

Business & Class Action Litigation

Description

Business Litigation

Litigation is both distracting and costly. It disrupts day-to-day operations. It is rarely a business ownerâ??s first choice to resolving a dispute, especially with an employee. Therefore, businesses and business owners need experienced litigators to help them avoid litigation, if possible, and to only litigate when necessary. We have that experience. Our experience litigating complex business and class action claims for companies of all sizes and across myriad industries has given us the ability to address business disputes effectively and efficiently, with as little impact on you and your business as possible.

The Dunn DeSantis Walt & Kendrick business litigation team is comprised of savvy and innovative attorneys who work very closely with clients to find the right solution for their unique issues and to limit ongoing risks. Our attorneys collaborate closely with our clients to determine a preferred path to resolution. Whether through mediation, arbitration, or trial, we listen to our clients. We hear what they want to accomplish. And then we aim to achieve those objectives in a sensible, collaborative, and pragmatic manner.

We have represented companies in nearly every type of business matter in state and federal courts, as well as in administrative agency forums. Our litigation work includes employment litigation, contract disputes, class actions, construction defect claims, fraud/misrepresentations, unfair business practice claims, real estate disputes, environmental actions, defamation claims and more. Our success is predicated on the success of our clients, and we are proud of our longstanding business client relationships and our ability to both represent our clients in trial and also serve as trusted advisors. While each business dispute is different, our experience allows us to employ proven trial strategies to resolve your matter swiftly so you can return to â??business as usualâ?• expeditiously.

Highlights

- Defended a national surplus lines insurance broker in a professional liability action involving allegations of fraud, misrepresentation and insurance code violations. Obtained judgment favorable to client after lengthy binding arbitration.
- Represented a public entity against claims for breach of contract brought by a building contractor. The claims arose from the construction of a public works project at San Diego International Airport and included allegations of misrepresentations contained in plans and specifications. Obtained a defense verdict for client after a jury trial.
- Represented an insurance carrier against claims of bad faith arising out of a first-party property insurance matter. The claims arose from the alleged improper investigation and evaluation of the loss and the insurerâ??s denial of coverage. Obtained a defense verdict after a jury trial.
- Defended a municipal agency against claims of civil rights violations, false imprisonment and assault and battery. Claims arose from the alleged improper conduct of the entityâ??s peace officers in arresting and transporting an individual to a detention facility. Obtained a defense verdict on behalf of client after a jury trial.
- Represented an international telemarketing firm in connection with claims of unfair business practices and fraud.
- Represented a home improvement contractor in connection with claims by the San Diego District Attorneyâ??s Office for unfair business practices.
- Represented a home improvement contractor in connection with claims by a business partner for dissolution and breach of contract.
- Represented of an individual in connection with claims for breach of contract, fraud and unfair business practices arising from the purchase of investment property in Puerto Vallarta, Mexico.
- Represented an international sporting goods manufacturer in connection with claims for patent and trademark infringement.
- Obtained dismissal of lawsuit against Fortune 100 insurance company where plaintiffs alleged insurance bad faith, breach of contract and unlawful conduct. The dismissal was upheld in a reported decision by the California Court of Appeal. (194 Cal.App.4th 192.)
- Defeated a preliminary injunction motion in a trade secrets dispute where the plaintiff sought to shut down one of the nationâ??s largest organic produce growers and distributors.
- Represented client as part of trial team that won a $65 million judgment in a case involving allegations of securities fraud and breach of contract.
- Succeeded on claim for defamation on behalf of corporate client resulting in the removal of anonymous online posts.
- Prosecuted an inverse condemnation claim on behalf of a San Diego restaurant group affected by construction in the Gaslamp District resulting in a substantial settlement for the restaurant.
- Represented a San Diego-based general contractor in a dispute over delays in a complicated hospital construction project resulting in a large recovery for the contractor along with a waiver of all known and unknown claims against the contractor.
- Prevailed on motion to dismiss under the doctrine of forum non conveniens on the basis that California residents could not litigate in California courts claims involving real property located in Afghanistan, resulting in an order transferring venue to the court of Afghanistan.
- Assisted in the defense of prominent international insurance syndicate facing coverage claims raised by a California-based petroleum company, for damage caused by South American terrorists, under a policy with a war-risk exclusion.

- Assisted in the successful representation of a Pennsylvania-based petroleum company in a complex coverage and professional negligence action against its insurer and commercial lines broker involving placement of coverage for a risk foreseeable in the petroleum industry.
- Defeated trial court defamation claims and subsequent appeals raised by a plaintiff against a California law firm that described trial court victories over that plaintiff in underlying litigation.
- Assisted in the resolution of a complex coverage dispute and month-long trial in Santa Barbara County, which involved claims for hundreds of millions of dollars in actual and punitive damages to a coastal resort, where the primary issue was application of Californiaâ??s manifestation-of-damage law.

- Obtained an arbitration decision in favor of the drummer of a successful musical band against other band members for the value of his share of their general partnership.
- Authored and won a motion for judgment on the pleadings in an insurance coverage matter in which the critical issue of law was a matter of first impression for the Pennsylvania courts, the decision of which was not appealed.
- Defended a public entity and its police department in a Federal Court wrongful death lawsuit alleging Civil Rights violations, a Monell claim and discrimination-based claims arising out of an officer involved shooting death. Negotiated successful resolution of all claims before trial.
- Litigated claims of excessive force and civil battery against a public entity arising out of the handling of an arrest. Obtained a defense verdict in favor of client after a jury trial.

Class Action Litigation

The modern business environment and changing business models have allowed employees and independent contractors to easily join forces and pursue legal action against employers for a variety of alleged violations. Consequently, there has been a rise in class and collective action lawsuits , costing businesses time and money and posing a significant risk to the companyâ??s success. Through our considerable experience handling employment law class action and multi-plaintiff matters, we have developed an aggressive approach to identifying a litigation strategy that puts your company in the best position to minimize the threat of a multi-plaintiff claim.

In particular, businesses in the transportation industry are often struck with class action lawsuits. Dunn DeSantis Walt & Kendrick has an in-depth understanding of the industry, which has allowed us to defeat class actions in multiple courts and jurisdictions across the country. The Dunn DeSantis Walt & Kendrick business litigation team is at the forefront of legal issues impacting transportation companies, and our attorneys are often asked to address the current climate in transportation class action litigation at events across the country.

One of the realities of class action litigation is that business practices sometimes need to be modified and often require immediate action to minimize liability. In such instances, the Dunn DeSantis Walt & Kendrick team takes quick action, and works closely to identify the appropriate course of action for your particular case. That may result in immediate implementation of trial preparation strategies to combat class certification, or undertaking early and aggressive settlement negotiations in cases where potential liability is recognized. In every matter, we leverage our experience to employ a cost-effective and efficient approach to managing class and multi-plaintiff litigation.

Highlights

- Participated in the successful opposition to a motion for class certification of a large proposed class of property owners who, according to the named plaintiffs, were defrauded by parties involved in a coastal real estate development.
- Obtained dismissals of multiple consumer class action lawsuits filed in federal court against one of the largest consumer electronics companies in the world. Plaintiffs alleged claims based on product defects, false advertising and unfair business practices. (758 F.Supp.2nd 1077; 801 F.Supp.2d 1013.)
- Defeated class certification in a reported federal case where plaintiffs challenged the premium rating process used by a national health insurance company to determine renewal premium rates for insurance policies. (266 F.R.D. 340.)
- Defended a mobile social gaming network in a state consumer class action removed to federal court concerning alleged unauthorized charges. Negotiated a dismissal of the action with no monetary payment by client.