

**Stephen M. Judson, Esq.**  
**Representative Litigation Summary**

Steve Judson has a civil litigation and dispute avoidance practice. He is proactive in preventative contract review, drafting and negotiation in the areas of real estate, commercial/business law and construction law. He strategizes and counsels clients before they make important business decisions, such as purchasing property, entering into leases, and signing business contracts. Steve is particularly experienced in commercial transactions including letters of credit, Purchase Orders, vendor agreements, construction agreements (for contractors, subcontractors and material suppliers), secured and unsecured transactions, credit applications, and bills of lading.

Steve has close to 30 years of litigation experience (sample cases listed below). Additionally, Steve is adept at all methods of ADR (Alternative Dispute Resolution) including settlement conferences, mediations and arbitrations. Steve is a graduate of Stanford University, and the University of San Francisco School of Law.

Inquiries should be directed to Steve at the contact information on the last page.

**Construction Litigation**

Represented material supplier in an action to enforce a contract and bonded stop notice claim on a public works (hospital) project. Defended a cross-claim from the general contractor. Conducted a binding arbitration which resulted in an award in favor of the client, and dismissal of the cross-claim without payment.

Directed material supplier client in enforcement of a claim for purchase and installation of a high-end power generation unit on a public works water plant project. Prosecuted contract claims and stop notice and surety claims. Successfully mediated, with six figure recovery to client.

Handled all aspects of a client claim to recover for the sale and installation of a \$400,000 Caterpillar marine engine in a commercial fishing vessel. Enforced the maritime lien via a complaint in Federal Court, and utilized pre-judgment relief to arrest the vessel with the US Marshall. Sole counsel in multiple hearings in Federal Court resulted in a settlement mediated with a Federal Magistrate Judge. Client's claims were paid in full (approx. \$150,000), and the vessel was released from custody.

Directed and managed various general and subcontractor clients over many years in multiple trials and arbitrations involving mechanic's lien claims and breach of contract and bond claims.

Exclusive representation of a major contractor/material supplier client from 1985-2011 (26 years) in all aspects of its commercial collection activities, lien and bond claims, and other surety claims.

## **Real Estate Litigation**

Counseled and represented individual general partner in state court action for partition of commercial real property (value approx. \$1 million), accounting and partnership dissolution. Planned and conducted extensive discovery, including expert and percipient witness depositions. Sole counsel at trial, with expert accounting witnesses, spanned three days and resulted in a stipulated settlement on the third day.

Represented individual joint venturer in action for partition of real properties and accounting and partnership dissolution. Strategized and directed extensive deposition discovery with party, percipient, and expert witnesses. Approximately three-week (non-continuous) court trial in Santa Cruz resulted in successful recovery for client under a stipulated judgment.

Represented Central Valley family farming entity as lead litigation counsel in a heated lease dispute with a neighboring farmer and their common landlord, a Municipal Water District, over water access, water theft, trespassing and resulting wine grape crop damage. Analyzed complex insurance coverage issues raised by the parties' claims, and worked with multiple insurance coverage counsel. Case involved many multi-day depositions and expert witness work, and motion practice including summary adjudication. Two year active litigation resulted in a settlement after three full days of mediation with a retired judge.

As sole trial counsel represented multiple family members in claims over entitlement to ranch property valued at about \$1 million brought by a disgruntled brother. Claims included constructive trust, residential eviction, fraud, partition of real property and others. Directed entire litigation in consolidated actions in State Court, including law and motion, discovery, dispositive motions, expert appraisal witnesses, and all-day settlement conference resulting in favorable stipulated settlement for clients. Clients realized a seven figure recovery based on value of the family ranch property.

Represented subcontractor (water damage remediation) in foreclosing on \$45,000 lien for services. Prevailed at trial, and defeated a third party bank's claim of a superior lien in order to obtain full client recovery.

Represented homeowner client in multiple lien claims by subs and suppliers who had not been paid by the general contractor. Successfully represented client in Bankruptcy Court when general contractor filed bankruptcy, and compelled the Trustee to forego a six-figure nonpayment claim asserted by the debtor. Prosecuted affirmative Creditor Claims by same homeowners in the bankruptcy proceeding.

Ongoing firm representation (for 20+ years) of family owners of gas station property in connection with environmental remediation, and lease issues. As sole trial counsel, recently litigated against current tenant over complex lease issues and lingering contamination issues, up to the first day of trial. Conducted lengthy mandatory settlement discussions with an appointed Special Master at Court's direction, after which a comprehensive settlement with future obligations was entered before the Court. Court retains jurisdiction in the event the parties need to enforce settlement.

## **Commercial Lease Litigation**

Handled every aspect of representation of an oncology medical practice in connection with recovery of possession of premises leased to a doctor, and money damages flowing from the wrongful detention. Sole trial counsel. Prevailed decisively after a 3-day binding AAA arbitration, and defeated a six figure cross-claim for wrongful eviction and other causes. Obtained complete relief for client, as well as almost \$200,000 in contractual attorneys fees as prevailing party.

Ongoing representation of public entity client for approximately 20 years in all aspects of commercial lease litigation involving airport premises, port premises, commercial/retail premises. Early representation included environmental cost recovery and remediation litigation. Approximately 10-15 commercial evictions per year, including many that went to trial. Three-day bench trial of commercial eviction action in 2009 resulted in complete client victory.

Represented, for approximately 5 years, a national financial services corporation with \$453 billion in assets under management in commercial lease litigation and related real estate portfolio management litigation. Case load as lead trial attorney averaged 10 commercial evictions per year.

Represented Central Valley family farming entity in a lease dispute with a neighboring farmer and their common landlord, a Water District, over water access, water theft, trespassing and resulting crop damage. Case involved many multi-day depositions and agricultural expert witness work, and motion practice including summary adjudication. Successfully obtained insurance coverage for client, and was retained by insurer to litigate the case based on expertise in the area. Served as lead trial counsel in two year active litigation which resulted in a settlement after three full days of mediation with a retired judge.

Sole trial counsel for a commercial tenant (grocery store) in lease dispute over equipment and fixtures under a security agreement. Retained and directed expert equipment appraisal witness. Conducted three-day bench trial involving multiple witnesses and experts.

## **Commercial Law Collection and Bankruptcy Litigation**

Represented client on a claim to recover for sale and installation of \$400,000 Caterpillar marine engine in commercial fishing vessel. Enforced the maritime lien in Federal Court, and arrested the vessel with the US Marshall. Multiple hearings in Federal Court resulted in a settlement mediated with a Federal Magistrate. Client's claims were paid in full, and the vessel released from custody.

I served as sole counsel in a personal promise loan collection matter. Plaintiff had loaned money (\$200,000) to family friends, who repaid a portion then reneged on the rest. Emotions were high given the personal nature of the loan, and the past friendships, and documentation and proof were challenging. Eventually, after depositions and earnest negotiations between professional counsel, a settlement conference was held with a private court appointed attorney on the eve of trial. A reasonable settlement was reached, and is being performed over time to this day. The settlement was the direct result of the tireless work of the counsel and the mutual realistic evaluation of the case merits.

Represented contractor client in defense of bankruptcy trustee claims for a seven-figure preference recovery. Successfully argued multiple legal theories including legal title versus equitable title, and other defenses. Case resolved with only a minimal payment by client to the estate.

Counseled individual homeowner client in defense of multiple lien claims by subs and suppliers who had not been paid by the general contractor. Successfully represented client in Bankruptcy Court when general contractor filed bankruptcy, and compelled the Bankruptcy Trustee to forego an alleged \$250,000 nonpayment claim asserted by the debtor. Prosecuted affirmative Creditor Claims by same homeowners in the bankruptcy proceeding.

Over the course of about 20 years represented various and multiple clients in defense of bankruptcy preference claims by trustees in Bankruptcy Courts nationwide. In no case was payment in full ever made to a trustee, and most cases resulted in no payment or de minimis nuisance payments. Authored articles and presented in-house seminars on defense of bankruptcy preference claims.

Represented individual Chapter 7 debtor on a pro bono basis in defense of non-dischargeability claims brought by a creditor. Sole lead attorney in approximately three-day federal trial before the Bankruptcy Judge on the claims.

Represented a hospital foundation in connection with a donor's seven-figure fractionalized mortgage investment gift which was drawn into Bankruptcy Court by the loan servicer. Monitored investments and real estate projects in several states, and advised the client in connection with Bankruptcy and Federal Court proceedings pending in Nevada.

Handled Uniform Commercial Code claims for various clients over the years, including demands for adequate performance and the stopping of shipments in transit when insolvency or nonpayment was suspected.

I represented a secured creditor in a Chapter 11 bankruptcy proceeding. The case was a single asset real estate bankruptcy, and my client held a \$1.75 million deed of trust on the real estate parcel. The debtor failed to pay when due, and instead filed a bankruptcy petition to stall payment. I brought a motion for relief from stay in the Bankruptcy Court to allow a foreclosure to occur. I argued that the case called for relief under, among other things, the "New Debtor Syndrome" principle developed in the case law. The motion was contested vigorously. Several hearings were held in Sacramento, and ultimately the relief was granted to allow our client to foreclose on its collateral and recover its property.

**Mr. Judson can be reached at:**

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