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City wins victory in lawsuit

By Pippa Fisher

The city of Lafayette won a trial court victory Dec. 6 over a group of neighbors who alleged the city had used biased procedures in reaching a land use decision in 2016.

A statement released by the city Dec. 7 said, "The Court found that the council's closed sessions were justified and proper, that the council's decision was based on a fair, thorough process, and that there was no evidence that anyone at the city - the council, staff, or the city attorney - was biased."

The city noted that legal fees cost the taxpayers \$683,692.

At issue were claims that the city violated the Brown Act by meeting in closed session and of prejudice at the design review and planning commission level due to conflict of interest.

The plaintiff's attorney Scott Sommer was surprised by the verdict, and by the amount of the legal fees.

"This was a one-day trial based on an administrative record with no live witnesses. There were four one-hour depositions in the case. The only relief sought was a new and impartial hearing," said Sommer, adding,

"The city hired a litigation firm from San Francisco which lists white collar criminal defense among its specialties. Petitioners are astonished at the report of the city's attorneys fees."

The plaintiffs are currently considering whether or not to appeal.

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