

STEVE J. JOFFE

EXEMPLAR TRIAL EXPERIENCE

Steve J. Joffe | Partner
213.330.8970
steve.joffe@wilsonelser.com



DOUGLASS EMMETT v. EL TORITO

Van Nuys, California
Lease Breach/2017

This was a breach of lease case where our client exited the lease with 30 days' notice. The case turned on a rather complex dispute centering on whether El Torito had been considered by the landlord plaintiff as a Holdover Tenant and had mutually abandoned their previous acceptance of El Torito's exercise of the option to extend the lease for five years. The landlord sought more than \$700,000 in damages in past rent and operating expenses and losses, which could not be mitigated. We offered to settle the case for \$200,000, but the landlord insisted our holdover defense would never prevail and insisted on a pre-trial resolution of \$400,000. They asked the jury for \$700,000, and the jury awarded \$285,000.

ANSETT v. INFINITY

Chatworth, California
Trade Secret Misappropriation/2016

This was a trade infringement case involving allegations of intentional misappropriation of trade secrets. The verdict against our client and the co-defendant was \$6 million. We argued, however, in post-trial motions that there was no joint and several liability and plaintiff's counsel failed to seek such a finding at trial. The judge agreed and reduced our client's share of the verdict to \$2.4 million. We settled the matter for \$2 million.

HERRERA-NASH v. TIME WARNER

Ventura County, California
Auto Rear-End Accident/2014

Auto accident involving a 29-year-old woman was an admitted liability, auto rear-end case. What made the case challenging was the plaintiff's alleged discogenic serious soft tissue claims, which are entirely subjective in nature and cannot be correlated with objective findings. We recommended video surveillance of the plaintiff, who had young children, and we caught her on tape climbing up and down a jungle gym at a park, carrying one young child over a long distance in a parking lot to a grocery store, and carrying heavy items from the store (despite the fact that her able-bodied husband was with her and simply looked on). Her lawyer made a \$1 million demand to the jury. We valued the case at \$85,000, and the jury awarded \$90,000.

APRIL RODRIGUEZ v. VALLEY VISTA SERVICES

Downtown Los Angeles

Disability Discrimination/2013

This was a case of alleged disability discrimination that was transferred to us two months before trial. The predecessor counsel had not worked up the case and did not exercise her peremptory challenge against a notoriously plaintiff-oriented judge. In addition, the case was riddled with judicial error. We appealed the verdict of \$21 million and the case resolved for around \$2 million.

MONTEFUSCO v. WASTE MANAGEMENT

Mammoth, California

Slip and Fall/2012

Plaintiff claimed she slipped and fell on our client's premises. We theorized that the fall was a setup and a fraud. In a special verdict on factual issues, the jury answered "no" to the first question: Do you find that plaintiff fell on defendant's property? We obtained a defense verdict.

KIM v. AMF BOWLING

Norwalk Superior Court

Slip and Fall/2011

We represented a bowling alley against a claim involving a patron who allegedly slipped and fell on the floor, claiming it had been over-polished during cleaning. We were able to prove that plaintiff actually slipped due to a completely different mechanism that had nothing to do with the polished floor and obtained a defense verdict.

ESTRADA v. TIME WARNER

Los Angeles County Superior Court

Rear-End Vehicle Accident/2009

Plaintiff was a tow truck driver who was rear-ended by our client's van driver. This was a disputed liability case with medical causation in play. Plaintiff was making claims that he could no longer work as a tow truck driver. We had him on video doing freelance tow truck work; lifting tires; climbing tow trucks to the top to wash them; and lifting heavy equipment. The jury completely rejected his claims of permanent disability and \$1.2 million request, awarding approximately \$95,000.

BELCHER v. TIME WARNER

Burbank, California

Cable Wire Negligence Injury/2008

Plaintiff was an 85-year-old man who allegedly suffered traumatic brain injury after getting clothes-lined while riding a bicycle by a low-hanging cable wire placed by our client. Plaintiff sought close to \$2 million in general damages. We obtained a defense verdict, arguing that our client had properly hung the cable at the correct height. We retained experts in the area of electrical engineering; ophthalmology (we argued that plaintiff had cataracts in both eyes and should not have been riding); and a General Order 95 expert to attest to our client's compliance with regulatory guidelines. Because we had served a CCP 998 offer to settle in the amount of \$75,000 and beat that offer, we moved to recover our expert costs in the amount of \$150,000, which were paid in full by the plaintiff.

LATER v. DS WATERS

Compton, California
Rear-End Auto Accident/2007

Plaintiff claimed serious physical and emotional injury resulting from being rear-ended causing severe damage to her car, as illustrated by accident scene photos. Plaintiff was making a claim of permanent disability that was severely impacting her work and personal life, seeking more than \$2 million in general damages, lost earnings and lost capacity. Over an extended period of time, videotaping revealed she was fully active and working. We admitted liability with the client's authority and tried the case on damages. We made a CCP 998 offer in the amount of \$185,000 and plaintiff made a demand to the jury in the amount of \$ 2.5 million. The jury came in at \$169,000, allowing us under the California Code of Civil Procedure Section 998 to seek reimbursement of experts' costs.

MANZO v. MADERA DISPOSAL

Madera, California
Vehicular Accident/2007

Plaintiff was a garbage truck driver who collided with a garbage compactor at our client's recycling site. Plaintiff had back surgery shortly before the trial and sought in excess \$500,000 in general damages and in excess of \$500,000 in lost earning capacity. We retained a renowned neuro-radiologist who opined that the disc herniation was neither acute nor causally related to what our accident reconstruction experts argued was a low-impact collision. We also were able to attribute a substantial apportionment of responsibility to plaintiff's employer for failing to train him. The verdict came in around \$90,000.

VAN ORDER v. SECURITIES AMERICA

Downtown Los Angeles (Binding Arbitration)
Securities Fraud and Negligence/2006

Claimant sought \$201,000 in compensatory damages, disgorgement and restitution, lost opportunity costs from bad investments as a result of respondent's allegedly negligent, fraudulent and reckless conduct, including his failure to divulge and apprise claimant of the risks associated with investments in violation of his fiduciary duty to claimant. We obtained an extremely favorable verdict, award only \$60,000.

O'MALLEY v. VICK

Downtown Los Angeles
Negligence and Fraud/Broker/2006

Plaintiff made claims of negligence and fraud against broker Vick. We initially had obtained summary judgment on behalf of our client, which was ultimately reversed on appeal and the case was tried to a jury. Case settled very favorably during the liability phase of trial.

LOVE v. STAFFORD

Los Angeles, California (Binding Arbitration)
Irrevocable Life Insurance Trust/2006

Claimant alleged breach of contract, negligence, fraud and financial elder abuse involving an irrevocable life insurance trust funded by a variable life insurance policy issued by our client. We obtained a defense award from the arbitrators.

MANFRED v. GREENROCK

United States District Court
for the Central District of California
Auto Accident/2006

The plaintiff was pinned between her vehicle and a car being driven by our client in an underground parking garage. Plaintiff suffered alleged back injury and damage to her pelvis. Our surveillance on the plaintiff went a long way toward bringing down the verdict amount. Favorable award of \$250,000 where demand to jury was in excess of \$1 million.

EICHNER v. CROW HOLDINGS

Bakersfield, California
Slip and Fall/2005

This case settled for a nominal sum right after jury selection.

DOE v. KINARA SPA

Downtown Los Angeles
Sexual Assault/2005

Plaintiff was a paraplegic who alleged she was sexually molested by a masseuse in our client's spa. Case settled favorably during jury selection.

REICH v. STAFFORD

Orange County, California, Superior Court
Professional Malpractice/Securities Investor/2005

Professional malpractice claim against securities investor negligence and fraud in the placement of various insurance programs for the plaintiff by our client. Plaintiff asked for \$700,000 in damages. We succeeded in obtaining a defense verdict.

RIOS v. MARTINEZ

Downtown Los Angeles
Wrongful Death/2005

Case involved wrongful death suit resulting from the death of an employee who was crushed by a forklift. The plaintiffs made a \$3 million demand to the jury, which agreed with our contention that plaintiff was a special employee obtained from codefendant staffing service and made a special finding to this effect. The trial judge, per our motion, entered a verdict in favor of our client based on our argument that the plaintiff's exclusive remedy was through workers' compensation.

GILLILAND v. MCGEORGE

Phoenix, Arizona
Professional Malpractice/Security Broker/2004

Successfully arbitrated a professional malpractice against security broker for fraud and negligently recommending investment vehicles to plaintiff. Plaintiff asked the arbitrators to award him in excess of \$2 million in damages. The arbitrators awarded \$200,000, consistent with our assessment of the value of the claim.

ROSE v. MYNDERUP

Fresno, California

Professional Malpractice/Insurance Broker/2003

Plaintiff claimed that our client had negligently advised him on the placement of insurance. The judge suggested the parties give opening statements and get an advisory verdict from jury to assist in settling the case. Jury provided a defense advisory verdict and the case settled for a nominal sum.

NEIGHBORHOOD v. AGE OF AQUARIUMS

Norwalk, California

Fire Damage/2003

Defended electrical contractor who had performed electrical work on an aquarium owned by the plaintiff whose office burned down due to an electrical fire. The plaintiff had alleged that the electrical contractor negligently maintained the service performed. We obtained a defense verdict in the face of a \$1 million demand to the jury.

NESBITT v. COAST TO COAST

San Fernando, California

Construction Accident/2001

Construction injury involving a plaintiff who fell 20 feet at a construction site; contractor was accused of not putting up a safety barrier. We obtained a defense verdict in the face of a \$4 million demand to the jury. Plaintiff filed motion for a new trial and judgment notwithstanding verdict (JNOV), which was granted. We then took an emergency writ to the Appellate Court, which reversed the JNOV ruling. Plaintiff ultimately took appeal on the defense verdict and lost.

FLORES v. GARCIA

San Fernando, California

Auto Accident/2001

Auto accident involving serious orthopedic injury. We represented defendant Garcia and obtained a defense verdict; the jury took no more than seven minutes to return the verdict.

KENNY v. LOWE

Santa Monica, California

Child Molestation/1998

Case involved allegations of sexual misconduct and brutal assault by a stepmother against her stepson. We successfully defended the stepmother in the face a \$13 million demand to the jury.

HEIM v. COAST FEDERAL BANK

Pomona, California

Wrongful Termination/Military Status/1997

This claim for wrongful termination and discrimination was based on plaintiff's military status. We defended our client on the grounds that plaintiff's termination was performance-based and had nothing to do with his military status, for which he had taken periodic leave. The jury agreed and delivered a defense verdict.

CHANG v. COAST FEDERAL BANK

Van Nuys, California

**Disability Discrimination/Wrongful Termination/
1996**

Plaintiff brought a disability discrimination and wrongful termination complaint against our client, claiming she was terminated from her position after developing breast cancer. It was our contention at trial that our client had made the decision to terminate the plaintiff prior to being apprised of her diagnosis. The jury agreed and delivered a defense verdict.