

## ATTORNEY

# Tomas A. Guterres



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### SUMMARY

Tomas A. Guterres is a trial attorney in the firm's Pasadena office. His practice focuses on public entity liability, civil rights, labor and employment law, and professional liability.

In employment, Mr. Guterres has handled wrongful termination claims; sexual harassment; ADA; and race, national origin, age and gender discrimination and retaliation claims in both trial courts and administrative hearings. He has also been selected as a Southern California Super Lawyer for multiple years.

Mr. Guterres has also represented various counties, cities, and public agencies in civil litigation matters involving allegations of civil rights and First Amendment violations, wrongful death, child abuse, sexual abuse, and police excessive force. He has tried multiple cases on behalf of public agencies in both state and federal court, including cases involving police shootings, police excessive force, First and Fourth Amendment claims, employment discrimination; traumatic injuries, and child abuse and sexual abuse personal injury claims. He has also represented architects and engineers and dependency attorneys in professional liability matters.

Mr. Guterres holds the rank of Associate with the American Board of Trial Advocates. He was a member of the Los Angeles Juvenile Court Dependency Tort Committee and Welfare and Institutions Code section 827 Committee which assisted in establishing guidelines for the representation of dependent and delinquent minors in civil litigation and standards and procedures for the confidentiality of juvenile records. He was also a Trustee and a member of the Juvenile Court Task Force with the Los Angeles County Bar Association, and a Former President, Officer and Trustee of the Japanese American Bar Association and Multi-Cultural Bar Alliance. He is fluent in Spanish and proficient in Japanese and Portuguese.

### EXPERIENCE

**Demurrer Sustained Without Leave to Amend for Claims Against Probation Department:**

Mr. Guterres represented a probation department against a putative class of probationers based on having paid probation supervision expenses which were claimed unjustified. Mr. Guterres successfully moved the court to take judicial notice of certain court documents which led to demurrer being granted without leave to amend.

**Defense Verdict in Jury Trial on Excessive Force Claims:** Mr. Guterres represented a sheriff's department and deputy against claims of excessive force when occupant of car resisted arrest. Mr. Guterres successfully tried the case and obtained a verdict in favor of the defendant deputy and sheriff's department.

**Summary Judgment on Equal Protection and Civil Rights Violation Claim:** Mr. Guterres represented a sheriff's department and deputies against claims of equal protection and civil rights violations for the failure to protect the girlfriend of a deputy from alleged domestic violence. Mr. Guterres successfully moved the court for summary judgment since all conduct occurred in private capacities.

**Defended Against ACLU's Demand Under California Public Records Act:** Mr. Guterres represented a public entity against the ACLU and Electronic Frontier Foundation petition to compel the production of automatic license plate reader (ALPR) data. Mr. Guterres successfully defended against the public records request which was later upheld by the Court of Appeals and California Supreme Court.

**Summary Judgment and Large Attorney's Fees Award in Favor of Public Hospital:** Mr. Guterres represented a public entity against a rape allegation of juvenile on involuntary psychiatric hold at the defendant hospital. Mr. Guterres successfully obtained summary judgment against plaintiff and successfully appealed the denial of summary judgment against the hospital. He won attorney's fee for the hospital on remand.

**Defense Verdict in Excessive Force Case Arising Out of Police Shooting:** Mr. Guterres obtained a defense verdict for a public entity client arising out of a 2012 police shooting of a plaintiff that had grabbed a deputy's gun. Mr. Guterres obtained a defense verdict in a December 2014 jury trial held shortly after widely-viewed demonstrations in Ferguson, Missouri relating to police violence.

**Mistrial and Settlement in Personal Injury Case Against County of Los Angeles:** Mr. Guterres defended the County of Los Angeles in personal injury matter following race riot in Probation Department Camp involving traumatic brain injury. Jury trial ended in mistrial, and was subsequently settled for \$1.2 million, far less than the \$7.8 million plaintiff demanded.

**Jury Verdict in Favor of Defendant in \$20 Million Excessive Force Case:** Obtained verdict for policy deputy and County of Los Angeles arising out of a shooting of the knife-wielding plaintiff by the off-duty deputy. Plaintiff had alleged excessive force and civil rights violations, demanding \$12 million and the deputy's resignation or \$20 million. Judgment was affirmed on appeal.

**Favorable Verdict in Personal Injury Case Against County of Los Angeles:** In defending the County of Los Angeles in a personal injury suit brought by a plaintiff rear-ended by a public employee, obtained a jury verdict awarding plaintiff only the cost of past medical expenses (employee had admitted liability). Successfully defended against attempts to obtain \$250,000 in alleged pain and suffering and future medical costs.

**Defense Verdict and Fees in Wrongful Death Case Against County of Los Angeles:** Mr. Guterres obtained a verdict for defendant in suit alleging wrongful death after a bicycling accident with a pickup truck in Deane Dana Friendship Park in San Pedro traveling downhill on a service road when he collided head-on with a pickup truck driven by Miller. Plaintiffs' last demand before trial was \$1.2 million. Following a 5-day jury trial on a bifurcated case on liability the jury returned a verdict for the defense and a judgment of costs was awarded to the county in the amount of \$23,177.69.

**Defense Verdict and Award of Fees and Costs to County in Employment Lawsuit:** Plaintiff custody officer brought suit claiming his failure to be promoted was retaliation for having filed an earlier lawsuit for racial discrimination and harassment. Presented evidence that plaintiff's adverse employment decision was based on failure to file tax returns. Summary judgment was therefore granted for defendant as were costs and attorney's fees.

**Defense Verdict and Award of Fees in Racial Discrimination Case Against County:** In case brought by plaintiff alleging racial discrimination by the County of Los Angeles for failing to promote her to supervisory role, successfully presented evidence that adverse employment decisions were based on other qualified candidates being selected. Jury rejected plaintiff's claims for \$300,000 in economic damages and emotional distress, returning a verdict for the county and award of \$10,560.86 in costs.

**Defense Verdict and Costs in Suit Brought Against Child Protective Services:** Plaintiff alleged that Child Protective Services failed to properly monitor and supervise her and should have known that her father was abusing her. Summary judgment was granted on behalf of Child Protective Services and the social workers on the grounds that they had met and exceeded their mandatory duties. Obtained judgment in favor of defendant as well as costs in the amount of \$10,030.75 against plaintiff.

**Demurrer Affirmed on Appeal in Wrongful Death Suit Against County:** In suit filed against the County of Los Angeles by half-siblings of minor that died due to apparent abuse by parent, trial court dismissed wrongful death suit due to lack of standing, without leave to amend. Demurrer was upheld on appeal by plaintiffs.

**Judgment in Favor of County on Wrongful Death Claim:** Plaintiffs brought wrongful death suit against Department of Children and Family Services, alleging civil rights violations relating to death of daughter at the hands of mother and boyfriend. Successfully obtained demurrer on the grounds that county owed no duty to plaintiffs.

**Defense Verdict and Costs in Favor of County Related to Molestation Claims:** Plaintiff who was in foster care alleged that her social worker had sexually molested her. The Defense argued that the allegations had been fabricated by an aunt as retribution against the social worker relating to previous allegations of physical abuse against the aunt herself. Following a 15-day jury trial, the jury returned a verdict for the Defense and a judgment of costs was awarded to County in the amount of \$48,163.66.

## **PROFESSIONAL MEMBERSHIPS**

- State Bar of California
- Los Angeles County Dependency Court Tort Committee (2004)

- Los Angeles County Bar Association (Juvenile Courts Task Force, Trustee 2004-2005)
- Pasadena Bar Association
- Association of Southern California Defense Counsel
- Japanese American Bar Association (Judicial Appointments Committee 1997-2000, Board of Governors 1998-2000, Treasurer 1999-2000, President-Elect 2001, President 2002)
- Multi-Cultural Bar Alliance (President 2003)

## **PUBLICATIONS/SEMINARS**

- *Immigration Act of 1990: Handbook* (Clark Boardman 1991)
- *Standard of Care for Attorneys in Child Welfare Cases*
- *Human Resource Law Update – Managing Leaves, Absenteeism and Substance Abuse*

## **PRACTICE AREAS**

- [Labor and Employment Law](#)
- [Professional Liability](#)
- [Public Entity Liability](#)
- Trial

## **EDUCATION**

- Loyola Law School (J.D., 1990)
- Boston University (B.A., International Relations 1987)

## **BAR ADMISSIONS**

- California, 1991

## **COURT ADMISSIONS**

- United States District Court, Central District of California, 1992
- United States District Court, Southern District of California, 2017
- United States Court of Appeals for the Ninth Circuit, 2004