

# Jill N. Jaffe

Partner | San Francisco

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Jill Jaffe specializes in litigating disputes between adjacent property owners and disputes involving public procurements and infrastructure projects. She also litigates intellectual property, business disputes, and professional liability actions.

Jill has particular experience counseling clients on myriad aspects of public contracting and procurement disputes, including defending bid protest challenges and litigating construction claims. Her construction claims experience includes representing clients before dispute review panels and board in multiple states and in high-stakes disputes on a myriad of issues that arise in the context of a complex infrastructure project, including utility adjustments and relocations, environmental permitting, environmental re-evaluation, and delay and disruption claims. She helps clients address organizational conflicts under California and federal law, comply with Disadvantaged Business Enterprise (DBE) requirements and navigate the California Government Claims Act. She also provides general counsel services to public transportation agencies on a wide variety of matters, including construction contracts, alternative procurement processes, the Brown Act and Public Records Act.

Jill is experienced in all phases of litigation in both federal and state courts, including pre-litigation government investigations, pleadings, e-Discovery, dispositive motions, mediation, and trial. She has successfully obtained verdicts for her clients as a first-chair trial attorney. In addition, Jill has expertise in all aspects of e-Discovery including developing ESI protocols; managing ESI productions and privilege screens; negotiating protective orders in state and federal court; negotiating and developing search term queries; and managing document reviews.

## EXPERIENCE

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### REAL ESTATE & INFRASTRUCTURE LITIGATION

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***Custom House v. City of Monterey.*** Represented client in dispute stemming from damage to hotel due to City's construction activities, and potential impacts to hotel's property rights due to City's activities. Dispute resolved in successful settlement between the parties.

***Johnson v. Meyer et al.*** Represented insured of Fidelity National Title Company regarding an easement dispute, including preparation of the motion for summary judgment.

**Transportation Agencies.** Represented San Francisco County Transportation Agency in pre-litigation claims negotiations related to stop loss notice filed by worker of general contractor, and San Francisco Bay Area Water Emergency Transportation Authority and other transportation agencies in California on issues related to public bidding process and protests.

**Orozco v. Conrad.** Successfully represented Ms. Orozco, who was fraudulently coerced into signing a lease with her new landlord. The jury made findings of fraud and returned a verdict of over \$2.1 million in punitive damages after a one-month trial.

**Telecommunications Company.** Represented tenant in dispute related to impact of tenant's equipment on roof of building. Dispute resolved in successful settlement between the parties.

**West Coast v. SANDAG et al.** Represented SANDAG in bid protest proceeding. The court denied the protester's request for a preliminary injunction to halt SANDAG's award of the contract, and the case resolved favorably and quickly for SANDAG. As a result, SANDAG was able to move forward with awarding the contract within the time frame set forth in the bid documents.

## IP, PRIVACY, CYBERSECURITY & DATA PROTECTION

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**California Water Association.** Represents the statewide association representing investor-owned public utilities regulated by the California Public Utilities Commission in proceedings affecting the delivery of safe, reliable water service at reasonable rates as well as provide advice regarding cybersecurity/privacy regulations.

**Furniture Company.** Represent client in a trade secret dispute, involving the misappropriation of trade secret material by former employee.

## FINANCIAL SERVICES

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**Guido et al. v. Strategic Funding Source.** Represented client in class action brought under California's Unfair Competition Law, which settled before the client was required to file a responsive pleading.

**Federal Deposit Insurance Corporation.** Represents the FDIC in a variety of commercial litigation matters resulting from bank failures; assists in investigations of professional liability claims against officers and directors and outside professionals.

- **R-G Premier Bank of Puerto Rico.** Represents the FDIC as receiver for R-G Premier Bank in claims against former officers and directors of the failed bank. The litigation also includes a direct action against the insurance carrier.
- **Alliance Bank.** Represented the FDIC as receiver for Alliance Bank in claims against former officers and directors. This case resulted in a settlement involving the second largest personal contribution by the defendants to date of all FDIC litigation ensuing from the recent banking crises.
- **1st Centennial Bank.** Represented FDIC as receiver for 1st Centennial Bank in the professional liability litigation against former officers and directors. This litigation resolved in a favorable settlement for the FDIC.
- **FDIC as Receiver for La Jolla Bank v. Tarkanian.** Member of the team that successfully litigated and negotiated a settlement involving a multi-million dollar judgment.

**Student Debt Document Preparation Companies.** Defend client in the student loan document preparation industry in litigation against the Federal Trade Commission. Claims include violations of the FTC Act and Telemarketing Sales Rule compliance.

**Texas Capital Bank, N.A.** Represented Texas Capital Bank, N.A. in disputes stemming from foreclosure proceedings brought in state and federal court.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Moderator, "Open Forum with Members of the Judiciary," Association of Business Trial Lawyers' 46th Annual Seminar, La Quinta, CA, 10.05.2019

Speaker, "Privacy in a Connected World Has Risks," 2019 California Special Districts Association Annual Conference and Exhibitor Showcase, Anaheim, CA, 09.26.2019

Speaker, "Social Media and Open Government," California Lawyers Association's Open Meetings and Open Records Conference 2019, San Francisco, CA, 05.31.2019

Panelist, "A Connected World Has Risks: Systems, Data, and Privacy," Association of California Water Agencies' 2019 Spring Conference and Exhibition, Monterey, CA, 05.07.2019

Speaker, "Bid Protests and Alternative Dispute Resolution Procedures," Nossaman's Infrastructure CLE Update - Parts I & II, San Francisco, 2019

Speaker, "Devices, Data, and Privacy: Legal Concerns, Risks, and Best Practices," 2018 California Special Districts Association Annual Conference & Exhibitor Showcase, Indian Wells, CA, 09.25.2018

Speaker, "Cybersecurity Threats Facing Water Utilities and the Steps You Should Take to Mitigate Risk," Nossaman's Drought Solutions Webinar Series, 10.12.2017

Speaker, "Stay Ahead: 2017 Emerging Employment Issues," Nossaman Employment Seminar, San Francisco, Sacramento, Los Angeles & Orange County, CA, 02.2017

Moderator, "What is Personally Identifiable Information?," Litigation Section of the Barristers Club, San Francisco, CA, 08.30.2016

### PUBLICATIONS

Co-Author, "California Supreme Court Rejects Claim by Second-Lowest Bidders on Public Works Contracts that Low Bidder Interfered with a Prospective Economic Advantage," *Nossaman eAlert*, 03.10.2017

Co-Author, "Re-Evaluating California's Emergency Drought Regulation," *Law360*, 02.19.2016

Co-Author, "Recent Decisions Applying the Covalt & Hartwell Test," *Nossaman eAlert*, 02.05.2016

Co-Author, "The Water Board will Consider Changes to its Emergency Drought Regulation for 2016," *Nossaman eAlert*, 01.22.2016

Co-Author, "Notice-and-Comment is Not Required for Changes Made to Interpretive Rules," *Nossaman eAlert*, 03.20.2015

Co-Author, "The Hearsay Rule Matters in California PUC Proceedings," *Law 360*, 03.12.2014

Co-Author, "Biomethane Rising: California Policies Open the Gate to Electricity and Natural Gas Markets," *Fortnightly's Spark*, 11.27.2013

Author, "Limited Defenses Available Against FDIC as Receiver," *Law360*, 10.01.2013

### HONORS & RECOGNITIONS

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Selected to the Northern California Rising Stars list, 2020

### COMMUNITY & PROFESSIONAL

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Board of Governors, Association of Business Trial Lawyers, Northern California Chapter  
Urban Land Institute (ULI), NEXT; NEXT Steering Committee

Berkeley Real Estate Alumni Association

## PRACTICES

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Litigation  
Real Estate  
Real Estate Litigation  
Intellectual Property  
Construction Law, Claims & Litigation  
Financial Services

## INDUSTRIES

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Government & Public Sector  
Real Property

## EDUCATION

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University of California, Berkeley School of Law, J.D., *Order of the Coif*, Articles Editor and Submissions Coordinator, *Ecology Law Quarterly*  
University of California, Santa Barbara, B.S., *Highest Honors and College Honors*

## ADMISSIONS

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California  
U.S. Court of Appeals, Ninth Circuit  
U.S. District Court, Central District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Northern District of California  
U.S. District Court, Southern District of California