



Civil Litigation

360°

Morris Polich & Purdy has a diverse and sophisticated litigation practice at both the trial and appellate levels. We focus our defense on an aggressive and cost-efficient resolution of each dispute, honed by over 30 years of experience. Our initial goal is success at the pre-trial stage (where many lawsuits can and should be won), but when within the client's interest, we will aggressively pursue their goals through trial.

Our clients include both public entities and private retail concerns such as:

- Shopping malls
- Manufacturers
- Hospitals
- Retailers
- Supermarkets
- Apartments
- Hotels
- Department stores
- Churches
- Private homeowners

We represent these entities and persons in lawsuits alleging: unsafe premises (such as injuries resulting from the condition of the property itself, or from on-site/nearby criminal activity), wrongful death, and virtually all other types of torts (including liability predicated on negligent and intentional acts).

We have also successfully litigated allegations of:

- Premises liability
- Inadequate security
- Improper conduct of security
- Wrongful arrest
- Employer's vicarious responsibility for employee's unauthorized conduct

We educate our clients on how to preserve evidence and conduct their own pre-litigation investigation of claims, enhancing their ability to dispose of claims without attorney involvement, and maximizing success with respect to those claims that are litigated.

A CROSS SECTION OF OUR EXPERIENCE

Premises Liability

- We represented a major retailer in several premises liability matters, wherein we obtained early dismissals with no payment to the claimant based on the defendant's lack of actual or constructive notice of the allegedly dangerous condition, and based on lack of control over the area where the accident occurred (i.e., common area parking lot).
- We obtained a defense verdict following a jury trial on behalf of a shopping center owner and their management company. The jury found that plaintiff was not entitled to any recovery due to substantial impeachment of plaintiff and her purported witnesses as to the facts surrounding her alleged slip and fall.
- Our attorneys obtained summary judgment, and successfully defended an appeal, in the case of *Mary H. Buehler v. Alpha Beta Company* [(1990) 224 Cal.App.3d 729, 274 Cal.Rptr. 14], which established that a plaintiff may not recover damages for a slip and fall, despite the existence of a dangerous condition, where the plaintiff has "no idea" what caused the fall.
- We defended a dairy processing plant against claims by an independent contractor who came to the plant to perform maintenance work, and suffered severe burns.
- We defended a construction company when the switchgear exploded in a subgrade electrical vault, and several workers suffered burn injuries.
- Our attorneys represented the owner of a cement processing plant in a multi-party lawsuit brought by a motorcycle rider who, upon driving onto plant property, flipped his motorcycle and was rendered a paraplegic.

Wrongful Arrest

- Our client, a clothing retailer, was sued when plaintiff claimed that she was wrongfully arrested by mall security after reportedly attempting to use a stolen charge card. At the jury trial, we obtained a defense verdict on behalf of our client.

Injury Resulting from Criminal Activity

- Our client, a well-known fast food restaurant chain, was involved in an action brought by two customers for serious injuries suffered during the course of a robbery. We obtained a defense award at arbitration on the ground that the intentional criminal behavior was not foreseeable.
- We represented a property owner and manager in a lawsuit filed by the family of a money courier shot and killed by robbers in the lobby of a commercial building.

Personal Injury

- Our attorneys represented numerous insureds in personal injury actions in arbitration wherein complete defense verdicts were obtained in actions where liability was contested.
- We represented a plaintiff in a personal injury car accident matter wherein we reached a settlement with the underlying municipality tortfeasor for the monetary maximum cap. We later settled with the client's insurance company for a substantial amount after filing a bad faith action based upon the insurance company's defendant's refusal to pay additional sums due and owing under the policy, and failing to address the client's claim as required by Nevada law.

Negligence

- We represented a major fast food restaurant in which plaintiff had digested a salad containing blood from the employee who had prepared said salad. We were successful in bringing a summary judgment motion dismissing the bulk of Plaintiff's negligence claims based upon a "fear of AIDS" cause of action; one of first impression in Nevada at that time.



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