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TOP VERDICTS

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

Myles v. County of San Diego et al.

To win a \$5 million jury verdict in a federal police excessive force lawsuit for a Black preschool teacher and student, his attorneys focused on the humanity of the case.

So they did not push for every possible measure of damages, such as lost income, which would have been a distraction, said co-lead counsel Daniel K. Balaban. “The enormity of the case was the emotional harm and suffering he endured, which ... changed the fabric of who he was as a human being,” Balaban said. “That’s what we wanted to focus on.” *Myles v. County of San Diego*, 3:15-cv-01985 (S.D. Cal, filed Sept. 4, 2015).

The plaintiff was Mickail Myles, a 26-year-old part-time college student who taught preschool on the Marine base and was “crystal clean,” in

the words of co-lead counsel Browne Greene.

He was driving home at about 10 p.m. after picking up his younger brother from a roller rink. As they entered their neighborhood, witnesses mistakenly identified the brothers to sheriff’s deputies as possibly the young men who had been ringing doorbells and tampering with a vehicle and they were pulled over.

When Myles exited his car, four deputies began shouting at him “to get down on his knees, put his hands above his head [and] walk backward, all of which are obviously impossible to do at the same time.”

According to his testimony, deputies handcuffed and beat him and one, Deputy Jeremy Banks, ordered their police dog to grab him. The



BROWNE GREENE



DANIEL K. BALABAN

defense contended that Myles was being noncompliant, but Balaban said some witnesses testified that he was simply confused and unable to hear over the shouted commands and loud barking of the dog.

“It was a completely tragic, unnecessary and brutal assault on a completely innocent man,

who was in his own neighborhood and had done nothing wrong,” Balaban said. The traffic stop escalated into a “hot stop” because Banks was “a bad seed,” he said.

During the trial, Myles’ attorneys showed that Banks had been involved in at least seven other questionable

Case Details

CASE NAME

Myles v. County of San Diego et al.

TYPE OF CASE

Deprivation of rights, USC 1983

COURT

Southern District

JUDGE(S)

Judge John A. Houston

PLAINTIFFS’ LAWYERS

Greene Broillet & Wheeler LLP, Browne Greene; Balaban & Spielberger LLP, Daniel K. Balaban; Dicks & Workman, Joseph G. Dicks, Linda G. Workman; Esner, Chang & Boyer, Holly N. Boyer, Shea S. Murphy

DEFENSE LAWYERS

Manning & Kass, Ellrod, Ramirez, Trester LLP, Robert E. Murphy, Mildred K. O’Linn, Jeanette L. Dixon, Anita K. Clarke; San Diego County Counsel’s Office, Ronald C. Lenert, Sr.

incidents and that the sheriff's department never investigated or took action. That failure demonstrated a pattern and practice by the department to allow Banks "to run amok," Balaban said, resulting in a life-changing event for Myles.

Testimony that the incident did change Myles' life came

from the county's own expert on damages. Under cross-examination by Greene, the expert said such an event would have changed the fabric of who Myles was. "He conceded everything that we wanted to have conceded," Greene said.

Defense attorney Mildred O'Linn referred a request to com-

ment on the case to the county. Ronald Lenert of the county counsel's office did not respond to the request.

On damages, Balaban said the plaintiffs' team stressed four points, including Myles' emotional distress and traumatic brain injury from blows to his head. He also suffers

post-traumatic stress triggered by every reported incident of police assaults on minorities. And every time he looks in the mirror, he sees the dog bite scars.

— DON DEBENEDICTIS

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