



HON. BONNIE SABRAW

Alameda County Superior Court (Ret.)



Named “Mediator of the Year” in 2014 by the San Francisco Trial Lawyers Association, Judge Sabraw has established herself as one of the most highly sought after ADR professionals in the Bay Area. Her ability to “think outside the box” and consistently bring parties together has earned her the reputation of fully investing herself in the settlement process in order to resolve almost all types of dispute, even under the most trying and contentious circumstances. As a result of her high settlement rate and extensive experience in dispute resolution, she was selected as one of California’s Top 50 Neutrals by the Daily Journal newspaper consecutively over four years, from 2010 until 2013, at which time the Daily Journal ceased featuring the list.

During her 20 years on the Bench, Judge Sabraw presided over hundreds of settlement conferences, court and jury trials in all categories of civil litigation. Judge Sabraw has been handling complex matters since 1996 and was assigned to the complex litigation department during her last two years on the Bench. From 2001 to 2006 she presided over all California Environmental Quality Assurance (CEQA) matters filed in Alameda County. Throughout the course of her career, Judge Sabraw has handled nearly every type of dispute, including Consumer and Employee Class Actions, Unfair Business Practices Matters, Catastrophic and Mass Tort Personal Injury Cases, Insurance Coverage Claims, Real Estate Disputes, Eminent Domain Matters, Construction Defect, and Proposition 65 Environmental Claims.

Since becoming a full-time neutral in 2008, Judge Sabraw has successfully mediated, arbitrated, and presided over complex discovery disputes, in hundreds of cases with a focus on the areas of Business, Employment, Insurance Coverage, Real Estate, Professional Malpractice, Elder Abuse, Class Actions and Catastrophic Personal Injury. Judge Sabraw has been described as having an approachable demeanor and an ability to effectively assist parties in working together to reach a resolution. With an invaluable perspective stemming from her diverse experiences, Judge Sabraw views each matter as unique and important to the litigants, encouraging the parties to openly communicate their concerns, as well as providing a realistic judicial assessment of the merits of each case. Counsel have consistently praised her for her high level of empathy, ability to listen carefully to the parties and gain their confidence, while also exerting the right amount of judicial probity in the process.

Honors, Memberships, and Professional Associations

- Mediator of the Year, San Francisco Trial Lawyers Association, 2014
- Distinguished Fellow, International Academy of Mediators
- Top Neutral, Daily Journal, 2010-2013
- Member, Alameda County Fair Board, 2007-2009
- Faculty member, Continuing Judicial Studies Program for Experienced Judges, California Environmental Quality Act (CEQA), teaching courses to judges, justices, and court research attorneys, 2005
- Trial Judge of the Year, Alameda/Contra Costa Trial Lawyers Association, 2000
- Member, Board of Directors, San Francisco Law School, 1997-2002

Background and Education

- Judge, Superior Court, County of Alameda, 1993-2008
- Judge, Municipal Court, County of Alameda, 1988-1993 (Presiding Judge 1992)
- Private law practice, Varni, Fraser, Hartwell, McNichols & Rodgers, 1981-1988 (Partner, 1985) – Real property and business litigation
- Deputy District Attorney, Alameda County, 1979-1981
- J.D., San Francisco Law School, 1979

Speaking Engagements

- Speaker on “Arbitration and Its Impact on Court Proceedings Today” at California Judges Association Annual Conference, September 2010
- Speaker on “Understanding Mediation Dynamics” at California Employment Lawyers Association Annual Conference, October 2009
- Prop. 65 Clearinghouse Annual Conference featured speaker on “Recovery of Attorney’s Fees: Practical Implications,” June 2009
- Speaker on “Common Issues That Arise in Class Action Settlements” at Consumer Attorneys of California College of Trial Arts-Class Action Seminar, March 2008
- Panelist discussing procedures in complex litigation departments in the San Francisco Bay Area, American Business Trial Lawyers, May 2007
- Speaker on “The View From the Bench; How Condemnation Cases Are Different” at the CLE International Eminent Domain conference, 2007
- Panelist at “Evidence” seminar, Consumer Attorneys of California convention, 2004

Representative Matters

Business/Commercial

- *Taiwan Semiconductor Manufacturing Company (TSMC) v. Semiconductor Manufacturing International Corporation (SMIC)* (RG06 28611) The world's largest semiconductor manufacturing company, brought suit against the largest semiconductor manufacturing company in mainland China alleging misappropriation of in excess of 1000 trade secrets and other information. The case was aggressively managed to resolve discovery disputes, preliminary injunction issues, summary judgment and other matters. TSMC's motion for anti-suit injunction to prevent litigation in China denied. Affirmed on appeal. (2007) 161 Cal.App.4th 581.
- Breach of contract dispute between a hospital billing preparer and the hospital over the billing practices and billings for a four-year period, complicated by insurance company denials and appeals, write offs, and uninsured patients.
- Acrimonious dispute brought by buyer of a shopping center against the seller and the broker representing both buyers and seller. The matter was further complicated by the personal relationships between the parties.

Consumer Class Actions

- *Cellphone Termination Fee Cases* (JCCP 4332) High profile coordinated consumer class actions against all major cellphone carriers regarding early termination fees and handset locking. Judge Sabraw handled numerous motions involving class certification issues, summary judgment, and two jury trials (Sprint and Verizon).
- *Hoffman v. American Express Travel Related Services Co.* (2001 022881) Nationwide consumer class action seeking recovery of travel related insurance premiums. Judge Sabraw rendered numerous rulings regarding discovery, summary judgment, and case management.

Discovery Referee Appointments

- Since 2008, Judge Sabraw has been appointed as discovery referee in more than 20 matters. She has issued recommendations to the Court setting up ESI protocol, written discovery motions, *in camera* review of voluminous documents, and deposition monitoring. These cases have involved employment matters, insurance coverage cases, class action e-discovery disputes, class action mortgage claims involving a major mortgage company, asbestos, and cooperate disputes between directors and shareholders.

Elder Abuse

- Surviving family member claiming their mother died after choking on food when her eating was supposed to be monitored by staff. Defendants maintained that the decedent died from natural causes by suffering a heart attack.
- Claims of improper use of a notary to assist in fraudulently taking real property from elderly woman
- Claims that daughter abused her trustee and fiduciary responsibilities while handling the financial affairs of her parents, for the benefit of her children and to the detriment of other family members

Employment/Labor Class Actions

- High profile discrimination case based on claims of hostile work environment brought by two elementary school teachers against a school principal.
- Claim of wrongful termination by kitchen staff worker at a convalescent hospital, claiming racial discrimination and wage and hour violations. Defendant maintained Plaintiff was fired for stealing food.
- Claim of wrongful termination by mentally disabled Plaintiff who worked for a religious organization for 19 years. Defendant claimed that her condition had reached a point where she was no longer able to perform her job duties.

Environmental and Proposition 65 cases

- *Center for Biological Diversity, Inc. v. FPL Group, Inc.* (RG04 183113) Action against the owners and operators of energy producing wind turbines alleging a private right of action under the public trust doctrine for the killing of birds caught in the turbine blades. Defendants' Motion for Judgment on the Pleadings granted. Confirmed on Appeal.
- *Dipirro v. Bondo Corporation* (01-032519) Challenge by individual alleging manufacturer's failure to warn the public that its automotive touchup paint contained toluene, a reproductive toxin, in violation of Proposition 65. Court trial. Affirmed on appeal (2007) 153 Cal.App.4th 150.
- In excess of 30 cases mediated together based on allegations that a flame-retardant chemical in clothing required a Proposition 65 warning.

Insurance Coverage

- International arbitration involving claims by a national health care provider against its excess carrier to recover sums paid to settle class action lawsuits that alleged a scheme by the health care provider to fraudulently deny patient claims.

- *Western MacArthur v. United States Fidelity and Guaranty Insurance Company* and related cases (C-721595-7 and 2002-067900.) Coverage claims against multiple insurance carriers involving in excess of 20,000 current and future asbestos plaintiffs. After extensive litigation, including jury and court trials, all cases settled before Judge Sabraw for approximately \$2.2 billion.

Medical Malpractice

Multiple cases involving failure to diagnose and failure to properly treat. Examples of these claims include:

- Death resulting from a heart attack that Plaintiff claimed could have been detected a few days earlier had plaintiff been properly diagnosed.
- Claim of severe damage to Plaintiff's eyes due to failure to properly treat an eye condition, resulting in Claimant becoming legally blind.

Personal Injury/Mass Tort

- *Damian v. Enterprise Rent-A-Car et al.* (HG04 165692 and HG04 166260) Ford van rollover accident with 14 young adult occupants. Five of the passengers died in the accident and the other nine occupants were all seriously injured. Confidential settlement during jury trial.
- *Leyvas v. Washington Hospital and Paragas, M.D.* (CH 7988684) Medical malpractice jury trial alleging that delay in treatment of jaundiced newborn by the on-call pediatrician and hospital resulted in quadriplegia, cerebral palsy, blindness, and other life-threatening conditions. Jury verdict \$83 million.
- *Welding Product Cases* (JCCP 4388) Coordinated claims by 80 individuals who were allegedly injured by exposure to toxic manganese fumes. The cases presented complex case management, law and motion and discovery issues.
- Injury to 13-year-old girl due to catastrophic side effects from prescribed antibiotics. In addition to medical malpractice claims, allegations also included negligence and fraud against the manufacturers of the named brand pharmaceuticals, even though the medication used by Plaintiff was a generic brand.

Probate, Estates & Trusts

- Over the 20 years Judge Sabraw served as a Judge in Alameda County, as well as during her 15-year affiliation with ADR Services, Inc. as a mediator, arbitrator, and judicial referee, she has successfully handled hundreds of mediations/settlement conferences, discovery disputes, and long-cause trials involving complex trust and estate issues. These matters have included will contests, conservatorship and guardianship disputes, elder abuse

claims (financial and personal), and breach of fiduciary duty claims involving family businesses, corporate and individual matters related to real property and personal property assets.

- Judge Sabraw handled an assignment by the Contra Costa Superior Court to act as a judicial referee for all purposes in a contentious probate matter. The issues in the case involved distribution among family members of large parcels of real property and personal property. Judge Sabraw conducted a three-week trial, which was challenged on appeal. Judge Sabraw's decision was affirmed.

Real Estate

- *BART v. City and County of San Francisco* (HG03 099024) Condemnation action involving properties necessary for BART extension. Settled after extensive settlement conferences which included participation of several non-party public agencies.
- Breach of contract claims involving purchase and sale agreements for single family residences, condominium developments, apartment buildings, and large commercial buildings. Breaches involved claims of failure to act timely, failure to fund, misrepresentation/fraud, and failure to disclose defects in the property.
- Landlord/tenant disputes for large apartment complexes involving allegations of mold, rent control violations, habitability concerns, as well as discrimination claims.