



Lozano Smith Attorneys Defending City Of Los Angeles And LAPD Secure Favorable Verdict In Employment Case

In a recent employment case brought against the City of Los Angeles and Los Angeles Police Department (LAPD), Lozano Smith attorneys Gregory Wedner and Mark Kitabayashi successfully defended the City and LAPD at trial, resulting in a much smaller finding of damages by the jury than the amount the plaintiff was seeking.

In *Leonard Avila v. City of Los Angeles, Los Angeles Police Department, Commander Stuart Maislin, et al.* (2012) Case No. CV 11-01326 SJO (FMOx), the plaintiff, a police officer, alleged that the LAPD retaliated against him after the officer testified against the LAPD in another trial for alleged violations of the Fair Labor Standards Act (FLSA) and unpaid overtime. During his testimony in that prior matter, the officer had admitted that over a number of years, he had knowingly failed to submit requests for overtime pay and also failed to report that his supervisors had allegedly pressured the officer not to request payment for overtime. Following his termination by the LAPD for this misconduct, the officer filed a lawsuit against the City, the LAPD and a commanding officer, seeking \$4.5 million. The LAPD had also terminated two other officers for the same misconduct and one of them later secured a \$4 million verdict against the LAPD for retaliation.

With such high stakes, the City and LAPD asked Lozano Smith to take over the case just a few days prior to the trial date. Following testimony, Lozano Smith asked the judge to dismiss certain claims because the officer had not introduced sufficient evidence. The judge agreed in part, and the jury was only asked to consider the officer's claims concerning retaliation under the FLSA and due process violations. The jury's verdict was a good one for the City and the LAPD, because they prevailed on the due process claim, and, although the jury found for the officer on the FLSA retaliation claim, it awarded the officer just \$50,000 which was substantially less than a previous settlement offer made by defendants before trial.

The outcome in this case was due, in part, to strategic maneuvers which allowed the Lozano Smith attorneys to educate the judge on the weaknesses of the plaintiff's claims, which meant that many of the plaintiff's claims were not even considered by the jury. The effectiveness of these efforts in this case demonstrates that litigation strategy should be considered at every stage. If you have any questions about Lozano Smith's litigation practice, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or follow Lozano Smith on [Facebook](#).

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