

Domenic D. Spinelli, Shareholder

## COMPLEX LITIGATION, TRIAL AND APPELLATE PRACTICE

Domenic Spinelli has been practicing in the litigation field representing public entities for 32 years. Domenic's current practice emphasizes complex civil litigation in the areas of defending public entities, largely school districts, specifically involving civil rights, Title IX, employment discrimination, special education discrimination, sexual abuse and serious injury cases in both state and federal trial and appellate courts. Domenic is very well versed in the Government Claims Act. Domenic's practice areas have resulted in many successful motions for summary judgment for his clients, trials and appellate victories over the years. Domenic also assists clients in avoidance of claims and litigation and has been a presenter on multiple topics at various risk management conferences over the years.

### Representative Matters

*Saenz v. Whitewater Voyages, Inc.* (1990) 226 Cal.App.3d 758; *Ferrari v. Grand Canyon Dories*(1995) 32 Cal.App.4th 248; cases involving waiver and assumption of the risk of severe whitewater rafting injuries.

*Couch v. San Juan Unified School District* (1995) 33 Cal.App.4<sup>th</sup> 1491 – summary judgment granted in favor of district and personnel in action by former teacher alleging libel, invasion of privacy and infliction of emotional distress.

*Rio Linda Unified School District v. Superior Court* (1997) 52 Cal.App.4<sup>th</sup> 732 – obtained writ of mandate granting summary judgment from Third District Court of Appeal in case alleging personal injury to special needs student due to dangerous condition of public property.

*McMackins v. Elk Grove Unified School District* (ED Cal. 1998) 21 F.Supp 1201 – ADA, failure to accommodate and wrongful termination claims of former teacher defeated on summary judgment by establishing that plaintiff was not a qualified person under statutory scheme.

*Knight v. Hayward Unified School District* (2005) 132 Cal.App.4<sup>th</sup> 121 – successful defense of school district's employment benefits package that lacked medical coverage for in vitro fertilization. In a case of first impression in California, the First District Court of Appeal agreed with the defense position that the group health benefit coverage for other forms of fertility

treatment (which had failed in the case of the plaintiff) and that the coverage was the same for all participants, was not discriminatory for excluding IVF treatment.

*Renda v. Sacramento City Unified School District* (Case No. C034629 - Third District Court of Appeals) - obtained summary judgment in favor of its client, the Sacramento City Unified School District, in a gender discrimination and retaliation claim brought under the Fair Employment and Housing Act. The Third District Court of Appeal agreed with the trial court's dismissal of plaintiff's gender and sexual harassment claims because she failed to come forward with any admissible evidence to support her claims, she failed to comply with the statute of limitations and she could not establish a hostile work environment.

*Ferrari v. Grand Canyon Dories* (1995) 32 Cal.App.4th 248 - represented the sponsor and conductor of a white water rafting trip that obtained summary judgment in the trial court by utilizing the primary assumption of risk defense. The Third District Court of Appeal upheld the decision in favor of the clients by holding that the conduct of the sponsor did not increase the risks inherent in the white water rafting activity. This case provided a substantial development in the primary assumption of the risk doctrine in the State of California.

*Eaton v. City of Grass Valley* (Case No. 59522) - defended the City of Grass Valley in a case involving an alleged dangerous condition of public property. The firm obtained a Motion for Summary Judgment in favor of the City in a case involving a line of sight issue and substantial personal injury to the plaintiff as a result of a motor vehicle accident at a corner. The firm established a lack of causation between any condition for which the City was responsible and Plaintiff's substantial personal injury. The ruling was upheld by the Third District Court of Appeal.

*Yazel v. Sacramento City Unified School District* (2000) US App. Lexis 33592 - represented the Sacramento City Unified School District and individual employees successfully in the District Court and the Ninth Circuit Court of Appeals by arguing that a plaintiff's discrimination claims until Title VII and FEHA failed to establish a prima facie case of discrimination, and wrong termination, in a reverse gender discrimination case.

*In Lombardi vs Robinsons Taekwondo*, Sean Patrick and Domenic Spinelli, representing the defendants, prevailed on a SJM based on the defense of Primary Assumption of the Risk. Plaintiff, a candidate for black belt, suffered dental injuries while sparring with his instructor from a kick and sued the instructor and Robinsons. Placer County superior court dismissed the action based on the PAR defense.

*Sparks v. City of Wheatland, et al.* (Case No. C035782) - the Third District Court of Appeal affirmed the trial court's order granting defendants' demurrer in a case involving wrongful

death and a police agency's alleged failure to apprehend or prevent a drunk driver from operating a motor vehicle on public roads.

#### Areas of Practice

- Government Entity Representation (School Districts, Cities and Counties, and Special Districts)
- Employment Litigation and Counseling
- Sports Injuries/Assumption of Risk
- Products Liability
- Personal Injury
- Business Litigation
- Insurance Coverage/Bad Faith
- Real Estate
- Agriculture & Wine Industry Litigation

#### Education and Training

- Domenic obtained his Juris Doctor from the University of the Pacific, McGeorge School of Law in 1987.
- Domenic obtained his Bachelor of Arts Degree with a double major in Political Science and Rhetoric from the University of California at Davis in 1981.

#### Admissions

- California State Bar (1987)
- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Central District of California,
- United States District Court, Southern District of California
- California Supreme Court
- United States Ninth Circuit Court of Appeals

#### Affiliations and Engagements

- Association of Defense Counsel, Northern California
- Sacramento County Superior Court, Judge pro tem
- Placer County Superior Court, Judge pro tem
- El Dorado County Superior Court, Judge pro tem
- Martindale-Hubbell "AV" Rated
- Sacramento County Bar Association, member.
- Former liability claims representative and claims supervisor for a national insurance company (Aetna, 1981-1987).