

Daily Journal

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TOP VERDICTS

THE LARGEST AND MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2022

Catholic Charities CYO v. Marinwood Plaza LLC et al.

In environmentally-conscious Marin County, the claim that a business polluted a respected educational institution could be tough to explain to a jury.

Catholic Charities runs a well-known Bay Area institution, St. Vincent’s School for Boys, founded in 1855, that has a positive reputation in the region, defense lawyers said. So its claim was a challenge: that a tenant on its land in San Rafael, a Marinwood Plaza dry cleaning business, had polluted the property permanently with cleaning chemicals, harming the environment and making it hard to sell.

The plaintiff sought more than \$46 million in damages and attorney fees. Even so, lawyers from Jeffer Mangels Butler & Mitchell LLP secured a complete defense win following a Zoom jury trial. *Catholic Charities CYO v. Marinwood Plaza LLC et al.*,

CIV1701875 (Marin Co. Super. Ct., filed May 24, 2017).

“According to them, the contaminated land was very bad, so bad they didn’t want kids to play by the stream nearby,” said Jeffer Mangels lead counsel Stanley M. Gibson. “But they overstated their case. The pollution was all underground.”

Not only that, Gibson’s client, Marinwood Plaza, had spent \$3.2 million on remediation already, had removed most of the contaminants and had committed to cleanup deadlines.

“We mounted a science-based defense to show that progress is being made, and we backed it up with experts,” said Gibson, who tried the case with colleague Matthew S. Kenefick.

Gibson said he felt he was getting across to the jury when he elicited strong testi-



STANLEY M. GIBSON



MATTHEW S. KENEFICK

mony from the consultant in charge of the remediation. “She explained what she’d done so far and how the science works,” he said. “She made the science understandable, and that was when I felt we were doing well.”

It was a career first for Gibson. “I’d never met her in person.

We did all the prep by Zoom. That was unique, but it worked.”

Kenefick said a turning point came when a plaintiff’s witness said a potential buyer walked away due to the contamination, only to be refuted by the buyer, who said it wasn’t so. “That really poked a hole in their credibility,” he said of Catholic Charities.

After a six-week trial, the jury voted 12-0 for the defense. “The facts and the science came through for us,” Gibson said. “They didn’t appeal.”

Plaintiff lawyer Michael J. Van Zandt of Hanson Bridgett LLP did not return a message seeking comment.

— JOHN ROEMER

Case Details

CASE NAME

Catholic Charities CYO v. Marinwood Plaza LLC et al.

TYPE OF CASE

Negligence, trespassing and nuisance

COURT

Marin County

JUDGE(S)

Judge Stephen P. Freccero

DEFENSE LAWYERS

Jeffer Mangels Butler & Mitchell LLP, Stanley M. Gibson, Matthew S. Kenefick

PLAINTIFFS’ LAWYERS

Hanson Bridgett LLP, Michael J. Van Zandt, Sean G. Herman