

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Dickerson v. Contra Costa County

Dickerson · No. 22-cv-03375-HSG · Decided March 9, 2023

SUMMARY

The United States District Court for the Northern District of California grants Defendants’ motion to dismiss Jermaine Demel Dickerson’s legal malpractice action as untimely. The court holds that the 2009 amendment to California Code of Civil Procedure section 340.6, which provides a limitations period for malpractice claims requiring proof of factual innocence, does not apply retroactively to revive the time-barred claim. The court denies leave to amend, directs entry of judgment for Defendants, and closes the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 9, 2023
DOCKET	22-cv-03375-HSG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's legal malpractice complaint as barred by the statute of limitations. The court granted the motion and denied leave to amend as futile.
STANDARD OF REVIEW	The court reviewed the complaint under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded factual allegations as true and construing the pleadings in the light most favorable to the nonmoving party, while disregarding conclusory allegations, unwarranted deductions, and unreasonable inferences.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated
PARTIES	Jermaine Demel Dickerson v. Contra Costa County, David E. Goldstein

TOPICS

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PRACTICE AREAS

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legal malpractice

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QUESTIONS PRESENTED

1. Whether the 2009 amendment to California Code of Civil Procedure section 340.6, which provides a two-year period after postconviction exoneration for certain legal malpractice claims, applies retroactively to revive a claim that was already time-barred under the prior version of the statute.
2. Whether Plaintiff's legal malpractice complaint was barred by the applicable statute of limitations.
3. Whether leave to amend should be granted after dismissal.

HOLDINGS

1. The 2009 amendment to section 340.6 does not apply retroactively absent an express or sufficiently clear indication of legislative intent, and it therefore cannot revive Plaintiff's claim, which was already time-barred under the prior statute.
2. Plaintiff's legal malpractice claim was time-barred because the alleged wrongful act occurred on December 4, 1998, and the applicable version of section 340.6 imposed an outside four-year limitations period that expired on December 4, 2002.
3. Leave to amend was properly denied because the deficiencies in the complaint could not be cured by alleging additional facts.

KEY QUOTATIONS

“Dismissal under Rule 12(b)(6) is appropriate only where the complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory.” (at 3)

“The Court therefore finds that the amendment to § 340.6 does not apply retroactively, and Plaintiff's claims are time-barred.” (at 7)

“Based on the nature of the deficiencies in Plaintiff's complaint, the Court finds that granting leave to amend would be futile.” (at 8)

FACTUAL BACKGROUND

In December 1998, Jermaine Demel Dickerson pleaded no contest to forcible rape with a deadly-weapon enhancement after Defendant David E. Goldstein allegedly recommended the plea despite Dickerson's assertions of innocence and other potentially exculpatory evidence. The alleged victim, the sole eyewitness, recanted in May 2012. In September 2021, the Contra Costa County Superior Court vacated Dickerson's conviction and declared him actually innocent. Dickerson filed this malpractice action in June 2022 after the County denied his damages claim as untimely.

PROCEDURAL HISTORY

Plaintiff filed a legal malpractice action in the Northern District of California in June 2022 based on counsel's alleged mishandling of his 1998 criminal case. Defendants moved to dismiss. The court held that the 2009 amendment to California Code of Civil Procedure section 340.6 did not apply retroactively to revive Plaintiff's already time-barred claim, granted the motion to dismiss, directed entry of judgment for Defendants, and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Mendiondo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008)
- *In re Gilead Scis. Secs. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008)
- *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001)
- *Krusesky v. Baugh*, 138 Cal. App. 3d 562, 566 (Cal. Ct. App. 1982)
- *Moore v. State Bd. of Control*, 112 Cal. App. 4th 371, 378-79 (Cal. Ct. App. 2003)
- *Krupnick v. Duke Energy Morro Bay*, 115 Cal. App. 4th 1026, 1028-29 (Cal. Ct. App. 2004)
- *Wiley v. County of San Diego*, 19 Cal. 4th 532, 536-45 (1998)
- *Coscia v. McKenna & Cuneo*, 25 Cal. 4th 1194, 1201, 1207, 1210-11 (2001)
- *Gutierrez v. De Lara*, 188 Cal. App. 3d 1575, 1580 (Cal. Ct. App. 1987)
- *Bullard v. Cal. State Auto. Ass'n*, 129 Cal. App. 4th 211, 216-19 (Cal. Ct. App. 2005)
- *Myers v. Philip Morris Companies, Inc.*, 28 Cal. 4th 828, 841 (2002)
- *Soderstrom v. Chen*, No. G047048, 2013 WL 1695588, at *2 n.3 (Cal. Ct. App. Apr. 19, 2013)
- *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)