

Daily Journal

COVER STORY

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TOP DEFENSE VERDICTS OF 2009



S. TODD ROGERS

Philip F. Atkins-Pattenson

Arthur J. Friedman

Clearing the Way for Urban In-Fill

Sacramento Citizens Concerned About the Railyards v. City of Sacramento; Downtown Plaza v. City of Sacramento

Cause: A group of Sacramento citizens and business owners used the California Environmental Quality Act to challenge the environmental review and approvals the city gave to its massive Sacramento Railyards Project, meant to redevelop a more than 1,000 acre site near the downtown area.

Result: A Superior Court judge ruled in favor of the city and developer, denying the plaintiffs' requests to halt the project.

Defense team: Philip F. Atkins-Pattenson, Arthur J. Friedman, Sheppard Mullin Richter & Hampton, San Francisco; Sheryl N. Patterson, Sacramento City Attorney's Office, Sacramento; Timothy M. Taylor, Kristen T. Castaños, Stoel Rives, Sacramento; Andrea A. Matarazzo, Jeffrey K. Dorso, Diepenbrock Harrison, Sacramento

Plaintiffs: Soluri, Emrick & Meserve, Sacramento; Law Offices of William D. Kopper, Davis

Judge: Lloyd G. Connelly Jr., Sacramento County Superior Court

Defense lawyer Atkins-Pattenson said he and his colleagues interviewed for — and were fortunately chosen to take on — the Sacramento lawsuit because they believed it to be a fascinating case involving an important project meant to revitalize the city's downtown.

Through its Railyards Project, approved in 2007, the city of Sacramento is trying to redevelop a site that for 100 years served as the locomotive maintenance and rebuilding facility for the Southern Pacific and Union Pacific Railroad.

The goal is to turn this land into a 244-

acre, 24-hour mixed-use development with housing units, office space, retail stores and cultural sites.

A citizens' group and Downtown Plaza, owner of the Westfield Shopping Center, held up the project with a CEQA lawsuit claiming the city didn't conduct a proper environmental review of the project, which they said could pose unacceptable health risks to people in the area.

While Atkins-Pattenson said he was confident in his team's argument that this was a well-thought out development that properly took into consideration its potential environmental impact, he said he never suspected which direction the judge was leaning until he received the order in his party's favor on Nov. 6.

"There weren't any Perry Mason moments," he said. "This was a case that was very hard fought."

— Dhyana Levey