

## Haynes and Boone Helps Costa Mesa Block the Forced Placement of Coronavirus Patients

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**PRACTICES** Appellate, Litigation

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Haynes Boone contributed to a trial court victory in a pathbreaking, high-profile case concerning the placement of coronavirus-positive patients from the Diamond Princess Cruise Ship.

The U.S. government and State of California sought to place the patients in a state-owned facility in Costa Mesa before consulting with local health authorities or investigating the safety and feasibility of the site, which is not designed to handle infectious diseases and is located in the second most populous county in California, on a busy road bounded by residences, a golf course and retail establishments.

The site is the first outside of a military base, hospital, or infectious disease center where the government had proposed to place a significant group of patients testing positive for COVID-19 to serve out their isolation periods.

The City of Costa Mesa sought a temporary restraining order (TRO) to block the planned placement of the patients, contending that the placement was planned to be made without properly communicating with local authorities, and did not appear to be founded on any medical reasoning. The City won an initial TRO and then an extension of the restraining order at a subsequent hearing in late February. In advance of a court hearing on Monday, March 2, the federal and state governments announced that they had withdrawn their plan to house the patients in Costa Mesa.

Haynes Boone Partner M.C. Sungaila and Associate Marco Pulido served as appellate and trial-strategy counsel for Costa Mesa alongside the city's trial counsel, Jennifer Keller and Nahal Kazemi of Keller/Anderle LLP.

Costa Mesa Mayor Katrina Foley said: "M.C. Sungaila and her team at Haynes Boone were critical to our success. They worked side by side with the Keller Anderle team, providing valuable legal and strategic insight. We are grateful for the excellent work M.C. and her team have done on this and other significant cases for the City."

Sungaila said the case sets an important precedent as COVID-19 continues to spread outside of China. "While the federal and state governments are accorded deference in their quarantine-related decision making, courts and local governments and health authorities have important roles to play in those decisions as well. State and federal governments must choose sites after consultation with local health authorities, who will consider the impact on the local community. And state and federal governments cannot make these decisions recklessly or arbitrarily, as we argued they did here."

With one of the largest full-time appellate teams of any national law firm, Haynes Boone can match clients with appellate lawyers who offer personal experience with specific industries, procedural issues, and courts. Team members have argued appeals before the U.S. Supreme Court, the federal circuit courts of appeals, and various state supreme courts, setting precedent for clients in jurisdictions from coast to coast.

Sungaila has briefed and argued appeals raising cutting-edge and core business issues. Clients call on her to craft approaches to emerging legal issues across multiple cases and jurisdictions and to provide pretrial and trial consultations in cases where an appeal by either side appears inevitable or a “key case” outcome might impact a whole series of cases for a client.

Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With more than 575 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National Law Journal*, *The American Lawyer* and *The Lawyer*. It also ranks among the nation’s most recommended law firms by general counsel, according to BTI Consulting Group’s “Most Recommended Law Firms 2019” report.