

# Jennifer L. Meeker

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Jennifer Meeker litigates complex commercial disputes on behalf of her public and private sector clients in state and Federal court. She partners with her clients to understand their business objectives, key concerns and risk tolerance. She utilizes this insight to develop tailored strategies to resolve disputes both inside and outside the courtroom.

Jennifer serves as Co-Chair of Nossaman's Insurance Recovery Group, counseling and litigating on behalf of policyholder clients a wide variety of insurance claims. She has experience with commercial general liability (CGL) policies, Directors & Officers (D&O), Errors & Omissions (E&O) and other forms of liability coverage, as well as property and other first-party insurance recoveries, including title insurance. She serves as a Vice-Chair of the Insurance Coverage Litigation General Committee & Self Insurance and Risk Management Committee of the American Bar Association's Tort & Trial Insurance Practice Section. In this capacity, she was selected to the Committee's leadership ladder and Chaired the Committee's annual seminar in Phoenix Arizona in 2022.

Jennifer also leads Nossaman's writs and appeals practice. She has briefed dozens of civil appeals, writs and petitions to the U.S. Courts of Appeals, California Supreme Court and California Courts of Appeal. She handles appeals on behalf of both public and private clients. Jennifer's experience includes appeals involving land use/coastal commission, real estate & landlord/tenant, water rights, eminent domain, insurance coverage, the Federal and California False Claims Act, attorney's fees under the Attorney General statute, construction disputes, trade secrets and trust litigation. She takes a long-term view, utilizing her experience in the courtroom. This approach enables her to partner with trial counsel and clients early on to best position a case on appeal, should that become necessary.

Jennifer is active in the legal community. She served on the Board of Governors of the Association of Business Trial Lawyers (ABTL), Los Angeles Chapter from 2017-2021 and serves as the Los Angeles Chapter chair of the 2019 and 2021 annual seminars. She is also dedicated to her local community, serving on the Board of Directors for the Boys and Girls Club of Long Beach.

## EXPERIENCE

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### APPELLATE

***Michael Abatti, et al. v. Imperial Irrigation District*** (2020) 52 Cal. App. 5th 236 [266 Cal. Rptr. 3d 26], as modified on denial of reh'g (Aug. 5, 2020), review denied (Oct. 28, 2020). Represented Appellant Imperial Irrigation District as lead appellate counsel in series of appeals involving a challenge by a farmer the district's permanent equitable distribution plan (EDP) that apportioned water among different categories of users. The Superior Court, Imperial County, granted petition and entered declaratory judgment prohibiting district from implementing EDP and requiring district to use historical method to apportion water to farmers. In a unanimous published decision, the Fourth District Court of Appeal reversed nearly all of the trial court's rulings after it rejected the farmers' characterization of their water rights and found that the adoption of the EDP was a proper exercise of the district's discretion. The court of appeal also reversed the award of attorney's fees in favor of the farmers and remanded the matter for a new trial on costs and fees (See Case No. D073521; 2020 WL 4012654). Successfully represented the District in a follow-up writ proceeding against the trial court after the trial court refused to recuse itself under Code of Civil Procedure section 170.6 from hearing the new trial on the attorney's fees and costs issue. In another unanimous decision dated November 24, 2020, the court of appeal issued a writ of mandate commanding the trial court to disqualify itself in Case No. D078122.

***Textron Inc. v. Travelers Casualty and Surety Company, et al.*** (2020) 45 Cal.App.5th 733 [259 Cal.Rptr.3d 26], review denied (July 8, 2020). Author of Appellant's Opening Brief resulting in the successful reversal of the trial court's grant of summary judgment against Appellant Textron. The appeal implicated complex choice of law determinations, the doctrines of collateral and judicial estoppel, and trigger of coverage issues for long tail bodily injury claims under both Rhode Island and California law. The California Court of Appeal Second District reversed a summary judgment in favor of Travelers and found that a choice of law ruling in a Rhode Island declaratory judgment action between the same parties involved in the California coverage dispute did not qualify for collateral or judicial estoppel effect. The Rhode Island court was not presented with, and did not decide, the identical choice of law issue presented in the California coverage dispute.

***SF Urban Forest Coalition v. City and County of San Francisco.*** (2020) 43 Cal.App.5th 796 [256 Cal.Rptr.3d 832], review denied (Apr. 1, 2020). Led the appellate team that secured an important win for our client, the San Francisco County Transportation Authority. In its published decision, the Court of Appeal affirmed the trial court's holding that the San Francisco County Transportation Authority is an agency of the state, not of the city and county of San Francisco, and therefore not subject to the San Francisco Sunshine Ordinance. In April 2020, the Supreme Court of California denied SF Urban Forest Coalition's petition for review.

***Luke v. County of Sonoma, Sonoma County Employees' Retirement Association, et al.*** (2019) 43 Cal.App.5th 301 [256 Cal.Rptr.3d 489], certified for partial publication, review denied (Mar. 11, 2020) Primary author of the Respondent's brief that won a decisive victory for clients, the Sonoma County Employees' Retirement Association and its Retirement Administrator. The California Court of Appeal for the First Appellate District rendered a unanimous decision that affirmed the superior court's determination that plaintiff's challenge to the payment of increased public employee pension benefits the County of Sonoma granted in or about 2002 was barred by the statute of limitations. The decision in *Luke* affirms the accrual of actions challenging once-in-time official acts of public agencies as they apply to public retirement benefits.

***Copper Harbor Company, Inc. v. Central Garden & Pet Company.*** (First Appellate District, Division Three, Consolidated Case Nos. A149709 & A150381). Represented Respondent in consolidated appeals involving complex trade secret issues following trial. The Court of Appeal resoundingly affirmed a 2016 jury verdict in favor of Nossaman client Copper Harbor, a small chemical company, against Central Garden and Pet, a publicly traded company. After losing at trial, Central Garden appealed and raised a multitude of issues from evidentiary rulings, expert opinions, sufficiency of the evidence, legal issues relating to contract limitations, a claimed inconsistency of the special verdicts, and the award of costs and expert fees. Jennifer was the primary author of the Respondent's brief and the Court of Appeal issued a detailed 40-page decision adopting every argument made on appeal.

***Fudge v. California Coastal Commission.*** (California Court of Appeal, Second Appellate District) Represented Real Party in Interest developer of a resort located in the Laguna Beach in an appeal of the denial of a writ of mandate brought by a local resident. The issues on appeal involved procedural issues over whether the Coastal Commission's public hearing over the development violated Appellant's right to due process, whether the court correctly ruled on

evidentiary issues including the admission of extra-record evidence, and claimed error relating to the sustaining of demurrers to Appellant's writ petition. Appeal affirmed in client's favor. California Supreme Court denied review.

***In re the Matter of: Frank P. Anderson Trust FBO William Anderson Rose established under the Last Will and Testament of Frank P. Anderson.*** (Sixth Appellate District, Case No. H043750) Represented respondent and successfully obtained dismissal of appellant's appeal before the commencement of briefing. Costs awarded in favor of client.

***Pierce v. The Center for Learning Unlimited.*** (Los Angeles Superior Court Appellate Division) Represented respondent in two appeals involving the denial of appellant's request for discovery sanctions. One appeal was dismissed as moot and the other was affirmed in client's favor.

## **INSURANCE RECOVERY & COMPLEX COMMERCIAL LITIGATION**

***Federal Deposit Insurance Corporation - XL Specialty Ins. et al. v. Perry et al.*** (United States District Court, Central District of California/Ninth Circuit Court of Appeals) Represented the FDIC in the insurance recovery action related to the settlements and verdicts arising out of the FDIC's claims against the directors and officers of IndyMac Bank. The primary dispute involved the interpretation and application of an interrelated wrongful acts exclusion in Directors and Officers policies (D&O) that the insurers alleged barred coverage for numerous lawsuits and settlements from a second insurance tower.

***Institutional Multifamily Partners LLC, et al. v. Arch Insurance Company, et al.*** (Santa Clara County Superior Court) Represented developer and general contractor in successful recovery of defense costs paid in a major construction defect matter under additional insured endorsements. The main action dispute involved homeowner association's claims of multiple defects in a 315-unit condominium building. The accompanying insurance coverage disputes involved potential coverage under a \$25 million "wrap" policy issued for the project, and additional insured coverage under policies issued to subcontractors.

***Dun & Bradstreet Credibility Corp. v. National Union Insurance Company.*** (United States District Court, Central District of California) Represented policyholder in an insurance recovery coverage action relating to a series of class action lawsuits seeking damages for an underlying lawsuit that alleged personal and advertising injury under commercial general liability and umbrella policies.

***Al Bahr Shrine Chariot Fire First-Party Insurance Recovery Counseling.*** Represented a national fraternal organization in coverage and valuation issues relating to the destruction and rebuild of a 100-year-old camp located in Mt. Laguna, San Diego County, that had been engulfed by a wildfire resulting in a 7-figure recovery for client - without the need for litigation.

***Oak Crest Institute of Science.*** Managed invoice/claim submission under D&O policy to insurer on behalf of non-profit client and resolved billing disputes with insurer without the need for litigation. Counseled client on coverage needs and assisted in procurement of comprehensive insurance portfolio for the client.

***Federal Deposit Insurance Corporation – FDIC v. Van Dellen, et al.*** (United States District Court, Central District of California) Represented the FDIC in successful prosecution of breach of fiduciary duty and negligence claims against former officers of the failed IndyMac Bank. Claims arose out of the approval of multi-million dollar acquisition, development and construction loans to regional and national homebuilders. On December 7, 2012, after less than five hours of jury deliberations, the trial brought the FDIC a unanimous jury verdict on all of its \$169 million in claimed damages.

***Public Storage v. Sprint Corporation, et al.*** (United States District Court, Central District of California) Represented the Sprint and Nextel defendants in a federal court action for breach of contract brought by Public Storage, who challenged the validity of 11 site lease terminations by Sprint that were tied to its nationwide shutdown of an obsolete iDEN network in favor of a 4G LTE network using CDMA technology. Defendants prevailed on summary judgment after the District Court adopted their interpretation of a clause in the Master Lease Agreement that permitted termination when the lessee determined that a premises was no longer appropriate for its operations due to technological reasons. Defendant Sprint Corporation was also dismissed from the case under Rule 12(b)(2) for lack of personal jurisdiction.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Program Chair, "The Heat Is On: Hot Topics in the World of Insurance," American Bar Association's 30th Annual Insurance Coverage Litigation Committee Mid-Year Program, Phoenix, AZ, 02.24.2022 – 02.26.2022

Speaker, "Business Interruption Insurance Claims," CalCPA Presentation, 01.13.2021

Speaker, "COVID-19 Webinar: Insurance Claims and PPP Updates," Nossaman and Green Hasson Janks Joint Webinar, 12.02.2020

Speaker, "Keeping Current on COVID-19 Challenges for the Water Industry," Nossaman's 2020 Water Webinar Series, 04.16.2020

Panelist, "Indemnification Provisions," Los Angeles Chapter of Risk and Insurance Management Society Monthly Education Event, Pasadena, CA, 11.14.2018

Speaker, "Insurance Policy Archeology—How to Prove the Existence and Contents of a Lost Policy," 26th Annual Insurance Coverage Litigation Midyear Conference, Phoenix, AZ, 02.23.2018

Speaker, "Managing Legal Issues with Bankrupt Tenants," National Association of Industrial and Office Properties' University, Los Angeles, CA, 11.08.2017

Speaker, "Lessons Learned in Large Construction Projects — Overhead and CM/GC," American Public Transportation Association's 2016 Legal Affairs Seminar, Santa Fe, NM, 02.22.2016

Speaker, "The Proposed FRCP Discovery Amendments and Your Coverage Case," 24th Annual Insurance Coverage Litigation Committee Midyear Program, Phoenix, AZ, 02.18.2016

### PUBLICATIONS

Co-Author, "Keeping Current on COVID-19 Challenges for the Water Industry," *Nossaman eAlert*, 04.09.2020

Co-Author, "California Court of Appeal Rejects Time-Barred Challenge to Sonoma County's 2002 Grant of Enhanced Retirement Benefits," *Nossaman eAlert*, 12.16.2019

Co-Author, "Appeal from Superior Court Judgment," *CEB 2019 California Administrative Mandamus*, 2019

Author, "Lessons from Heinz: The Harsh Reality of Rescission of an Insurance Contract," *Tort Source*, 09.01.2018

## HONORS & RECOGNITIONS

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Named to the *Daily Journal's* Top 40 Under 40 list, 2020

Selected to the Southern California Rising Stars list, 2014-2022

## COMMUNITY & PROFESSIONAL

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Association of Business Trial Lawyers – Los Angeles Chapter, Board of Governors (2017-2021)

American Bar Association, Vice-Chair, Insurance Coverage Litigation General Committee, Self Insurance and Risk Management Committee

Los Angeles County Bar Association, Litigation Section, Appellate Courts Section

## PRACTICES

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Insurance Recovery & Counseling

Appellate Practice

Class Actions & Multi-District Litigation

Litigation

## EDUCATION

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University of San Diego School of Law, J.D., 2008, *cum laude*, CALI Award for Excellence

University of California, San Diego, B.A., 2004, *magna cum laude*

## ADMISSIONS

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California

U.S. Supreme Court

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