

Jury awards former San Diego city prosecutor \$3.9 million in wrongful termination lawsuit

By [Morgan Cook](#)

March 23, 2022 7 PM PT

A jury on Wednesday awarded former San Diego Assistant City Attorney Marlea Dell'Anno \$3.9 million in her wrongful-termination lawsuit against the city and former City Attorney Jan Goldsmith.

The jury found the city liable for about \$3.4 million in past and future economic losses and awarded her \$500,000 for non-economic damages including emotional pain.

Compensation for attorney fees and other costs have yet to be determined.

The verdict came after a trial that stretched for almost six weeks. Dozens of witnesses, including current and former city prosecutors, testified in the case.

The jury deliberated for almost four days before reaching its decision Wednesday afternoon.

On a vote of 9-3, jurors said Dell'Anno's firing was based in part on retaliation for her refusal to break laws and ethics rules, and to unlawfully change the performance evaluation of an attorney under her supervision.

A spokeswoman for City Attorney Mara Elliott disagreed with the jury's determination and did not rule out an appeal.

"This is an excessive verdict given the facts," Elliott spokeswoman Leslie Wolf Branscomb said after the decision was announced. "We will consult with our client on next steps."

Pamela Vallero, one of the attorneys representing Dell'Anno, said the jury award vindicates Dell'Anno, who claimed she was retaliated against for not pursuing charges Goldsmith wanted filed.

"It has been a weight that she's been carrying since she left the office, and she's finally able to walk tall and know that her name has been cleared," Vallero said. "And that's what she wanted from the beginning."

Josh Gruenberg, another attorney representing the former city prosecutor, said the case should not have taken six years to resolve.

He said the city never offered to settle the case, which was prepared and tried at taxpayer expense. His client will petition the court to recover attorneys' fees and other costs, which he called substantial, he said.

"This is a verdict that vindicates my client and clears an unjust stain on her reputation that was created by the City Attorneys Office and Mr. Goldsmith when they fired her for bogus and fabricated reasons," Gruenberg said.

"The true reasons were that she objected to the prosecution of cases that had no business being prosecuted. She stood up for her prosecutorial ethics and for justice," he added.

Dell'Anno was overseeing the city's criminal division and the domestic violence unit before she was fired in 2015 for allegedly mishandling case files. She also allegedly drew complaints of favoritism and retaliation from a handful of the 180 attorneys who worked under her.

[Dell'Anno sued](#) the city and Goldsmith in 2017, arguing that the former city attorney used the allegedly mishandled case files and complaints from subordinates as a pretext to terminate her.

She alleged in her lawsuit that he really fired her in retaliation for refusing to file two misdemeanor cases Goldsmith wanted prosecuted for political reasons. She also told the jury she refused to alter an employee's negative evaluations because she believed doing so would be unlawful.

A few weeks after Goldsmith allegedly pressured Dell'Anno to change the performance reviews, she was removed as assistant city attorney and put into a new job with the same pay and benefits, but no supervisory duties.

Dell'Anno said she was moved to an "office" that was essentially a storage area. She was fired later that year.

The multimillion-dollar jury verdict against the city is the second high-profile decision to go against the City Attorney's Office this month.

Judge Kenneth J. Medel rejected the city's claim that a 2020 hotel-tax measure to pay for an expanded Convention Center and homeless services should qualify with just over 65 percent of the vote even though it required two-thirds approval.

The city said it planned to appeal that decision.