

## Law Offices of Charles S. LiMandri Provide Excellent Service to Clients in Many Areas.

Although perhaps best known to the general public for its pro bono work in high profile cases involving constitutional issues, the Law Offices of Charles S. LiMandri has been providing excellent service to clients in a wide variety of areas since it was founded in 1987. This includes cases involving insurance contract and bad faith litigation, serious personal injury and wrongful death, maritime law, real estate litigation, business and contract disputes, and construction and environmental litigation. Mr. LiMandri is one of a select few California attorneys who is a member of both the National Board of Trial Advocacy and the American Board of Trial Advocates. He is also a member of the District of Columbia Bar and the United States Supreme Court Bar. He has tried many cases to a successful conclusion in both state and federal court.

For example, in the area of insurance law, he recently successfully represented Whispering Winds Catholic Conference Center in a major claim arising out of the 2003 Cedar Wildfire. He also recently successfully represented the Hilton Garden Inn in another fire loss claim. He is currently representing the Courtyard Marriott in Grand Cayman Island in the Caribbean in a major hurricane loss claim. Mr. LiMandri is also currently representing the Metropolitan Water District of Southern California ("MWD") on a large workers' compensation excess insurance coverage matter. He previously represented MWD in obtaining a seventeen-million-dollar settlement in a builders risk insurance coverage case involving a large flood claim. Mr. LiMandri has been widely published and he has lectured extensively on insurance coverage issues to attorneys, judges and insurance industry professionals.

Mr. LiMandri has obtained many multi-million dollar verdicts and settlements representing victims in cases involving catastrophic injuries and deaths. On the defense side, in maritime and personal injury cases, he has obtained dozens of defense verdicts in favor of his clients and their insurance carriers. By representing both plaintiffs and defendants in hundreds of cases over more than a quarter century, Mr. LiMandri has achieved a uniquely balanced perspective and set of trial skills. These experiences have given him an advantage over most of his adversaries in his civil litigation practice. Through the National Business Institute, Mr. LiMandri has helped train new lawyers to learn the skills necessary to achieve the best possible result when trying their first cases.

Mr. LiMandri has given his time to many community service projects and organizations. For example, he has served as the President of the following organizations: Rancho Santa Fe Rotary Club, Thomas More Society of San Diego (Catholic lawyers and judges), Legatus Chapter of San Diego (Catholic executives), and the University of San Diego National Alumni Association. He is also a founding member of the Board of Directors of the Center for Thomas More Studies at the University of Dallas, a member of the Board of Directors of Saint Joseph's Academy, a founding member of the Culture of Life Family Services, and a member of the Religious Liberty Committee of the California Conference of Catholic Bishops. He has also been a member of a select committee of advisors to the Bush White House on issues of concern to Catholics and other Christians, and a frequent legal commentator for the news media, including Fox News.

Mr. LiMandri has been recognized for his accomplishments and public service by various



organizations, including the Legatus "Ambassador of the Year" award (for outstanding Christian witness in support of marriage), the USD Alumni Association's "Mother Rosalie Hill" award (for exemplary service to the University), various Rotary International service awards, an American Legion Award (for work on the Mt. Soledad Cross case) and, in May 2009, the Whispering Winds Catholic Conference Center's "Person of the Year" award (for exceptional legal service to the Center and the community).

It is the continued financial success of the private practice of the Law Offices of Charles S. LiMandri that enables the firm to provide the pro bono funding of its many successful projects in support of religious liberty, the sanctity of human life, and the defense of traditional marriage. Therefore, Charles LiMandri and the other members of the firm would like to take this opportunity to express their gratitude to the firm's loyal clients and supporters who have made it possible for them to continue to serve the community and our nation in these vitally important matters. Please do not hesitate to contact us, or to visit our firm website at [www.limandrilaw.com](http://www.limandrilaw.com) to learn how we may be able to assist you with excellent legal service in the firm's multiple areas of practice.

# Law Offices of Charles S. LiMandri

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## NEWSLETTER

(Summer 2009)

### Final Chapter on Battle Over Mt. Soledad Cross Is Being Written.

The Mt. Soledad Cross case is the longest running religious freedom case of its kind in the history of the United States. It has been going on since 1989—a full twenty years. Charles LiMandri first became involved in the Mt. Soledad Cross case five years ago in June 2004. At that time, the City of San Diego was preparing to enter into a settlement agreement with the plaintiff, atheist Philip Paulson, and his attorney which would have involved moving the memorial cross a half mile downhill to a nearby church. Since Mr. LiMandri's involvement in the case, the matter has gone to a vote of the people of the City of San Diego twice. In the most recent election, 76% of the voters supported transferring the Mt. Soledad property to the federal government so that the memorial cross could remain in place.

In the same period, the matter also went to two votes of the United States Congress, where it also passed with large bipartisan majorities. Mr. LiMandri helped draft the latest federal legislation by which the transfer of the cross to the federal government was accomplished. He was also present in the Oval Office of the White House when President Bush signed that legislation in August 2006. In the past three years, favorable decisions have also been rendered in both the state and federal courts. This includes the United States Supreme Court which issued a stay of a lower court order to remove the Cross. That lower court order subsequently was



reversed by the Ninth Circuit Court of Appeals as moot after the transfer to the federal government was accomplished.

There is now pending one final challenge of the federal legislation that transferred the Memorial Cross property from the City of San Diego to the United States. This challenge has been mounted by the ACLU on behalf of the national organization of the Jewish War Veterans. Interestingly, the three local chapters of the Jewish War Veterans have joined 50 other veterans organizations in support of keeping the Mt. Soledad Memorial Cross in place. The first round of that litigation resulted in a very strong decision in favor of keeping the Memorial intact. That decision was written by Federal District Court Judge Larry Burns and it is now on appeal to the Ninth Circuit Court of Appeals. The matter has been fully briefed and is awaiting oral argument.

We are quite optimistic that the Mt. Soledad Cross will be found to be fully constitutional in its present location. There is a good chance that the Ninth Circuit will uphold the very well reasoned decision of Judge Burns. Even if it does not, however, there is a high likelihood that the

United States Supreme Court will find the location of the Mt. Soledad Cross - - as part of a multi-faceted and fully integrated world class war memorial - - to be constitutional in all respects. Therefore, we should have a happy, and final, end to this long running saga in the next one to three years. The major legal and political victories in this case over the past five years have largely been the result of the excellent work of the Law Offices of Charles S. LiMandri. The firm has donated well over \$1 million in fees and costs in this case. Mr. LiMandri has done this work pro bono as the West Coast Regional Director of the Thomas More Law Center ([www.thomasmore.org](http://www.thomasmore.org)).



## City Appeals Firefighters' Landmark Victory in Sexual Harassment Case.

Charles LiMandri had the privilege of representing four courageous Christian firefighters who were ordered against their will to participate in the 2007 San Diego Gay Pride Parade. A San Diego Superior Court jury unanimously found that the firefighters were sexually harassed during the Parade and nine out of twelve of those jurors found that the harassment was severe or pervasive. The City filed post-trial motions asking Judge Timothy Taylor to reverse the juror's decision in the firefighters' favor. In May 2007, Judge Taylor upheld the jury verdict in all respects. He stated in his ruling that the firefighters were "ordinary heroes" who were subjected to a "libidinous" and harassing conduct during the Parade that violated California law. The City has appealed the jury's decision as well as the trial court's rulings in favor of the firefighters.

At the same time, the firefighters are appealing the prior ruling of Judge Michael Anello that their forced participation did not violate their constitutional right to freedom of speech. The courts have consistently held that the right to speak includes the right not to be forced to speak on controversial political issues. The courts have further repeatedly

ruled that the participation in a gay pride parade is a form of constitutionally protected expressive speech. Therefore, the firefighters are confident that the California Court of Appeal will hold that their coerced participation in the San Diego Gay Pride Parade violated their right to free speech under the California Constitution. The firefighters are even more confident that the Court of Appeal will fully uphold the jury verdict and the very well reasoned rulings of Judge Taylor in their favor on their sexual harassment claim. A decision is expected from the appellate court in about a year. Thus far, the firefighters' total attorneys' fees and costs exceed \$1.3 million. The Alliance Defense Fund has contributed \$50,000 of this amount in grant money. An additional amount approximating \$20,000 has been contributed by private individuals to support the firefighters in this precedent-setting case.

Even though the trial court awarded the firefighters less than half of the amount that they have incurred in fees and costs, the City has appealed that ruling as well.

It is anticipated that the appellate court will issue a published decision in this case that will have an important impact on the fundamental rights of government workers for years to come. At stake are important Constitutional rights



involving our precious freedoms of speech and religion. Additional information about this case can be found on the website of the Firefighters Defense Fund ([www.firefightersdefensefund.org](http://www.firefightersdefensefund.org)).

## Charles LiMandri Represents Carrie Prejean, Miss California, in Protecting Her Rights.

During the Miss USA Pageant, Miss California and Christian college student, Carrie Prejean, was asked her opinion about same-sex marriage. She said that she was raised to believe that marriage is between a man and a woman. This honest answer sparked a firestorm of relentless attacks against her and her family by radical proponents of same-sex marriage. Charles LiMandri has been representing Carrie Prejean in her dealings with the officials who run the Miss California and Miss USA pageants. Certain people have wished to silence her and neutralize any positive impact that her voice can have in favor of protecting traditional marriage. Fortunately, thus far Carrie has found a supporter in Donald Trump, who owns the Miss USA franchise and oversees the various state pageant committees. Mr. LiMandri has acted as a liaison for Carrie with Mr. Trump's office, and in negotiating with the attorneys representing the operator of the Miss California state pageant.

Mr. LiMandri has also sought to protect Carrie Prejean and her mother, Francine Prejean, from false, defamatory and vicious accusations by some trying to discredit them and blunt Carrie's voice in favor of traditional marriage. Carrie's detractors realize that this courageous 22-year-old beauty queen stands to have a huge positive influence on young men and women. Too often, our impressionable students and young adults have only been exposed to erroneous and hostile messages about the time-honored view of marriage. Carrie has also become a symbol of heroic resistance to those intolerant activists that seek to persecute Christians for standing up for their sincerely held religious beliefs. Like the four firefighters also represented by Charles LiMandri, Carrie's timely example is an inspiration to people of faith in their ongoing struggle to protect their constitutional rights of freedom of speech and religion.



## Charles LiMandri Successfully Works To Save Traditional Marriage.

Since the summer of 2003, Charles LiMandri has devoted many thousands of hours to protect traditional marriage as the union of a man and a woman and as the basic building block of society. He has given dozens of presentations on "Same-Sex Marriage vs. Religious Liberty" in multiple states. He has also discussed and debated the issue numerous times on radio and



(L-R) Kathy Denworth, Mary Joseph, Cheri Moulton, Rick Salpietra, Carrie Prejean, Teresa Mendoza, Charles LiMandri, Sterling Stires, Melinda Balsamo

television and at schools and universities. During the battle over Proposition 8, Mr. LiMandri served as General Counsel for the National Organization for Marriage—California. Various materials, including a Powerpoint presentation that Mr. LiMandri has prepared on this timely topic, can be found in the "Resources" section of his firm website ([www.limandrilaw.com](http://www.limandrilaw.com)), under the heading "Defending Traditional Marriage." Mr. LiMandri also filed a friend of the court brief with the California Supreme Court on behalf of Catholic Answers in support of Proposition 8. Various broadcasts he has done on the subject can be found in the Radio Archives of Catholic Answers Live at [www.catholic.com](http://www.catholic.com). A multi-part video on the subject by Mr. LiMandri, prepared by students at John Paul the Great Catholic University, can also be found on [www.youtube.com](http://www.youtube.com).

Mr. LiMandri was part of a small group of Catholics who helped get Proposition 8 on the ballot in California. This was done under the leadership of San Diego's then Auxiliary Bishop Salvatore Cordileone, and with the expert assistance of Maggie Gallagher and Brian Brown of the National Organization for Marriage ([www.nationformarriage.org](http://www.nationformarriage.org)). Together, they helped raise the

first million dollars necessary to obtain the required signatures to get Prop. 8 qualified for the ballot. After that, Mr. LiMandri became a key part of perhaps the largest grassroots effort of its kind in history. This involved an unprecedented cooperative effort on behalf of the various faith-based communities in California to save the divinely ordained institution of marriage. Although the immediate threat to marriage in California has passed, the opposition will not be deterred. Therefore, we must remain ever vigilant to safeguard our crucial victory on this culture-defining issue. Religious leaders such as Pope Benedict and James Dobson agree that the future of society literally hangs in the balance.

