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TWENTY UNDER 40

Curt C. Cutting, 37

Appellate
Horvitz & Levy
Encino

Playing guitar in a grunge band in the early 1990s, Curt Cutting haunted the same Seattle clubs that launched the careers of Nirvana and Pearl Jam.

“When I started, that was the dream,” Cutting says. “I was either going to be a lawyer or a rock star.” You probably can guess which path Cutting chose.

Armed with a degree from Seattle University Law School, Cutting quickly figured out that he wanted to specialize in appeals. So where did he go to earn his chops? The “Seattle” of appellate practice, of course: Encino’s Horvitz & Levy.

“I kept hearing the same thing, that Ellis Horvitz, who founded the firm, was the pioneer of this practice area,” Cutting says. “I figured the best place to learn was from the guy who blazed the trail.”

Cutting joined the firm in 1997, and four years later, he was asked to take the lead on a case that had enormous ramifications for the city of San Diego.

A jury had just returned a \$91 million verdict against the city for its plans to build an airport that allegedly interfered with a nearby business park.

It was up to Cutting, along with his colleagues Barry R. Levy and Lisa Perrochet, to get the judgment reversed and save the city from possible bankruptcy. With interest and attorney fees, the city’s tab could



have reached \$200 million.

The case dragged on for five years until the 4th District Court of Appeal ruled that the business park owner couldn’t prove that the airport plans amounted to an unlawful taking of his property and reversed the inverse-condemnation award. *Border Business Park v. City of San Diego*, 142 Cal.App.4th 1538 (2006).

“It was a complete win for the city on every issue on appeal. That felt pretty good,” he says.

Although the stakes were high, Cutting says he approached the case as he would have any other, by looking at the trial record, researching the law and figuring out what might have gone wrong.

As a side note, while the case was on

appeal, the plaintiffs turned down an offer to settle for \$50 million. The case is not over. A retrial on a breach-of-contract claim is pending in San Diego County Superior Court.

If there’s another judgment, the appeal likely will be handled by Cutting, who became partner at the firm in 2005.

Cutting started his law career at the Office of Chief Counsel of the U.S. Internal Revenue Service. His job was to inform businesses what kind of tax treatment the government would give proposed corporate reorganizations.

Although he enjoyed the work, he realized during a subsequent clerkship for 3rd U.S. Circuit Court of Appeals Judge Ruggero J. Aldisert that he wanted to specialize in appellate law.

Cutting says his parents were just happy to see him pursue a law career over music. Although he still plays guitar occasionally, he doesn’t have much time for hobbies now that he’s the father of a 5-year-old and a 6-month-old.

Cutting says he doesn’t regret giving up his chance at stardom with the band Lazy Green.

“I really did get burned out on the whole music scene after a few years,” he says. “It’s just the extreme party atmosphere, having to drink or do whatever substances are around as entertainment. That culture seems kind of fun and exciting at first, but I just realized I couldn’t spend my life doing that. There just wasn’t a whole lot of intellectual stimulation.”

— Laura Ernde