

## Dana Hobart

Los Angeles, California  
Of Counsel

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### Areas of Practice & Industry Specialties

Litigation; Multi-Level Marketing; Aviation Industry Law



Dana Hobart is a business trial lawyer with over 30 years of experience. Mr. Hobart specializes in complex commercial cases. He has tried and litigated a broad variety of disputes with tens of millions of dollars at stake in federal and state courts and before arbitrators and arbitration panels across the country. He has tried or arbitrated over 30 cases to decision in multiple states. He has represented both plaintiffs and defendants with equal success. Because of his unique trial skills, Mr. Hobart is often engaged in the weeks or months before trial, specifically to act as trial counsel.

Mr. Hobart is particularly experienced in the areas of commercial fraud, real estate, partnership disputes, banking and finance, and securities. He has represented real estate developers, financial institutions, aviation companies, corporate entities large and small, consumer products companies, and high-net-worth individuals.

Mr. Hobart is AV Preeminent rated by *Martindale Hubbell* and has been recognized as a Top Rated Business Litigation Attorney, Southern California, by *Super Lawyers* every year since 2006.

### Publications

- "Higher Bar For Securities Plaintiffs," *Daily Journal*, April 6, 2015 (author)
- "FAA, Drone Operator Settle Suit Over Commercial Flyover," *Westlaw Journal-AVIATION*, February 11, 2015 (quoted)
- "FAA's Failure to Regulate U.S. Drone Boom Creates Climate of Confusion," *Washington Times*, January 6, 2015 (quoted)
- "Recreational Drones Are Facing More FAA Headwinds," *Daily Journal*, December 10, 2014 (author)
- "Global Aviation Seeks to Dump Leases on Half of Its Fleet," *Aviation Daily*, February 10, 2012 (quoted)

### Representative Matters

- Lead trial counsel in obtaining a unanimous jury verdict in favor of tobacco leaf manufacturer Grabba Leaf, LLC, in a trademark counterfeiting and copyright infringement trial in the Central District of California. Grabba Leaf proved that defendants – tobacco wholesalers – sold counterfeit Grabba Leaf cigar wraps to retailers in Los Angeles. The jury awarded Grabba Leaf \$1 million in damages.
- Lead trial counsel for Engineered Floors, LLC, one of the country's largest manufacturers of carpet, in an action brought by Lakeshore Learning Materials who purchased carpet from Engineered Floors but later claimed the carpet was defective, refused to pay for it, and sought \$2 million in damages. Shortly after the start of trial in the Central District of California, and following successful evidentiary motions that excluded all of Lakeshore's damages, the case settled for a walk away.
- Lead trial counsel for California Bank & Trust in two parallel, multi-million dollar actions brought by

lenders to a Ponzi scheme involving International Manufacturing Group, Inc. The first action, in Sacramento Superior Court, settled just after trial began and the second, a class action in the Eastern District of California, settled shortly thereafter, both at substantial discounts from the amounts claimed.

- Co-tried a 20-day jury trial of a breach of fiduciary duty and breach of joint venture action on behalf of Fantasy Cookie Corporation against Bar Bakers, LLC, a manufacturer of Kind bars, and other defendants. The jury returned a combined verdict of \$10,845,000 in favor of Mr. Hobart's clients. The matter was favorably settled on confidential terms shortly after judgment was entered.
- Represented a leading manufacturer and distributor of water ionizers in a lawsuit where the plaintiffs sought more than \$80 million in alleged damages. Plaintiffs, former distributors of the company, brought claims for unfair competition, tortious interference, and wrongful termination. The matter favorably settled at the commencement of jury selection.
- Represented a real estate investment company in litigation against a similar company regarding competing bids to acquire a multi-million dollar mobile home park in Orange County. Mr. Hobart's client contended that it was the rightful purchaser of the mobile home park and that defendants interfered with the acquisition. The matter settled with a payment to Mr. Hobart's client of approximately \$5 million on the eve of jury selection.
- Represented major real estate investors in an arbitration over the dissolution of two limited partnerships. The total value of the properties involved in the dispute was \$43 million. Mr. Hobart's clients alleged that the opposing partner had misinterpreted the agreements at issue in a manner that unfairly allowed him to sell his interests at a high value yet purchase the interests of Mr. Hobart's clients at a low value. Following a JAMS arbitration, the arbitrator sided with Mr. Hobart's clients and ruled that the parties were to buy and sell the properties at an equitable price to both, which was the result sought by Mr. Hobart's clients.
- Represented international air cargo company in prosecution and jury trial of an action in Oregon District Court against Asiana Airlines for breach of contract relating to the lease of a Boeing 747 cargo aircraft. Obtained a jury verdict in excess of \$16 million which was subsequently upheld by the Ninth Circuit Court of Appeals.\*
- Represented Rabobank, a Dutch full-range financial services provider, in a multi-million dollar fraud action in New York state court against the Royal Bank of Canada seeking to rescind in excess of \$500 million in transactions arising from energy company Enron and special purpose entities sponsored by Enron involving derivative instruments and structured financings. The matter was settled on confidential terms. Also represented Rabobank in a subsequent multi-million dollar professional negligence case against Rabobank's former attorneys relating to the Enron transactions.\*
- Represented, as part of a team of lawyers, Sempra Generation in connection with a series of challenges brought by the California Department of Water Resources to the multibillion-dollar long-term energy contract between Sempra and the Department executed in the wake of the California energy crisis of 2000-2001.\*
- Represented a real estate investment company in litigation involving several multi-million dollar Low-Income Housing Tax Credit developments in Los Angeles and Ventura counties. Mr. Hobart's client was the developer and the actions were against financial institutions who had made the tax credit investments. The matters were settled to the client's satisfaction on confidential terms.\*
- Co-tried a two-week trial on behalf of Hawaiian Airlines, Inc., obtaining an \$80 million judgment, plus an award of attorneys' fees, against Mesa Air Group. The litigation arose from Mesa's wrongful use of Hawaiian's confidential information obtained by Mesa in breach of a confidentiality agreement executed during Hawaiian's bankruptcy. Mesa used Hawaiian's confidential information to start an inter-island airline in Hawaii to compete with Hawaiian.\*
- Represented high-net-worth individual in litigation and arbitration dispute over stock warrants issued by publicly traded financial services company.\*
- Represented Hawaiian Airlines, Inc. in litigation and labor disputes relating to Hawaiian's Chapter 11 bankruptcy proceedings in Hawaii bankruptcy court.\*
- Represented certain bondholders of Adelphia Communications Corporation in litigation and trial regarding

complex disputed inter-debtor claims and causes of action in connection with Adelphia's Chapter 11 proceedings in New York bankruptcy court.\*

- Represented airline in prosecution and jury trial of an action in the District Court for the Northern District of California against an affiliate of GATX Corporation for fraud in connection with aftermarket modifications of Boeing 747 aircraft from passenger to cargo configuration. Obtained a multi-million dollar settlement following jury verdict of fraud.\*
- Represented airline in prosecution of multi-million dollar action against a private equity fund in connection with the fund's interference with airline's contract for the acquisition of Boeing 747-400 cargo aircraft.\*
- Represented private equity-backed company in connection with multi-million dollar litigation in North Carolina against Banc of America Securities for claims of breach of contract, fraud, negligent misrepresentation, and unfair and deceptive trade practices related to debt financing.\*
- Represented leading aviation maintenance, repair and overhaul facility in defense of multiple actions in Arizona state court in connection with heavy maintenance on Boeing 747 aircraft.\*
- Represented California State Senator Anthony J. Portantino in prosecution of Legislative Open Records Act litigation and related matters pertaining to California Legislature leadership's attempts to improperly silence dissent.\*
- Represented cargo airline in prosecution of claims in the District Court for the Western District of Washington at Seattle against The Boeing Company for breach of contract and the implied covenant of good faith in connection with airlines' operation of the Large Cargo Freighter used to transport components of the Boeing 787 Dreamliner aircraft.\*

\* Represents experience from a previous law firm.

## **Publications**

- Why Amazon Is Taking To The Skies, *Law360*, July 21, 2017

## **Education**

Mr. Hobart earned his J.D. at USC Gould School of Law and his B.A. in Political Science from the University of Southern California. While in law school, he was a finalist in the Hale Moot Court Honors Program and later a Topic Editor for the program.

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## **Bar Admissions**

- California