

Litigation- Representative Verdicts, Judgments, Trials and Awards

- Represented major petroleum refinery in litigation over power purchase agreement between cogeneration plant and refinery, and related disputes with cogeneration partner - former affiliate of Southern California Edison. Refinery prevailed at arbitration.
- Represented a financial institution against breach of contract, conversion, intentional misrepresentation and negligent misrepresentation claims for which plaintiffs were seeking damages in the eight figures. At the conclusion of a seven-week jury trial, obtained a complete defense verdict for the client, as well as a seven-figure recovery on the client's cross-claim.
- Represented a financial institution in the defense of lender liability case asserting in excess of \$15 million in damages in U.S. District Court. Successfully obtained a dismissal with prejudice of the action on a motion to dismiss.
- Represented a financial institution in the film finance industry in IFTA arbitration. Obtained a \$20 million compensatory damage award, a six-figure award of sanctions for discovery abuses against the Defendants and counsel, and a recommended \$10 million award of punitive damages.
- Represented financial institution in defense of a \$50 million lender liability and RICO claims for aiding and abetting a Ponzi scheme and obtained dismissals in both the federal district court and state courts.
- Represented corporate client in the prosecution of a trade secret and unfair competition case and obtained a preliminary injunction.
- Represented a financial institution as lead participant in connection with a major bankruptcy in which total secured debt exceeded \$750 million with multiple lending tiers, including warehouse lines, mezzanine lenders, residual lines of credit, and significant priority disputes in both pre- and post-bankruptcy planning and litigation. By virtue of our representation, participants' recovery improved by over \$10 million.
- *Cohn v. Angels Baseball* (2008): Obtained summary judgment in Orange County Superior Court in favor of Angels Baseball against claim that the Angels' celebration of Mother's Day, including a give-away of tote bags, was gender discrimination. Then obtained published opinion from State Court of Appeal to that effect, affirming the judgment in favor of client. *Cohn v. Corinthian Colleges, Inc. and Angels Baseball, et al.* (2008) 169 Cal App 4th 523. Case generated national press.
- Successfully defended institutional lender accused of wrongfully renegeing on loan commitment and causing large housing development to fail following 2008 housing market crash. (San Diego)
- Jury verdict exonerating control system designer/manufacturer accused of causing chiller plant failure that damaged NASA's supercomputers. (San Jose)
- Obtained injunction freezing assets of corporate embezzler followed by collection of stolen funds. (Lansing, MI)
- Obtained injunction to stop large apartment development infringing on neighboring property owner's rights. (Los Angeles)
- Retained for post-trial motions and appeal following adverse jury verdict in consumer class action with \$15 million punitive damage award. Successfully vacated punitive damage award, leading to reasonable settlement. (San Jose)
- Arbitration award exonerating general partners of limited partnership accused of fraud and mismanagement. (San Francisco)

Litigation- Representative Verdicts, Judgments, Trials and Awards

- Obtained judgment for an Arizona physician-hospital organization (PHO) against claims that it had wrongfully “deselected” a provider in an action in Arizona that sought to impose Potvin-type processes and obligations on the Arizona payor-physician relationship.
- *Haas v. Denny* (2014): Obtained \$1.3 million judgment and injunction protecting client’s IP rights
- *Michaels v. Pentair Water Pool & Spa* (2011): Won defense jury verdict in Las Vegas, NV against \$25 million dollar claim that exploding swimming pool filter was defectively designed and lacked proper warnings and blinded and brain damaged plaintiff-homeowner.
- *Daniel Reeger v. Pentair Water Pool & Spa* (2006): On second day of trial of product liability suit alleging exploding filter pump, obtained dismissal for virtual cost waiver.
- *Epright v. Anthony Pools* (2005): Won judgment for Anthony Pools in Montgomery County, Pennsylvania against quadriplegic’s multi-million dollar claim that defectively designed swimming pool caused catastrophic injuries.
- *Webb v. S.R. Smith* (2004): Won judgment for S.R. Smith in jury trial in State Court in Akron, OH, which was affirmed in part and reversed in part on appeal, then won judgment on remaining claims by quadriplegic plaintiff against diving board manufacturer in federal court in Akron, OH. Judgment affirmed in an appeal.
- *Van Wagner Communications, Inc. v. City of Los Angeles* (2001): Obtained and collected nearly two million dollar judgment against City for wrongly revoking permit to construct first amendment protected billboard, including lost profits between permit revocation and eventual billboard completion, plus all attorneys’ fees incurred by client.
- *Van Wagner Communications, Inc. v. City of Los Angeles, 84 Cal.App.4th 499* (2000): Published opinion by California Court of Appeal for Second District that City may not arbitrarily interpret zoning regulations to deny billboard permits under the First Amendment. Court of Appeal remanded claim by client for trial.
- *Cruz v. Green* (1995): Won trial in Ventura County Superior Court in favor of Intex Recreation and United Merchandising (dba Big Five) against claim by rider of water towable that defective design of product caused upper extremity injuries while being towed by a ski boat.
- *Ham v. Crown Equipment* (1994): Won trial in San Bernardino County Superior Court (Rancho Cucamonga division) in favor of Crown Equipment against claim by operator of stand-up forklift that defective design caused lower extremity injuries.
- *Troop v. Anthony Pools* (1994): Won jury verdict in Montgomery County, Maryland against claim that exploding swimming pool filter which shattered plaintiff’s skull was defectively designed.
- *Reynolds v. Place One Homeowners Assn.* (1993): Won jury verdict in Dallas, TX in favor of client, S.R. Smith, against quadriplegic’s multi-million dollar claim that defectively designed diving board lacked proper warnings and caused catastrophic injuries.
- *Gionis v. Gionis* (1990): Won sole custody of John Wayne’s granddaughter from Aissa Wayne Gionis after multi-week trial in Orange County. Obtained extraordinary writ of mandate on pre-trial bifurcation issue, published at 202 Cal.App.3d 786 (1988). Case in press.
- *Kiersky v. Pool Center* (1987): Won jury verdict in Pittsburgh, PA in favor of client, Johnny Weismuller Pools, against quadriplegic’s multi-million dollar claim that defectively designed above ground pool lacked adequate warnings and caused catastrophic injuries.

Litigation- Representative Verdicts, Judgments, Trials and Awards

- *Bartling v. Glendale Adventist Medical Center* (1984-1986): Successfully defended hospital and the treating physicians against a suit seeking to remove patient from life support. The landmark published appellate opinion found a constitutionally guaranteed right to refuse treatment, but the \$10 million lawsuit against the hospital and physicians was thrown out and that dismissal was affirmed on appeal. Case on *60 Minutes*.
- *Ashjian v. Anthony Pools* (1984): Obtained defense jury verdict on proverbial million dollar counter claim against client for fraud, etc., and recovered prayer on client's breach of contract claim, plus attorneys' fees and foreclosure of mechanic's lien in swimming pool construction dispute.
- *Litoff v. Litoff* (1984): Week long dissolution trial concerning multiple partnership investments. Client recovered its share of investments plus attorney's fees.
- *Matter of Marymount Hospital and Baptist Hospital* (1982): Represented Catholic owned Marymount Hospital in multi-week administrative trial in Kentucky against Baptist Hospital, eventually winning right to expand client's hospital in politically and publicity charged case.