

**DONALD T. RAMSEY**  
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## EXPERIENCE

### **LAW OFFICES OF DONALD T. RAMSEY San Francisco, CA**

- Principal, May 2006 - present.
- Trial court and appellate court motion practice and brief writing. Extensive experience in insurance cases, commercial disputes, tort law, environmental contamination claims, employment and public employee labor law.
- Northern California Super Lawyer in appellate practice 2004, 2005, 2006, 2008, 2009 and 2011.

### **HOLLAND & KNIGHT LLP San Francisco, CA**

- Equity Partner and Partner, 2000 - April 2006.
- Appellate and trial court work in various contexts including insurance coverage litigation, trademark, trade secret litigation, software licensing litigation, commercial contract actions and real estate development disputes.

### **CARROLL, BURDICK & McDONOUGH LLP San Francisco, CA**

- Equity Partner, Associate, 1979 - 2000.
- Head of firm's Appellate Practice Group, 1986 - 2000.
- Extensive appellate and trial court experience in insurance coverage cases, products liability, class actions and toxic torts.

## EDUCATION

Boalt Hall School of Law, University of California, Berkeley, J.D. 1979

University of California, Berkeley, M.A., Political Theory, 1975  
Regents Fellowship

University of Southern California, B.A., Political Science, 1974  
Magna cum laude, Phi Beta Kappa

## RECENT REPRESENTATIVE CASES/CLIENTS

- Drafted motions for summary adjudication for defendant Bay Area Rapid Transit police officers in federal civil rights actions arising from January 1, 2009 altercation and fatal shooting at Oakland Fruitvale BART station, *Wanda Johnson v. BART*, (case no. CV 09-00901 MHP, 2011).

- Represented commercial real estate developer in loan dispute with bank in action for violation of Equal Credit Opportunity Act, fraud and cross claim for foreclosure. (2010-2011)
- Represented minority shareholder/investor in dispute with majority owner over preferred stock rights in TRO and preliminary injunction proceedings. (2011)
- Represented investor on summary judgment against claims of disgorgement under a PACA Trust pursuant to the Perishable Agricultural Commodities Act. (2011)
- Represented public employees and public employee unions before administrative agency and Court of Appeal in claim for retroactive pension benefits. (2009-2010)
- Represented tire manufacturer against twenty-four plaintiffs in toxic tort, fear of cancer and environmental injury suit in federal district court on collateral estoppel, “Lone Pine” and Rule 12(b)(6) motions. (2007-2010)
- Represented financial advisor on summary judgment motions asserting “advisor’s privilege” against claims of tortious interference with contract. (2007-2008)
- Represented software maker and licensor against licensees who contended that license contract guaranteed them continual “upgrades” to older “DOS” based programs such that license could not be terminated “at will.” (2005)
- Represented children’s arts and crafts catalog merchandiser in “trade dress,” copyright infringement and trade secret misappropriation action that resulted when terminated manager began producing competing catalog for rival company. (2005)
- Represented police officer associations in summary judgment “donning and doffing” motions under the FLSA. (2007)
- Represented insurance carrier against claims of “no aggregate,” “non-products” coverage for asbestos insulation installer in “pre-packaged” 524(g) asbestos bankruptcy-insurance coverage action. (2004-2005)
- Represented UK insurance carrier in California and New York litigation arising from “contingent loss of revenue” policies covering losses sustained on independent films. (2001-2005)

#### **GENERAL CIVIL WRITS AND APPEALS**

Over twenty-five years’ experience in handling writs and appeals on behalf of corporate and individual litigants in a wide variety of cases, including:

- Represented public employee unions and taxpayers on appeal in claim that their right to voter initiative was improperly frustrated by county’s use of public funds to oppose initiative. *DiQuisto v. Cty. of Santa Clara*, 181 Cal.App.4<sup>th</sup> 236 (2010).

- Represented former deputy sheriff seeking increased pension benefits from special work assignment. *Shelden v. Marin County Employees Retirement Ass'n*, 189 Cal.App.4<sup>th</sup> 458 (2010).
- Represented plaintiff union that obtained sanctions against defendants who brought frivolous anti-SLAPP motion. *Santa Clara County Correctional Peace Officers Association, Inc. v. Abbate*, 2010 WL 302782.
- Represented public employee unions against anti-SLAPP motions in trial court and Court of Appeal. *California Newspapers Partnership v. County of Marin*, 2008 WL 542849; *Santa Clara County Correctional Peace Officers Ass'n v. Abbate*, 2008 WL 485115.
- Represented defendants in drinking water contamination case who sought immunity under preemption doctrines. *Hartwell v. Superior Court*, 27 Cal.4<sup>th</sup> 256 (2002).
- Represented insurer in lawsuit involving a third party with arbitration contract who sought to overturn trial court order staying arbitration until litigation was concluded. *Film Finance Inc. v. Superior Court*, (2002 WL 228205).
- Represented insurer before appellate court and obtained review from California Supreme Court in case involving insurability of punitive damages and attempt to establish comparative bad faith. *Kransco v. American Empire Surplus Lines Insurance Co.*, 23 Cal.4<sup>th</sup> 390 (2000).
- Represented insurer in nationwide class action litigation seeking approval of multi-billion dollar asbestos insurance coverage settlement. Participated in settlement negotiations, drafted settlement documents, class action pleadings, and trial and appellate court briefs for the District Court, the Fifth Circuit Court of Appeal, and the U.S. Supreme Court. *In re Asbestos Litigation*, 134 F.3d 668 (5<sup>th</sup> Cir. 1998); *Ortiz v. Fibreboard Corporation*, 527 U.S. 815 (1999).
- Represented plaintiffs before the Cal. Supreme Court in seminal case regarding limits of mandatory arbitration clauses in health maintenance organization contracts. *Engalla v. Permanente Medical Group*, 15 Cal.4<sup>th</sup> 951 (1997).
- Represented insurer in action involving trigger of coverage, allocation, number of occurrences, pollution exclusion and other coverage issues. *Armstrong World Industries Inc. v. Aetna Casualty & Surety Co.*, 45 Cal.App.4<sup>th</sup> 1 (1996).
- Represented insurer in choice of law/insurability of punitive damages case arising under Texas, West Virginia and California law. *Continental Casualty Company v. Fibreboard Corporation*, 762 F. Supp. 1368 (N.D. Cal. 1991), *aff'd* 953 F.2d 1386 (9<sup>th</sup> Cir.), *judgment vacated* 506 U.S. 948 (1992), *remanded* 4 F.3d 777 (9<sup>th</sup> Cir. 1993).

**PUBLICATIONS**

Co-author, *Transatlantic Triggers*, Post Magazine, January 2011.

Author, *The Trigger of Coverage For Cancer: When Does Genetic Mutation Become "Bodily Injury, Sickness or Disease,"* 41 Santa Clara L. Rev. 293 (2001).

Author, *Consumer Expectations Test for Design Defect in California: From An Independent Test of Limited Use To A Dangerous Substitute For Risk-Benefit Analysis*, 24 Tort & Ins. L.J. 650 (1989).

**PROFESSIONAL MEMBERSHIPS/ACKNOWLEDGEMENTS**

Northern California Super Lawyers Appellate Law (2004, 2005, 2006, 2008, 2009, 2011)  
Bay Area Lawyer Magazine, Best Lawyer in Bay Area Appellate 2006  
Certified Appellate Specialist, California Board of Legal Specialization 1999-2004  
British Insurance Law Association (BILA)