

# Daily Journal

FEBRUARY 15, 2023



## TOP VERDICTS

THE LARGEST AND MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2022.

### Bryant v. County of Los Angeles et al.

The trial in the lawsuit by Vanessa Bryant against the county of Los Angeles over graphic photographs first responders took and shared of her husband Kobe Bryant, her young daughter and seven others who died in that January 2020 helicopter crash was always about accountability, Luis Li, her lead trial attorney, said.

“That was always, always the objective,” he said. He and his client and his co-counsel wanted to ensure “that people were held accountable for the very specific actions that they took and the words that they said.”

The first step was extensive discovery to determine just what happened and who was responsible for what actions. That included collecting traditional discovery, such as email, written statements and, in such a high-profile matter, media statements and interviews.

The lawsuit said the unauthorized and horrific photos sheriff’s deputies and firefighters took with their cell phones caused her emotional distress, invaded her privacy and violated her constitutional rights.

So the discovery process also demanded searching into cell phones, computers and phone records. *Bryant v. County of Los Angeles*, 2:20-cv-09582 (C.D. Cal., filed Oct. 19, 2020).

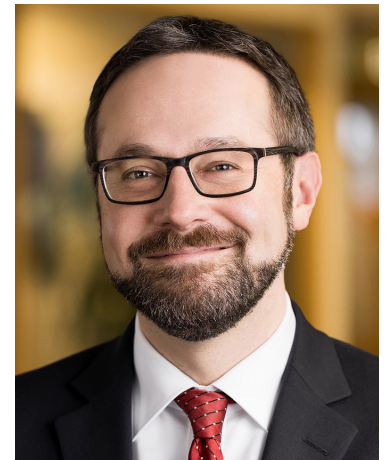
“Unfortunately, ... something like 10 out of the 11 deputies that we knew about got rid of their phones before we could look at them forensically,” Li said. And when a fire department captain who had taken many unauthorized photos turned in his laptop, its hard drive was missing. The judge let the jury consider the issue of the missing equipment.

Li said his team’s presentation during the trial continued to be focused on locking in exactly what had happened in the days and weeks after the crash.

But to hold the county itself liable for its employees’ actions under the Supreme Court’s Monell doctrine, the plaintiff’s team also had to show either that the sheriffs or the fire departments had a pattern or practice of allowing personnel to take such unauthorized photos or that they have no effective policy against it. “The policy isn’t specific enough to



LUIS LI



ERIC B. TUTTLE

prohibit this behavior and the reasonably anticipated consequences that people will do this,” Li explained.

J. Mira Hashmall, one of the lead attorneys representing the county in the trial, was unable to provide any comment on the case by press time.

Several witnesses testified about how common it was for first responders to take photos of horrific deaths and accidents. Powerful testimony came from a relative of a crash victim who said she’d watched firefighters

and others looking at such photos during an awards ceremony that February. As a former EMT, she said she had also seen first responders taking photos of a suicide victim years earlier.

During the trial, Li cross-examined then-Sheriff Alex Villanueva, who told interviewers two months after the crash that what he called “death books” had “been a problem ever since they invented the Polaroid.” Li cross-examined Villanueva at the trial.

“There were lots of dramatic moments during the trial,” he said.

“The jury verdict of \$15 million was ultimately encompassed by a \$28.85 million settlement that avoided appeal and settled the Bryant family’s remaining claims.”

— DON DEBENEDICTIS

#### Case Details

CASE NAME	Bryant v. County of Los Angeles et al.
TYPE OF CASE	Invasion of privacy and emotional distress
COURT	Central District
JUDGE(S)	Judge John F. Walter
PLAINTIFFS’ LAWYERS	Wilson Sonsini Goodrich & Rosati PC, Luis Li, Eric P. Tuttle; Munger, Tolles & Olson LLP, Craig J. Lavoie, Jennifer L. Bryant
DEFENSE LAWYERS	Miller Baroness LLP, Louis R. “Skip” Miller, J. Mira Hashmall, Jason H. Tokoro, Casey B. Sypek; Los Angeles County Counsel’s Office, Jonathan C. McCaverty