

## ATTORNEY

# April M. Mitchell



t: 714-823-4100  
m: 530-412-4148  
f: 714-823-4101  
amitchell@ccllp.law  
Orange

### **SUMMARY**

April M. Mitchell is a trial attorney at the firm's Orange County office and litigates cases throughout California. Ms. Mitchell practices in the areas of public entity liability, general liability, and professional liability.

As part of her public entity liability practice, Ms. Mitchell has represented public entities and their employees in matters involving general tort litigation, civil rights, and employment. With respect to general tort litigation, Ms. Mitchell routinely handles claims of dangerous roadway designs, negligent maintenance of public property, including conditions related to recreational areas, playgrounds, public roadways and sidewalk; and negligent emergency vehicle operations for both fire departments and law enforcement, and breach of contract. Ms. Mitchell has defended claims varying from trip and falls to traumatic brain injuries and wrongful death. Ms. Mitchell has defended civil rights claims of varying constitutional violations pertaining to excessive force, false arrest/warrantless detentions, fabricated evidence/judicial deception, malicious prosecution, false imprisonment, violation of free speech, due process violations, injunctive relief, voter fraud, abuse of power and corruption, failure to enforce laws and negligent supervision, wrongful takings, and discrimination. Ms. Mitchell also consults with and advises governmental agencies on issues of risk management and frequently delivers seminars pertaining to civil rights, premises liability, employment practices, claim investigation, contract formation, and procedures for proper handling of litigated matters.

In Ms. Mitchell's general liability practice, Ms. Mitchell has defended personal injury matters including catastrophic injuries and has represented a wide variety of clients ranging from product suppliers, manufacturers and distributors, and common/commercial carriers to traffic control agencies, individuals, and businesses. As part of her professional liability practice, Ms. Mitchell has represented contractors, design professionals, attorneys, real estate brokers and agents, and insurance brokers and agents in matters alleging errors and omissions and/or services fell below the standard of care. Ms. Mitchell frequently holds interactive seminars with design professionals that are focused on mitigating risks, contract formation, and proper project management and documentation practices.

In addition to her litigation practice, Ms. Mitchell frequently judges moot court competitions throughout Southern California, mentors current and prospective law students and has served as an

advisor to the Women in Leadership Executive Program for the University of California and is an annual supporter of Trips for Kids Bay Area.

## **SEMINARS**

- Investigating Accidents and Preserving Evidence: CJPIA Risk Management Academy (Paso Robles, CA 2023)
- Case Study Workshop - Architectural Firm (Irvine, 2023)  
Seasonal Workforce, Best Practices: ICRMA (Downey, 2023)
- An Interactive Discussion on Lessons Learned: The 27th Annual CJPIA Risk Management Education Forum (Santa Barbara, 2022)

## **EXPERIENCE**

Summary Judgment for Public Entity in Personal Injury Matter: Plaintiff claimed spinal cord injuries resulting in partial paralysis giving rise to an additional claim by Plaintiff's wife for loss of consortium. Ms. Mitchell moved and obtained an order granting summary judgment

Summary Judgment for Public Entity in Personal Injury Matter: Plaintiff claimed permanent injuries arising out of an incident where he fell into an open hole on a public sidewalk. Ms. Mitchell moved and obtain an order granting summary judgment.

Motion to Quash Service on Architect of Record: Ms. Mitchell fought, and prevailed, when a developer sought to include the Architect of Record, personally, in a litigation that had been ongoing for a number of years prior to the efforts. The result protected the AOR from millions of dollars in exposure claimed by the Plaintiff.

Motion to Dismiss Granted Without Leave to Amend on Behalf of Public Entity: Plaintiff claimed a public entity violated her First Amendment Right to Free Speech. Ms. Mitchell secured a Motion to Dismiss, without leave to amend, on behalf of the public entity on the basis the Plaintiff failed to plead a viable cause of action.

Motion to Dismiss Granted Without Leave to Amend on Behalf of Law Enforcement Officer: Plaintiff alleged a Sheriff's Deputy violated constitutional rights. Ms. Mitchell secured a Motion to Dismiss on the basis the Officer was entitled to Qualified Immunity.

Motion to Dismiss Granted, With Court Ordered Sanctions On Behalf of Public Entity and its Employees: Plaintiffs alleged ten causes of action against a public entity and various administrative and enforcement employees. Ms. Mitchell obtained an order dismissing all of the causes of action against all of the employees based on various theories ranging from statute of limitations to the failure to timely present claims, the failure to state a claim and equitable principles and doctrines. The Court granted Ms. Mitchell's Motion and on its own Motion, issued sanctions against Plaintiffs' counsel.

Motion to Dismiss Granted on Behalf of Public Entity: Plaintiff alleged civil rights violations arising out of alleged unconstitutional policies and practices by a public entity. Ms. Mitchell moved to dismiss and prevailed. While the Court granted Plaintiff leave to amend, Ms. Mitchell attacked the subsequent pleading and ultimately secured a Motion to Dismiss without leave to

amend.

Motion to Dismiss Granted: Plaintiff alleged various causes of action ranging from Elder Abuse and Neglect to intentional infliction of emotional distress and theft by false pretenses. Ms. Mitchell attacked the pleading and the timeliness of the subsequent Opposition. The court granted the Motion.

Motion to Dismiss Granted on Behalf of Asset Inspector: Plaintiff alleged nine causes of action related to purported inadequate asset auditing of autodealers across the country. Ms. Mitchell secured a dismissal based on a contractual forum selection clause.

Demurrer Sustained Without Leave to Amend in Wrongful Death Action: Plaintiff alleged wrongful death and survivor rights. Ms. Mitchell demurred to the state court causes of action and obtained an order sustaining the demurrer without leave to amend.

Demurrer Sustained on behalf of Public Entity and Law Enforcement Officers: Plaintiff alleged various theories of assault, battery and infliction of harm and distress occurring during a response to a domestic violence call involving an armed suspect. The demurer was sustained and ultimately dismissed by the Court on its own motion.

Demurrer Sustained on Behalf of Electrical Engineer: Claims involved alleged defective electrical designs on an intricate public display at a convention center. Ms. Mitchell successfully demurred. The Order resulted in the Party agreeing to dismiss the cause of action in exchange for a waiver of costs.

Negotiated Settlement for Aquatic Architect for Under Reporting Requirements: Plaintiff alleged damages arising out of alleged defect construction and specifications for a famous water feature. Ms. Mitchell settled the matter for \$2,500.00 while the challenge was pending. The settlement avoided significant litigation fees and cost and precluded the Architect from having to report the settlement.

Negotiated Settlement for Architect of Record Under Reporting Requirements: Plaintiffs alleged millions in damages arising out of alleged defective design and construction of a prominent Corona Del Mar residence. Ms. Mitchell challenged the pleadings and settled the matter for \$4,999.00 while the challenge was pending. The settlement avoided significant litigation fees and cost, and precluded the Architect from having to report the settlement.

Negotiated Favorable Settlement on Behalf of Public Entity: Plaintiff alleged multiple constitutional violations occurring during her arrest and demanded over \$1 million. Ms. Mitchell settled the matter in less than 25 days for under \$10,000.00. Negotiated Dismissal in Exchange for a Waiver of Costs: Plaintiff alleged personal injuries arising out of a trip and fall incident. Ms. Mitchell negotiated a settlement that included Plaintiff's full and final dismissal and did not include any monetary payment on behalf of the client.

Negotiated Dismissal in Exchange for a Waiver of Costs: Plaintiff alleged personal injuries arising out of the force of a Sherriff K-9 in the course of his arrest. Ms. Mitchell negotiated a settlement that did not include a payment to the Plaintiff and resulted in a dismissal of all causes of action.

## **PRACTICE AREAS**

- [Professional Liability](#)
- [Public Entity Liability](#)
- Trial

## **EDUCATION**

- Chapman University, Dale E. Fowler School of Law (J.D. 2018)
- California State University, Chico (B.S. Political Science, B.S. Criminal Justice, 2012)

## **BAR ADMISSIONS**

- California, 2019

## **COURT ADMISSIONS**

- United States District Court, Central District of California, 2019