



## Carl L. Fessenden

### Shareholder

Analyze the situation. Decide on an approach. Commit to a plan. Attack the problem. Reassess new information. Accomplish the goal. Turns out, skiing and practicing law are similar. Whether he's at work or on the slopes, Carl enjoys the challenge of finding the best line down the hill.



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### OVERVIEW

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Carl graduated with majors in Political Science and Communications from the University of California, San Diego, in 1988. He graduated from University of the Pacific, McGeorge School of Law in 1992. Carl joined Porter Scott in 1994 and has been a shareholder since 2000.

Carl represents both private and public entity clients throughout the state of California. Litigation is the focus of his practice. Primarily, he defends those that find themselves the subject of a lawsuit. His understanding of what litigation entails provides insight which benefits his clients. That insight is used to help his clients develop strategies and policies to prevent potential claims and best position themselves should they become involved in a lawsuit.

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### EDUCATION

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University of the Pacific, McGeorge School of Law (J.D., 1992)

University of California at San Diego (B.A., 1988)

- Double Major in Communications and Political Science
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## PRACTICE AREAS

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- Education
  - Employment
  - Personal Injury
  - Public Entities
  - Police Practices
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## ADMITTED TO PRACTICE

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- All California State Courts
  - United States Court of Appeals for the Ninth Circuit
  - United States District Court for the Eastern District of California
  - United States District Court for the Northern District of California
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## PROFESSIONAL MEMBERSHIPS & AWARDS

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- AV Rated by Martindale Hubbell
  - American Board of Trial Advocates (ABOTA), Member
  - Public Agency Risk Managers Association
  - Sacramento County Bar Association
  - State Bar of California, Litigation Section
  - Northern California Super Lawyer (2004, 2012-2018)
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## COMMUNITY INVOLVEMENT

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- Placer Unified School District, Breen Elementary Site Council, Member (2003-2007), President (2005-2006)
- Operation Protect and Defend – Dialogue on America

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## RECENT PUBLICATIONS

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- *"It May Be Dangerous Out There, But That Does Not Mean You Are Liable,"* CSDA Magazine, Vol 13, Issue 1, Jan-Feb 2018

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## PRESENTATIONS & SEMINARS

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- *Cops/Docs/Nurses – Responding to Law Enforcement – UC Davis Nurses Conference (2018)*
- *Governmental Immunities, PARMA Chapter Meeting (2018)*
- *Understanding Your Liability as a Public Agency, PARMA Chapter Meeting (2018)*
- *Tools & Tactics for Mediating Injury and Employment Cases Successfully, PARMA Chapter Meeting (2017)*
- *Employment Law Update, SDRMA Safety/Claims Education Day (2015)*
- *Exposure Assessment – What is My Case Really Worth?, PARMA (2015)*
- *Reasonable Accommodation Process, Employment Risk Management Authority (2015)*
- *The Intersection of Skelly and POBR, NCCSIF Police Chiefs Seminar (2015)*
- *Motions for Summary Judgment – What are They Good For?, CAJPA Litigation, Insurance and Tort Liability Program (2014)*
- *Employment Law Update, SDRMA (2014)*
- *Contractual Risk Transfer, SDRMA (2014)*
- *Innovative Perspective on Claims Resolution, Combined Claims Conference (2014)*
- *Perspectives on MediCare, PARMA (2013)*
- *To Settle or Defend, CAJPA (2013)*
- *Forensic Training- Social Media Use, The Learning Institute (2013)*
- *Pre-Trial Law and Motion: What is it Good For?, CAJPA (2012)*
- *Employment Law Overview, SDRMA Spring Claims Education Day (2012)*
- *Students, Teachers and Social Media, Sutter County Superintendents (2012)*
- *Litigation Update, CAJPA (2011)*
- *Back to School – What is the Case Worth?, York Insurance Services Group (2011)*
- *First Amendment, Employment and Internet Use, NCCSIF Police Chiefs Seminar (2011)*
- *Technology, First Amendment and Discipline: Can the Three Co-Exist?, PARMA (2011)*
- *New Medicare Rules, Association of Governmental Risk Pools (2010)*

- *Leave and Return to Work: Interplay Between Work Comp and ADA/FMLA, Council on Self-Insured Public Agencies (2010)*
  - *Medicare Issues and Settlement, Sacramento Claims Association (2010)*
  - *MSP/SCHIP and Liability Claims: Are Settlements a Thing of the Past?, CAJPA (2009)*
  - *Deal or No Deal: What's That Claim Worth?, CAJPA (2009)*
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## REPRESENTATIVE TRIALS

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- *Evans v. County of Nevada* [FEHA Retaliation Claim], April 2018
  - *Fitzgerald v. El Dorado County* [Age Discrimination and Retaliation for speech activities], June 2016
  - *Western Water Company v. Yuba County Water Agency* [Breach of Contract and Equitable Claims]
  - *Page v. Regents of the University of California* [Dangerous Condition of Public Property]
  - *GPA v. SIATech* [Binding Arbitration – Breach of Contract and Fiduciary Duty]
  - *Askew v. County of El Dorado* [Civil Rights/Excessive Force]
  - *Allan v. City of Marysville and Yuba County* [Civil Rights/Eighth Amendment]
  - *Jones v. Yuba County* [Disability Discrimination/Harassment]
  - *Sager v. County of Yuba* [Administrative Writ/Involuntary Dismissal of a Peace Officer]
  - *Morris v. Skycrest* [Contract Action]
  - *Martel v. Food 4 Less* [Premises Liability/Slip and Fall]
  - *CSAA v. Sears* [Product Liability]
  - *Farnsworth v. Fox* [Admitted Liability MVA]
  - *Sims v. Bowers* [Disputed Liability MVA]
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## REPRESENTATIVE APPEALS

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- *Edwards v. AL Leasing & Co.* (1996) 46 Cal.App.4th 1029
- *Allan v. City of Marysville*, Ninth Circuit Court of Appeal (Unpublished Opinion)
- *May v. Nine Plus Properties* (2007) 143 Cal.App.4th 1538
- *Greer v. County of Sacramento*, Third District Court of Appeal (Unpublished Opinion)
- *Brun v. Truckee-Tahoe Airport District*, Third District Court of Appeal (Unpublished Opinion)
- *Sager v. County of Yuba* (2007) 156 Cal.App.4th 1049
- *Honchariw v. County of Stanislaus* (2013) 218 Cal.App.4th 1019

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## ALTERNATIVE DISPUTE RESOLUTION

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- Settlement Conference Attorney for Placer County