

Jason E. Goldstein

Orange County, California
Shareholder

P (949) 224-6235

F (949) 720-0182

jgoldstein@buchalter.com

Areas of Practice & Industry Specialties

Litigation; Insurance Law; Real Estate; Mortgage Lending; Trade Secrets and Employee Mobility; Financial Services Regulatory; Alternative Lenders; Mortgage Banking; Financial Institutions



Jason E. Goldstein is a Shareholder and Co-Chair of Buchalter's Mortgage Banking Group. Mr. Goldstein specializes in "private money," real property related litigation, title, escrow and trade secrets. Mr. Goldstein has an extensive legal background which includes defending lenders, brokers and servicers in court (*negligence, fraud, TILA, RESPA, HBOR, wrongful foreclosure, lender/servicer liability defense, etc.*), prosecuting escrow and title insurance litigation (*on behalf of the insured*), insurance coverage (*Title, CGL, E&O, etc.*), litigating misappropriation of trade secret claims, defending and prosecuting claims on behalf of general contractors and prosecuting receiverships. Mr. Goldstein is a fellow of the American College of Mortgage Attorneys ("ACMA") and a member of the ACMA Title Insurance Committee.

Mr. Goldstein is a trial lawyer and handles lawsuits from beginning to end. Examples of his experience include obtaining:

- Unanimous jury defense verdict in the United States District Court for the Central District of California in favor of a former employee of a national bank whom was subject to RICO and fraud claims arising from a multi-hundred million dollar investment scheme involving alleged oil pipelines and other fabricated investments (he previously obtained a summary judgment in favor of the bank). There was an article about the scheme in *Forbes*.
- Jury defense verdict in favor of a bank in an action filed by disgruntled husband and wife borrowers in the Stanley Mosk Courthouse in downtown Los Angeles. After the jury trial, the jurors stated that while they felt compassion for the borrowers (the wife was emotional on the stand), Mr. Goldstein had convinced them that the bank had done everything it was required to do under the subject contracts.
- Bench trial verdict in favor of the plaintiff in a usury action, which also included the successful defense of the elder abuse, conversion, fraud and money had and received causes of action contained in his adversaries' cross-complaint.
- Bench trial verdict in favor of a defendant in a quiet title action brought by a title insurer, in the name of purchasers of real property, pursuant to which the Court quieted title to the purchased real property subject to the defendant's abstract of judgment. The Court quieted title based upon the imputation of the actual knowledge of the escrow agent to the plaintiffs – pursuant to the laws of agency – that the seller used a slightly different name than that on the Grant Deed.
- Bench trial verdict in favor of private money lender in a judicial foreclosure action pursuant to which the private money lender obtained a substantial deficiency judgment against its borrower.
- Temporary Restraining Order and Preliminary Injunction in favor of a market leader in the business of creating, producing and selling "E-juice/E-liquid" on the open market for use in vaping and against a former employee who had misappropriated trade secret formulas for "E-juice/E-liquid."
- Temporary Restraining Orders and Preliminary Injunctions in favor a national equipment leasing finance company against former employees who had misappropriated the company's trade secret information.
- Permanent Injunction in favor a national loan servicer against former employees who had

misappropriated the company's trade secret information.

- Orders and Judgments dismissing lawsuits brought against retail, wholesale and correspondent lenders by borrowers based on successful Demurrers (in state court) or Motions to Dismiss (in federal court).

In addition to litigation matters, Mr. Goldstein has obtained millions of dollars in indemnity payments for his clients from title insurers. He has successfully tendered a multitude of insurance claims which have resulted in the insurer paying for a lawyer to defend his clients in litigation matters and/or paying the limits of their policies. When title retained counsel is appointed, Mr. Goldstein frequently monitors the insurer and its title retained counsel to try to prevent the bad faith denial of claims.

Mr. Goldstein is a frequent speaker and author on broker and lender liability, title insurance, escrow and trade secrets. He has spoken at conferences conducted by the California Mortgage Association, the California MBA, the MBA, the California Receivers Forum and the Northern and Southern California Chief Appraisers organization.

Mr. Goldstein's article, "The Laundry Route Cases and How Not to Get Taken to the Cleaners" is cited as authority in the *West's Civil Code Annotated* under the heading of "Misappropriation – Enjoined," in the Uniform Trade Secrets Act. *Civil Code* § 3426.2. In addition, on September 13, 2016, *Law360* included in its "Expert Analysis" section Mr. Goldstein's Truth-In-Lending Act article entitled, "The Jesinoski Opinion Vs. The Statute of Limitations."

Memberships/Associations

- American College of Mortgage Attorneys – Fellow
- California Mortgage Association
- California Mortgage Bankers Association
- SoCal Elite/AAU Basketball Coach
- Stone Creek Elementary School PTA – President (former)
- Parkview Maintenance Association – Vice – President (former)

Representative Matters (Partial List)

- *Melikhov v. Drab* (2019 M.D. Fla.) 2019 U.S. Dist. LEXIS 163021 (holding nonparty in contempt)
- *Warner v. CMG Mortg., Inc.* (9th Cir. 2017) 2017 U.S. App. LEXIS 3415 (affirmed dismissal of Truth-In-Lending Act Claim)
- *Meinhart v. CMG Mortg., Inc.* (W.D. Washington 2016) 2016 U.S. Dist. LEXIS 152835 (granting motion to dismiss lender liability claims)
- *Hedman v. Nationstar Mortgage, et al.* (2016) 2016 Cal.App.Unpub. LEXIS 3236 (affirmed order granting motion for attorneys' fees after prevailing on a demurrer)
- *Palmer Events, LLC v. Hyundai Hope on Wheels* (D. Or. 2016) 2016 U.S. Dist. LEXIS 40238, adopted in 2016 U.S. Dist. LEXIS 39282 (granting motion to transfer venue)
- *Warner v. CMG Mortg. Inc.* (N.D. Cal. 2015) 2015 U.S. Dist. LEXIS 158880 (granting motion to dismiss Truth-In-Lending Act claim)
- *Estate of Lane v. CMG Mortg. Inc.* (D. Minn. 2015) 2015 U.S. Dist. LEXIS 62188 (granting motion to dismiss lender liability lawsuit)
- *Haas Automation, Inc. v. Brian Denny, et al.* (C.D.Cal. 2013) 2013 WL 6502876 (granting motion for partial summary judgment as to anti-cybersquatting claim)
- *Marshack v. Helvetica Capital Funding, LLC* (9th Cir. 2012) 495 Fed.Appx. 808 (dismissing appeal from bankruptcy court)
- *Lyman v. Loan Correspondents Inc.* (9th Cir. 2012) 470 Fed.Appx. 688 (affirming dismissal of Truth-In-

Lending Act and Real Estate Settlement Procedures Act claims)

- *Kris Kaszuba, et al. v. Fidelity Nat'l Default Svcs.* (S.D.Cal. 2011) 2011 WL 2445860 (granting motion to set aside default)
- *Curt Gumbs, et al. v. Litton Loan Servicing* (E.D.Cal. 2010) 2010 WL 3341618 (granting motion to dismiss, in part, lender liability lawsuit)
- *Ricardo Marcelos v. Edwin Mauricio Parada Dominguez, et al.* (N.D. Cal. 2008) 2008 WL 1820683 (granting motion to dismiss, in part, lender liability lawsuit)

Publications

- A Patent For A Formula Does Not Destroy Trade Secret Status So Long As The Patent Does Not Disclose The "Process" For Applying The Trade Secret, *Buchalter Client Alert*, December 2, 2019
- FDIC Issues Proposed Rule Clarifying "Valid-When-Made" Doctrine for State Banks, to Match OCC Proposed Rule for National Banks, *Buchalter Client Alert*, November 20, 2019
- Should You Include a Limitation of Liability Provision in Your Next Contract?, *Buchalter Client Alert*, November 19, 2019
- Freddie Mac and Fannie Adopt New ARRC Recommended Fallback LIBOR Language for Residential ARM Loans, *Buchalter Client Alert*, November 15, 2019
- HUD and DOJ Release Guidance on False Claims Act, *Buchalter Client Alert*, October 29, 2019
- Probe the Borrower's Reason for Seeking a Loan, *Scotsman Guide*, January 1, 2019
- Bankers Trust Company v. Transamerica Title Insurance and Its Progeny: A Construction Lender's Nightmare, *American College of Mortgage Attorney's Abstract*, Fall 2018
- The Jesinoski Opinion Vs. The Statute Of Limitations, *Law360*, September 13, 2016
- Truth-In-Lending Act Rescission Part I: Why The U.S. Supreme Court's Jesinoski Opinion Does Not Defeat The Statute of Limitations, *Buchalter Nemer Points & Authorities*, August 9, 2016
- Current Developments In Risk Management For Mortgage Brokers, *Buchalter Nemer Lender Alert*, April 12, 2016
- Stop Notices and Mechanic's Liens: Construction Lenders' Nightmares, *Buchalter Nemer Lender Alert*, February 1, 2016
- The California Homeowners' Bill of Rights: The Safe Harbor Provisions, *Buchalter Nemer Points & Authorities*, May 26, 2015
- The Limits to Title Insurance Protection and the Advantages of Escrow Instructions, *Title Insurance and Escrow Report, Issue #1*, February 3, 2015
- Title Insurance: 5 Things Every CMBA Member Should Know, *California Mortgage Finance News*, Winter 2014
- Title Insurance Coverage and Escrow Claims, *CMBA Legal News Magazine*, January 2013
- Don't Be Left Naked When it Comes to Insurance Coverage, *Buchalter Nemer Client Alert*, July 19, 2012
- Additional Insured Status: Is the Protection Illusion or Reality?, *Buchalter Nemer Points & Authorities*, Spring 2012
- Lender Beware: When Real Property Title Issues Arise, Don't Forget Your Escrow Claim, *Buchalter Nemer Points & Authorities*, Summer 2011
- Products Completed Operations Hazard, *Commercial Investment Real Estate Magazine*, January/February 2011
- The Products Completed Operations Hazard: What It Is, and Why Everyone Involved in Construction or Real Estate Development Needs To Know About It, Air Quality Impacts Could Thwart Bay Area Infill Development, *Buchalter Nemer Points & Authorities*, Summer 2010

- The Laundry Route Cases and How Not to Get Taken to the Cleaners, *Orange County Lawyer Magazine*, September 27, 2007
- Defending Wholesale Lenders: Pitfalls and Potential Safety Nets, *Orange County Business Journal*, August 6, 2007

Presentations

- "Regulation Z: Rescission Rights and Wrong's," Lorman Webinar, February 10, 2020
- Panelist, "The New (and Improved) ALTA Policies: Are You Ready For Them?," American College of Mortgage Attorneys Annual Event, September 6, 2019
- Speaker, "It May Be Legal, But Is It Unconscionable and Not Enforceable," CMA 2019 Summer Seminar, July 26, 2019
- Speakers, "John Hosack, Jason Goldstein, and Michael Flynn Speakers at CMA 2019 Summer Seminar in San Diego," California Mortgage Association 2019 Summer Seminar, July 25, 2019
- Speaker, "2019 Legal and Regulatory Review," California Mortgage Association, April 25, 2019
- Panelist, "Jason Goldstein, Panelist at California MBA's Conference," California MBA Legal Issues & Regulatory Compliance Conference, December 3, 2018
- Panelist, "Panelist, "Title Insurance 101 for Receivers: The Insurer's and the Insured's Perspectives" ," San Francisco, CA, October 16, 2018
- Speaker, "Fix + Flip Lending: Disbursing Funds, Avoiding Loss of Lien Priority, and Maintaining Title Insurance Coverage," California Mortgage Association's Summer Seminar, July 12, 2018
- Co-Speaker, "Title Insurance: Four Critical Issues," California Mortgage Association, April 26, 2018
- Speaker, "Eliminating Title and Escrow Roadblocks," California Mortgage Association's Spring Seminar , April 6, 2017
- Speaker, "The Ten Most Common Mistakes Made By Lenders Relative To Escrow Instructions And Title Insurance," State Bar of California, Financial Institutions Committee, November 8, 2016
- Speaker, "Current Bankruptcy-Related Issues of Interests to Mortgage Lenders, Brokers and Servicers," American College of Mortgage Attorneys' Annual Meeting, September 22, 2016
- Speaker, "Mastering Escrow Instructions and Title Insurance Coverage: Critical Issues You Should Know and Traps to Avoid," Beverly Hills Bar Association, May 4, 2016
- Speaker, "Title Endorsements: A 2016 Update," the California Mortgage Associations Spring Seminar, April 29, 2016
- Speaker, "What Good is the Appraised Value of Property, if the Lender Did Not Receive a Valid and Enforceable Lien," The Society of Chief Appraisers in Los Angeles, CA, October 28, 2015
- Speaker, "Instruction to Title and Escrow," the California Mortgage Association's Fall Seminar in Las Vegas, NV, October 22, 2015
- Speaker, "The Basics of Title Insurance: A Critical Review for 2014," the Southern California Chief Appraisers & Los Angeles RMA Meeting at The Federal Reserve Bank in Los Angeles, CA, February 19, 2015
- Panelist, "Litigation Updates," the California Mortgage Bankers Association Legal Issues Conference in Costa Mesa, CA, December 8, 2014
- Speaker, "A Litigator's Look at Appraisals and the Prevention of Litigation and Loss," the 11th Southern California Chief Appraisers Meeting in Los Angeles, CA, April 9, 2014
- Speaker, "A Litigator's Look at Appraisals and the Prevention of Litigation and Loss," the Northern California Chief Appraisers Meeting in San Francisco, CA, February 21, 2014
- Speaker, "The Basics of Title Insurance - A Critical Review for 2014," the California Mortgage Association's Winter Seminar at the Universal Hilton in Universal City, CA, January 30, 2014

- Speaker, "FHA Rules on Disparate Impact," April 25, 2013
- Panelist, "Buybacks, Indemnifications and Insurance Rescissions," September 12, 2011
- Speaker, "Protecting Your Business," February 28, 2011

Webinars

- "Webinar: Lender Liability: Seven Critical Areas," November 6, 2019
- "Webinar: Loan Guarantees: Hedging Against a Downturn," September 25, 2019
- "Webinar: Unconscionable Loan?," May 15, 2019
- "Webinar: Risk Management for Construction Loans: 2019 Update," February 12, 2019
- "Webinar: Notes, Trust Deeds and Loan Agreements in a Changing Market: Nine Key Areas to Consider," November 13, 2018
- "Webinar: Financing the Emerging Cannabis Markets: Managing Risks and Opportunities," September 12, 2018
- "Webinar: Avoiding Loss of Lien Priority: Construction Loan Disbursements," May 8, 2018
- "Webinar: Take Out Loans: Considerations for Construction and Permanent Lenders," March 20, 2018
- "Webinar: Construction Lending: Downturns and Defaults," January 23, 2018
- "Webinar: Borrowers, Guarantors, and Sureties: Dealing With Multiple Parties to A Loan," October 24, 2017
- "Webinar: Documentation and Collection of a Loan Secured by Multiple Properties," May 23, 2017
- "Webinar: Nine Most Common Mistakes Made by Lenders Relative to Escrow Instructions and Title Insurance Policies," April 25, 2017
- "Webinar: Avoiding Lender Liability," February 21, 2017
- "Webinar: Plugging The Holes In Your Title Policy: Seven Critical Endorsements," December 8, 2016
- "Webinar: Making Guarantees Work: Improving Documentation and Practices," October 20, 2016
- "Webinar: Escrow Instructions and Title Insurance: Five Critical Issues and Three Traps to Avoid," September 13, 2016
- "Webinar: Residential Loan Servicing: Seven Major Mistakes To Avoid," August 9, 2016
- "Risk Management for Construction Loans Part II: Avoiding Time and Cost Overruns, Construction Defects and Faulty Designs," June 21, 2016
- "Webinar: Risk Management for Construction Loans," May 17, 2016
- "Webinar: Current Developments In Risk Management For Mortgage Brokers," March 22, 2016

Education

Mr. Goldstein earned his J.D. from the University of Miami School of Law located in Coral Gables, Florida, in 1999. He earned his B.A. at the University of Southern California in 1996.

Bar Admissions

- California
- Florida

Court Admissions

- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California

- U.S. District Court for the Southern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court Western District of Michigan
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the District of Colorado
- Admitted (Previously or Currently) Pro Hac Vice In: (1) Alabama (Madison County); (2) Arizona (Maricopa County, Division One of the Court of Appeal); (3) Georgia (Fulton County); (4) United States District Court for the District of Maryland; (5) United States District Court for the District of Minnesota; (6) United States District Court for the District of Nevada; (7) United States District Court for the District of New Jersey; (8) United States District Court for the District of Oregon; and, (9) United States District Court for the Western District of Washington