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Weeks, Jurors Make Awards

Land-Use Dispute Verdict Earns Mom And Son \$23 Million

Alzheimer's Facilities

By John Ryan

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Ending what many legal observers called perhaps the longest deliberations in civil-trial history — 18 weeks — federal jurors in Los Angeles Wednesday awarded \$22.5 million to a mother and son in their long-pending land-use dispute with the city of Long Beach.

Shirley McClure filed her civil rights claims against Long Beach in 1992, claiming that city officials unfairly thwarted her attempts to open up a series of residential care facilities for Alzheimer's patients. The city hit her with an endless stream of bogus building citations, the suit alleged.

The trial started a year ago, in September, and lasted six months. The jury has had the case since then, to the frustration and amazement of attorneys on both sides.

Finally, on Wednesday, the jury awarded \$20 million to McClure and \$2.5 to her son, Jason McClure, who also shared an interest in the proposed care homes.

"I'm feeling pretty good," Barrett Litt, who represents the McClures, said with a laugh late Wednesday.

Litt of Litt & Associates in Los Angeles said he has worked on the case since late 1992, investing millions. The case ran into major delays in the mid-1990s, when pre-trial rulings went on appeal.

"The city clearly had engaged in outrageous conduct aimed at Mrs. McClure and her son for trying to open up these homes," Litt said. "The jury was able to understand that. The message is that a city or a person cannot get away with that sort of conduct."

Long Beach City Attorney Bob Shannon said that the city may appeal the verdict.

"We really do believe that the verdict was against the evidence, and we will advise our clients accordingly," Shannon said, referring to an upcoming meeting with the City Council of Long Beach. "And certain options will flow from that advice."

The city's trial counsel, Richard Terzian at Bannan, Green, Frank & Terzian in Los Angeles, continued to deny wrongdoing by his clients.

"The city was enforcing its building codes for what were undisputed violations," Terzian said. "But the jury looked at the evidence and the facts differently than we did."

As early as June, when jury deliberations entered their 12th week, lawyers and jury experts told the Daily Journal that they had never heard of deliberations lasting so long in a civil case. Typically, the lengthiest deliberations are over criminal matters where the verdicts can lead to death sentences or life in prison, experts said.

In May, Terzian's firm asked U.S. Magistrate Judge Charles Eick, who presided over the case, to question the jury about the status of its deliberations. Litt filed a similar motion in June. Eick

Jurors Finish After 18 Weeks' Deliberations

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denied both requests. Judges usually don't try to urge jurors on unless they've indicated they are deadlocked.

The jury never reported an impasse, though some jurors did complain of bickering and lack of productivity. They also were given days off for appointments and other scheduling conflicts. The group started with 10 jurors. Two left since the start of deliberations.

Litt, who spoke with jurors Wednesday afternoon, said the group appeared happy the case was over.

"They took this very seriously and went through the evidence and the verdict form at great length," Litt said. "This jury clearly worked incredibly hard."

Jurors had to review thousands of exhibits and testimony from 100 witnesses.

"They told us that they were kind of split at the beginning of deliberations, and gradually one side convinced the other," explained Terzian, based on his conversation with a few of the jurors.

Litt said that Shirley McClure could not be present to hear the verdict read because of the stress the case has been causing her.

McClure claimed that Long Beach killed her project because the facilities were unpopular with influential residents and city officials. She also claimed that failure of her development sent her into bankruptcy and caused her latent lupus to flare up.

Medical testimony regarding the lupus also prolonged the trial.

In its defense, the city claimed that McClure's conversions of a half-dozen homes had numerous problems, including electrical and plumbing work out of compliance with city codes and unpermitted construction work. The city also insisted that McClure's own financial troubles would have prevented her from completing the project.

McClure has been working as a paralegal for Litt since 1993, helping on her own case.

"I've spoken to her by phone," Litt said. "She is very happy. And her son is very happy."