

Southern California

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Briefly

Court OKs Tossing of Suit Against Cochran

An appellate court on Monday affirmed dismissal of a police officer's malicious prosecution suit against civil rights attorney Johnnie L. Cochran Jr.

Los Angeles police Officer Michael Long was one of two officers involved in the 1993 death of Sonji Taylor, a black woman whom officers shot nine times as she carried her infant son to the roof of a hospital.

Cochran represented Taylor's mother and infant son in a wrongful death action against the city of Los Angeles, Long and others. The case settled for \$2.45 million in July 1997, and all defendants were released from liability.

Long, who did not challenge the settlement, then brought a malicious prosecution action against Taylor's minor child, Cochran, and other attorneys in his firm. Long, who is white, contended that racial animus motivated the suit.

Because Long was released from liability as a condition of the city entering into the settlement agreement in the underlying suit, he could not prove the necessary element of a malicious prosecution action: that the suit was terminated in his favor. And the 2nd District Court of Appeal could find no compelling public policy reasons to rule otherwise. *Long v Cochran*, B136206.

In an unpublished opinion handed down Monday, Justice Robert Boren wrote, "We see no benefit in requiring plaintiffs to continue costly and traumatic litigation rather than reaching amicable out-of-court settlements."

The decision was no surprise to Cochran's counsel.

"The law was so clear-cut that I don't think the case should have ever been filed," Jonathan Cole of Nemecek & Cole in Sherman Oaks said. "The filing itself could be deemed malicious; it's frivolous and meritless."

— Dawn Pilmanu