDAG at the trial court, and the Fourth Appellate District affirmed on June 20, 2022 in a published decision holding that the RHNA allocation process is immune from judicial review by legislative design, which prevents the gridlock and delay that would undermine the state's housing efforts. The California Supreme Court denied review.

City of San Diego v. Barratt American (4th Dist. 2005) 128 Cal.App.4th 917 – State Route 56 Acquisition (Jury Trial November 2003)

City of San Diego v. Barratt American – Jury Trial November 2003. Meyers Nave was lead counsel for the City of San Diego in another eminent domain action to acquire 8.32 acres in fee, and 3.25 acres as a TCE, from a 26.3-acre site for State Route 56. The property owner's total appraised value was \$15,200,000. The City's total appraised value was \$3,845,000. The jury verdict was \$7,500,000. Legal rulings from the trial court were affirmed by the appellate court in a published decision. City of San Diego v. Barratt American (4th Dist. 2005) 128 Cal.App.4th 917.

University of California Santa Cruz – Community Water Coalition v. Santa Cruz Local Agency Formation Commission

Successfully represented University of California, Santa Cruz, in a lawsuit challenging the university's ability to apply to the Local Agency Formation Commission (LAFCO) for water service associated with the future expansion of its North Campus. The trial court sustained the university's demurrer to the complaint, and the court of appeal upheld the ruling in a published decision: Community Water Coalition v. Santa Cruz County Local Agency Formation Commission (2011) 200 Cal.App.4th 1317. (Cortese-Knox-Hertzberg Act.)

City of Oceanside – Building Industry Association of San Diego v. Superior Court (City of Oceanside), (1989) 211 Cal.App.3d 277; Ivey Ranch Technology Park, Inc. v. City of Oceanside; Lemont Financial Corporation v. City of Oceanside; Ranch Development Corp. v. City of Oceanside; Del Oro Hills v. City of Oceanside

Defense of City's managed growth ordinance initiative. Published decision: Building Industry Association v. Superior Court (City of Oceanside), (1989) 211 Cal.App.3d 277 [managed growth initiative]. Companion trial court cases: Ivey Ranch Technology Park, Inc. v. City of Oceanside; Lemont Financial Corporation v. City of Oceanside; Ranch Development Corp. v. City of Oceanside; Del Oro Hills v. City of Oceanside.

County of Los Angeles – Hagopian v. California Coastal Commission / Hagopian v. County of Los Angeles, (2014) 214 Cal.App.4th 349

Successfully defended Los Angeles County on a complex coastal issue in the Santa Monica Mountains. The landowners built numerous structures without coastal development permits (cdp). Challenge to the proper permit-enforcement agency, and the need to complete and certify a Local Coastal Program, or LCP. Published decision: Hagopian v. County of Los Angeles, (2014) 214 Cal.App.4th 349 [coastal land use].

City of Goleta – City of Goleta v. Superior Court (2006) 40 Cal.4th 270

His CEQA record includes counsel in landmark published decisions, including Berkeley

Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086 and City of Goleta v. Superior Court (2006) 40 Cal.4th 270 at the California Supreme Court, and Saltonstall v. City of Sacramento (2015) 234 Cal.App.4th 549.

San Diego Association of Governments (SANDAG) – Cleveland National Forest Foundation v. SANDAG (2017) 3 Cal.5th 497 and 17 Cal.App.5th 413 – 2050 RTP/SCS EIR Litigation

Helped successfully litigate high-profile challenges to SANDAG's 2050 RTP/SCS EIR: Cleveland National Forest Foundation, et al. v. SANDAG (2017) 3 Cal.5th 497 (California Supreme Court) and Cleveland National Forest Foundation, et al. v. SANDAG (2017) 17 Cal.App.5th 413 (Court of Appeal).

City of Los Angeles – Stopthemillenniumhollywood.com v. City of Los Angeles – amicus brief and depublication request (39 Cal.App.5th 1 (2019))

Amicus brief and de-publication request filed on behalf of the California State Association of Counties. Stopthemillenniumhollywood.com v. City of Los Angeles (2019) 39 Cal.App5th 1.

California Department of Water Resources – Dyer Reservoir Contractor Claims Defense (\$14M Arbitration)

Defense of \$14 million in delay, differing-site-conditions, and lost-productivity claims through State Contract Act arbitration and 32 days of testimony; the trial court's ruling granting a full defense on contractor-licensing grounds was reversed on appeal, and the matter settled.

City of Rancho Cordova – Vineyard Area Citizens v. Rancho Cordova (2007) 40 Cal.4th 412

Meyers Nave litigated a landmark CEQA case on water supply analysis, Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova. Prior to incorporation of the city, the county approved a community plan for a large, mixed-use development of approximately 20,000 new dwellings on 6,000 rural acres.

City of Vacaville – California River Watch v. Vacaville – 39 F.4th 624 (9th Cir. 2022)

Defense of RCRA Citizen Suit. In California River Watch v. City of Vacaville (9th Cir. 2022) 39 F.4th 624. Meyers Nave successfully defended Vacaville against novel claims by an environmental group (California River Watch) that, while in full compliance with drinking water requirements, the City had allegedly violated RCRA's imminent and substantial endangerment provisions by transporting and storing water containing hexavalent chromium. Our client vigorously contested these novel attempts to expand RCRA liability. After obtaining summary judgment in the city's favor in the district court, an initial Ninth Circuit decision called for reversal. Meyers Nave filed a petition for rehearing en banc, which resulted in withdrawal of the initial decision and publication of a new opinion affirming the city's victory in the district court. The Plaintiff also alleged unlawful

discharges of hexavalent chromium through Vacaville's MS4, but we negotiated a settlement of those aspects of the claim.

City of Alameda – CP VI Admirals Cove v. City of Alameda (2025) 113 Cal.App.5th 116

CP VI Admirals Cove, LLC v. City of Alameda (2025) 113 Cal.App.5th 116.

City of Riverside – Garat v. City of Riverside (1991) 2 Cal.App.4th 259

Handled the seminal case involving state planning law and dictates of internal consistency as to Riverside's General Plan. Garat v. City of Riverside (1991) 2 Cal.App.4th 259.

: Over the years, our work with the City of Sacramento, a highly valued client of our firm, has included critical and sensitive matters including complex municipal law issues. When Sacramento set an ambitious timeline to build the \$535 million Golden 1 Center, the City turned to Meyers Nave to face a maze of legal issues that could have derailed the project; we defeated every roadblock, brought Golden 1 Center to life, and created a roadmap for future stadium projects tied to retaining or relocating professional sports teams.

Los Angeles Community College District (LACCD) – Odom v. Los Angeles Community College District

Reversed a \$10 million emotional-distress verdict on appeal in a published decision finding judicial misconduct and the erroneous admission of prejudicial evidence (Odom v. Los Angeles Community College District (Apr. 7, 2025, B327997) [certified for publication]). Retained for the [retrial](#).

City of San Diego - Relocation at the Utility's Sole Expense

San Diego Gas & Electric, taking over after cross-motions for summary judgment were lost below and winning on the plain text of the franchise agreements, a \$100 million question underlying the \$4 billion Pure Water program.

City of Walnut Creek – SB 1421 Records

Represented the City in one of the first appellate tests of whether SB 1421 reaches peace officer records created before 2019, through writ of supersedeas proceedings that cleared the way for production while insulating the City from fee exposure.

City of Ceres – Annexation Appeal

Secured a published Fifth District decision affirming dismissal of CEQA and Reorganization Act challenges to a 960-acre annexation on reverse validation grounds, with costs recovered.

Southern California Association of Governments – City of Huntington Beach, et al. v. Gavin Newsom, et al. (SCAG Regional Housing Needs Allocation Defense), USDC C.D. Cal. No. 8:23-

CV-00421-FWS-ADS

City of Huntington Beach v. Newsom (C.D. Cal. No. 8:23-CV-00421-FWS-ADS; 9th Cir. No. 23-3694). The City of Huntington Beach sued in federal court to challenge the Regional Housing Needs Allocation assigned to it, with SCAG as real party in interest. Meyers Nave obtained dismissal for SCAG at the district court and the Ninth Circuit affirmed. The firm then defeated the City's petition for a writ of certiorari as lead counsel before the United States Supreme Court, which called for briefing and then denied review. The result sustains the process by which California allocates its housing obligations.

Berkeley Hillside Preservation v. City of Berkeley

Represented Lotus founder Mitch Kapor and his wife, Freada Kapor-Klein, before the California Supreme Court on a case that Law360 called the "biggest CEQA case" and the Daily Journal described as affecting "how public agencies handle common exemptions from California's bedrock environmental law." On March 2, 2015, the Court issued its highly anticipated decision in Berkeley Hillside Preservation v. City of Berkeley (S201116), resolving years of uncertainty by holding that there must be "unusual circumstances" in order for an otherwise categorically exempt project to be subject to CEQA. The Court also resolved a divide among Courts of Appeal, holding that an agency's findings as to unusual circumstances are subject to the substantial evidence standard. Published decisions: Berkeley Hillside Preservation et al. v. City of Berkeley et al. (2015) 60 Cal.4th 1086; (2015) 241 Cal.App.4th 943.

Las Lomas Land Company, LLC v. City of Los Angeles

Represented the City of Los Angeles in a CEQA and land use action challenging the city's decision to reject a large development project in the middle of its EIR review after making a policy decision to not annex the project's 555-acre unincorporated property into city boundaries. The project's developer asserted CEQA and civil rights violations, and sought over \$100 million in compensatory damages. The city filed a demurrer, which the trial court sustained and the court of appeal affirmed in a published decision: Las Lomas Land Company, LLC v. City of Los Angeles (2009) 177 Cal.App.4th 837.

City of Palmdale – Zubarau v. City of Palmdale

Successfully defended decision by the Palmdale City Council to revoke a permit for an amateur radio tower and a challenge to the City of Palmdale's ordinance regulating amateur radio antennas. The published decision found that cities may properly use their land use authorities to restrict and even ban large amateur radio antennas in dense suburban neighborhoods. The court also found that such regulations are not preempted by state and federal law. Published decision: Zubarau v. City of Palmdale, (2011) 192 Cal.App.4th 289 [regulation of ham radio antennae and federal preemption].

City of Berkeley – Central Library Construction Claims Litigation (Arntz Builders v. City of Berkeley; Westamerica Bank v. City of Berkeley)

After prevailing twice at trial and being reversed twice on appeal, the matter resolved before a third trial with the contractor recovering nothing on affirmative claims exceeding \$10 million and nothing on its claim to more than \$2 million in retention. The result was

secured by enforcing the contract claim procedures, and the litigation produced two published opinions, *Arntz Builders v. City of Berkeley* (2008) 166 Cal.App.4th 276 and *Westamerica Bank v. City of Berkeley* (2011) 201 Cal.App.4th 598.

San Mateo Land Exchange v. City of Half Moon Bay

Successfully defended the City of Half Moon Bay against CEQA, takings and Coastal Act violation claims regarding its approval of a specific plan and other entitlements for a 207-acre development. The city prevailed in both the trial court and the court of appeal. Related published decisions: *Ailanto v. City of Half Moon Bay* (2006) 142 Cal.App.4th 572; *City of Half Moon Bay v. Superior Court* (2003) 106 Cal.App.4th 795.

City of Redondo Beach – Building a Better Redondo v. City of Redondo Beach

Meyers Nave represented the City of Redondo Beach in *Building a Better Redondo v. City of Redondo Beach* (2012) 203 Cal.App.4th 852, a published decision addressing the City's initiative process.

California Department of Water Resources – Independent Construction Company v. California Department of Water Resources

California Department of Water Resources. Represented the Department of Water Resources on cross-petition to confirm/vacate a multi-million dollar arbitration award in favor of contractor. After protracted proceedings, which involved an unsuccessful effort to obtain interlocutory appellate review, the Superior Court vacated the award on finding that the contractor had violated the Contractors' State License Law ("CSLL") and that its violations could not be excused under the CSLL's "substantial compliance" exception. Currently representing the Department in the appeal taken by the contractor.

County of Los Angeles – NextG Networks of California v. County of Los Angeles, (C.D. Cal. 2007) 522 F.Supp.2d 1240

NextG, a provider of telecommunications services, filed a complaint in federal court asserting preemption and challenging the County's land use process for locating cell antennas in the public right-of-way. The case resolved via settlement after a preliminary injunction hearing. Several months later, the underlying case law was reconsidered by the Ninth Circuit and validated the County's prior arguments on preemption. Published decision: *NextG Networks of California v. County of Los Angeles*, (C.D. Ca. 2007) 522 F.Supp. 2d 1240 [telecommunications provisions].

Southern California Association of Governments – Orange County Council of Governments v. Velasquez, et al. (SCAG RHNA Defense)

Case Citations: **Orange County Council of Governments, A Joint Powers Agency vs Gustavo Velasquez, Interim Director of Department of Housing and Community Development, et al.**, No. 21STCP01970 (California Superior Court, County of Los Angeles, filed June 21, 2021); California Court of Appeal, Second Appellate District, Case No. B317856

In another challenge to the fair share Regional Housing Needs Assessment (RHNA) numbers, Meyers Nave successfully obtained a dispositive motion rejecting the petitioner's challenge to the affordable housing plan.

City of Culver City – Davidson I and II v. City of Culver City

Defense of the City in First Amendment litigation asserting a variety of constitutional challenges to the City's regulations of signs, pennants and banners in the public right-of-way. Obtained a motion to dismiss and the Ninth Circuit affirmed in full validating the City's ban on all signs attached to fixtures in, on, or over the public right-of-way. In addition, in an unusual ruling, the Ninth Circuit affirmed the trial court's award of over \$90,000 in attorneys' fees to the City for a frivolous case.

City of Los Angeles – Hunt v. City of Los Angeles

This Venice Boardwalk case was on remand from a published decision with a potential for a second trial on a challenge to a Boardwalk regulation that had not been addressed in the first trial. Meyers Nave successfully argued that the plaintiff had waived his claims under the challenged regulation by not taking action to raise them in the first trial, resulting in a dismissal of all remanded claims that was upheld by the Ninth Circuit on appeal.

Metrolink (Southern California Regional Rail Authority) – Schubach v. Southern California Regional Rail Authority – Appellate Defense (Fiduciary-Duty/Plan Administration)

Meyers Nave represents Metrolink in an appeal that centers on an appellant's attempt to impose fiduciary-duty liability on the Southern California Regional Rail Authority and its Board for Plan-administration decisions that fall squarely within the immunities granted by the Government Claims Act. The pending briefing explains there is no relevant exception to the immunities and that the trial court's dismissal should be affirmed.

Zuvich v. City of Los Angeles

Successfully defended the City against a group of five plaintiffs who wanted to vend items on the Venice Boardwalk and also claimed that their artistic expression was unconstitutionally restricted. The plaintiffs raised numerous constitutional challenges to the City's boardwalk ordinance and sought millions of dollars in damages. Meyers Nave prevailed on summary judgment and the Ninth Circuit affirmed in full.

California Department of Water Resources – Southern California Bass Council v. State of California (CEQA Seismic Retrofit Remand Settlement)

Southern California Bass Council, et al. v. State Of California, et al. Defended the Department of Water Resources on remand from a court of appeal judgment finding CEQA violation of a seismic retrofit of a state water project. Successfully negotiated a settlement agreement, ending nine years of litigation.

Prevailed on summary judgment in the Central District of California and served as

Prevailed on summary judgment in the Central District of California and served as the lead appellate brief drafter and lead attorney at oral argument in achieving a favorable ruling from the Ninth Circuit on behalf of a former City of Los Angeles police officer in federal civil rights lawsuit.

City of Los Angeles – Sun Valley Production Studio – Writ of Mandate Defense

Defended the City's approval of a movie and television production studio on a petition for writ of mandate and the subsequent appeal, with the Court of Appeal rejecting the argument that the use was inconsistent with the site's open space community plan designation.

Munyan v. City of Los Angeles, Los Angeles County Superior Court Case No. BS 157876

City of Los Angeles, Los Angeles County Superior Court Case No. BS 157876. Successfully defended City of Los Angeles in lawsuit for writ of mandamus in the trial court. Currently representing the City of Los Angeles on appeal.

Oral argument in successful opposition to a petition for writ of mandate in Cali

Oral argument in successful opposition to a petition for writ of mandate in California state court that attempted to cancel the award of a public school high-speed internet contract awarded to Cox Communications.

City of Los Angeles – Responsible Urban Development Initiative v. City of Los Angeles

Vallely, Trustee of the John Stephen Vallely Trust v. City of Newport Beach, Orange County Superior Court Case No. 30-2013-00677168-CU-PT-CJC [Writ of Mandate Action Challenging Harbor Permit Denial].

Prevailed on appeal in the Seventh Circuit to uphold dismissal of a class action

Prevailed on appeal in the Seventh Circuit to uphold dismissal of a class action asserting violations of the Social Security Act and state consumer protection laws against DISH Network.

Represented a developer and automobile dealership in an appeal arising from alle

Represented a developer and automobile dealership in an appeal arising from alleged breaches of development loan agreements with the City of West Covina.