PARTNER

Jeffrey V. Dunn

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Irvine

Jeffrey V. Dunn is a highly sought after legal counsel to public agencies in complex litigation matters. Recognized as one of California's leading local government litigation attorneys, he was selected as one of *California Lawyer* magazine's Attorneys of the Year for 2014, the *Daily Journal's* Top 20 Municipal Attorneys in 2013 and Top 25 Municipal Attorneys in 2011. He was also recognized as one of California's Top 100 Attorneys by the *Daily Journal* in 2013 and 2016 and for a Top Verdict in 2011 and 2018.

Water Resource Litigation
Jeff has extensive experience in water resource litigation — an increasingly complex and critical area of law.

- In *City of Santa Maria v. Adams, et al,* Jeff successfully represented the City of Santa Maria in one of the largest and most complex cases in California involving the adjudication of water rights in Santa Barbara and San Luis Obispo counties. This case was chosen by the State of California as a pilot project for innovative case management programs involving the Internet, which led to significant costs savings for the City of Santa Maria, the lead governmental entity in the case.
- Jeff won a trial in Northern California representing the Truckee Meadows Water Authority, a Nevada joint-powers authority consisting of the cities of Reno and Sparks and Washoe County in their effort to obtain rights to Donner Lake water in 2010. The victory preserves a critical water supply during drought years for 330,000 residents in Reno and surrounding areas.
- Jeff represents County of Los Angeles Waterworks District No. 40 in long-standing disputes over groundwater rights in the Antelope Valley Groundwater Adjudication Proceedings. The adjudication is considered to be one of the state's most complex water rights disputes involving competing claims by two large classes of property owners, agricultural interests, public water suppliers and the United States government. In 2011, he successfully led a group of public water suppliers in establishing the safe yield of the Antelope Valley Groundwater Basin, the common water supply for all users. The *Daily Journal* selected the trial court decision as a Top Verdict By Impact for 2011.
- Jeff led a team of defense lawyers in successfully convincing a jury that water suppliers had acquired prescriptive groundwater rights to the Paso Robles Groundwater Basin during times of groundwater shortage conditions. The City of Paso Robles, BBK's client, was one of the agencies sued by about 600 landowners seeking to claim quiet title to groundwater rights. A first-of-its-kind groundwater rights trial, the *Daily Journal* recognized it as a Top Verdict in 2018.

Complex Litigation for Public Agencies

CORE PRACTICES

California Public Records Act

Housing, Economic Development and Real Estate

Environmental Law & Natural Resources

Environmental Litigation

Open Government & Ethics

Municipal Law

Public Agency Litigation

Special Districts

Water

EDUCATION & ADMISSIONS

Education

Brigham Young University, J. Reuben Clark Law School, J.D.

Brigham Young University, B.S.

Bar Admissions

California

In addition to water disputes, Jeff is frequently retained by local governments on other complex litigation matters.

- Jeff successfully defended Shasta County's Registrar of Voters against a high-profile lawsuit seeking a last minute court order to force an extension for signature collection in the attempted recall of three supervisors. In less than one week, Jeff and the BBK team prepared for trial and filed an opposition, earning a rejection of the suit in court.
- Jeff represented the County of Riverside, the Riverside County Transportation Commission and the City of Corona in highly-publicized litigation against the California Department of Transportation over traffic conditions and private toll lanes on the Riverside (91) Freeway in Orange and Riverside counties. The successful decision led to the removal of governmental restrictions on widening the Riverside freeway to alleviate traffic in the major public transportation corridor between Orange and Riverside Counties.
- Jeff successfully represents clients in disputes involving the California Public Records Act and the Ralph M. Brown Act. This includes the County of Los Angeles in accusations of violating open meeting laws. In a related case, he successfully defended the County of Los Angeles Board of Supervisors against a lawsuit by the *Los Angeles Times* seeking court-ordered disclosure of confidential discussions concerning highly publicized issues regarding the King/Drew Medical Center.
- In 2014, Jeff successfully represented the Western Riverside Council of Governments in its lawsuit to recover unpaid traffic mitigation impact fees from the City of Beaumont. After a 4-week trial, the Orange County Superior Court awarded $43 million to Jeff's client and $14 million in prejudgment interest, which makes the trial court judgment more than $57 million. The *Daily Journal* selected the trial court decision as a Top Verdict by Impact for 2014.
- In 2015, Jeff successfully represented the Castaic Lake Water Agency against a legal challenge to the $73 million acquisition of a private water company. The winning trial court decision secures a public water supply for tens of thousands of residents and businesses in Los Angeles County.

Jeff is often asked to represent local government interests in matters of statewide importance. He successfully argued cases before the California Supreme Court, including *Claremont Police Officers Association v. City of Claremont*, (2006) 39 Cal.4th 623, which affirmed the city's right to implement a study to determine whether police officers engaged in racial profiling. He also successfully represented the City of Lake Forest in federal court litigation involving the Americans with Disabilities Act in *James v. City of Costa Mesa* (2012) 684 F.3d 825.

Medical Marijuana Dispensary Regulation
Jeff gained national recognition for his successful representation in one of the most controversial issues facing California cities and counties — municipal regulation of marijuana distribution facilities. He was trial and appellate counsel in key published decisions affirming local government's authority to protect public safety and local land use authority, including the unanimous decision by the California Supreme Court in *City of Riverside v. Inland Empire Patients' Health and Wellness Center* (2013) 56 Cal.App.4th 729. He discussed this subject on the NBC Nightly News, in the *Washington Post* and in other national and local television, radio and print media.

Accolades

- The Best Lawyers in America®*,* Litigation - Environmental, 2027
- *Southern California Super Lawyers,* Civil Litigation: Defense, 2014-2021
- Top Verdict, *Daily Journal*, 2018
- Top 100 Attorney, *Daily Journal,* 2013 and 2016
- Attorneys of the Year, *California Lawyer*, 2014
- Top 20 Municipal Attorney, *Daily Journal*, 2013
- Top 25 Municipal Attorney, *Daily Journal,* 2011

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Thought Leadership

Publications

- Charter California Edition interview on *City of Riverside v. Inland Empire Patients' Health and Wellness Center*, May 30, 2013
- KQED Forum interview on *City of Riverside v. Inland Empire Patients' Health and Wellness Center*, May 8, 2013
- "California Supreme Court Recognizes Local Authority in Medical Marijuana Case," *BB&K Legal Alert*, May 7, 2013
- "California Supreme Court Says Local Governments Have Authority to Ban Medical Marijuana Shops," *Associated Press*, May 6, 2013
- "California Supreme Court Weighs Riverside Ban on Medical Marijuana Dispensaries," *Riverside Press-Enterprise*, Feb. 6, 2013
- "Appellate Court Upholds Major Central California Groundwater Plan," BB&K Press Release, Dec. 18, 2012
- "Appellate Court Upholds Historic Groundwater Management Plan," *BB&K Legal Alert*, Nov. 27, 2012
- "California Cities Stuck in the Middle of Conflicting Appellate Opinions on Medical Marijuana Regulation," *Daily Journal*, June 26, 2012
- "Ninth Circuit Rules Medical Marijuana Not Protected by Disabilities Act," *Los Angeles Times*, May 22, 2012
- "Court of Appeal Reverses Lower Court Decision to Close Medical Marijuana Stores in Lake Forest," *BB&K Legal Alert*, March 1, 2012
- "BB&K's Jeffrey Dunn Talks About the Latest Appellate Court Ruling on Medical Marijuana," KPCC, March 2, 2012
- "Medical Marijuana Dispensaries Can't be Banned But Must Cultivate On Site, Court of Appeal Says," *Los Angeles Times*, March 2, 2012
- "Federal Warning Ends Mendocino County's Truce with Marijuana Growers," *Associated Press*, Feb. 27, 2012

Presentations

- "Cannabis Regulation," League of California Cities' City Attorneys' Spring Conference, May 9, 2019
- "Paso Robles Basin- First Jury Trial Over Groundwater Rights in California," 2019 AGWA-AGWT Annual Conference, Association of Ground Water Agencies - American Ground Water Trust, Feb. 11, 2019
- "Latest Development in Cannabis Regulation," League of California Cities City Attorneys' Spring Conference, May 3, 2018
- "Cannabis Law Forum," California Municipal Revenue & Tax Association's Annual Conference, Oct. 13, 2017
- "Proposition 64 Discussion: Cannabis Distribution and Delivery," League of California Cities' City Attorneys' Spring Conference, May 5, 2017
- "Medical & Recreational Marijuana in California," County Counsels' Association of California Land Use Spring Study Section Conference, May 4, 2017
- "Local Regulatory Challenges Associated with Medical Marijuana," League of California Cities' City Manager's Department Meeting, Feb. 3, 2016
- "Medical Marijuana," League of California Cities' City Attorneys' Spring Conference, May 7, 2015
- "Siting Medical Marijuana Dispensaries," Argent Communications Group Conference, March 9, 2015
- "All Things Groundwater: From Local Regulation to CEQA," Northern California County Counsels' Conference, July 24, 2014