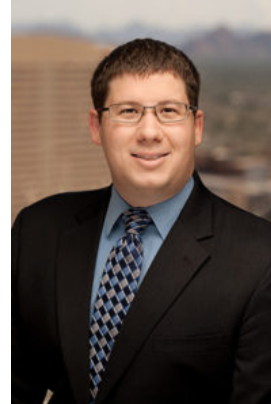
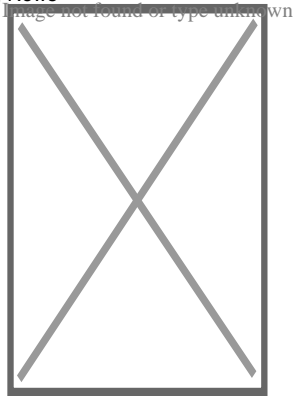


## DEFENSE WINS MOTION REGARDING DAMAGES IN FERNANDEZ V. CITY OF PHOENIX

October 27, 2015 | Case Summaries, News



**Fernandez v. City of Phoenix** – [Donald Myles](#), [Lori Voepel](#), [Michele Molinaro](#), and [Justin Ackerman](#), attorneys with Jones, Skelton & Hochuli in Arizona, obtained a win for the City of Phoenix at the Superior Court of Arizona. Plaintiffs, assignees of former Phoenix police officer Richard Chrisman, brought a declaratory action against the City of Phoenix to enforce an \$8.5 Million dollar Morris type agreement.

On summary judgment, Defendant Phoenix prevailed on the issue that the Phoenix City Codes limits Plaintiffs' damages to Mr. Chrisman's costs of defense in the underlying Federal Court case. The Court agreed with Defendant Phoenix's that its obligations to Mr. Chrisman, and therefore Plaintiffs, cannot extend beyond the limits set by the Phoenix City Codes. The parties then moved to clarification of the summary judgment order because the Plaintiffs believed that Plaintiffs' damages consisted of the amount of attorneys' fees and costs of the defense incurred in the underlying matter, rather than the actual amount of attorneys' fees and costs paid. The Court agreed with Defendant Phoenix and found that Plaintiffs' are only entitled to recover reimbursement for actual amount paid by Chrisman for his reasonable fees and expenses and not the amount incurred. The actual amount paid was \$0.

[Don Myles](#) focuses his practice on defending clients in cases involving catastrophic injury and wrongful death claims, bad faith and extra-contractual liability, professional liability, and insurance coverage and fraud.

[Lori Voepel](#) has handled over 300 federal and state appeals in virtually every area of the law, including governmental liability, medical and legal malpractice, employment law, civil rights, insurance defense and bad faith, product liability, school law, prison liability, administrative law, commercial law, construction law, airline liability, criminal law, workers' compensation, and family law.

[Michele Molinaro](#) joined Jones, Skelton & Hochuli in 2008, and has been a Partner since 2013. As a trial attorney since 2000, she has tried state and federal jury and bench trials and administrative law hearings. Michele concentrates her civil litigation practice on governmental entity defense with an emphasis on civil rights matters.

[Justin Ackerman](#) represents clients in federal and state appellate matters in cases involving excessive force, wrongful death, personal injury, bad faith, and premises liability. Justin has successfully represented clients at the Arizona Court of Appeals, Arizona Supreme Court, and Ninth Circuit Court of Appeals.