

Lurie, Zepeda, Schmalz & Hogan

A Professional Corporation

Lawyers

FIRM RESUME

Lurie, Zepeda, Schmalz & Hogan is an established business litigation firm dedicated to providing clients with responsive, innovative and effective legal representation on a wide variety of matters. With front-line experience at some of the nation's largest and most prestigious law firms, Lurie, Zepeda, Schmalz & Hogan's lawyers offer their clients the skill and sophistication of a large law firm with the flexibility and responsiveness of a small specialty law firm. Our clients range from Fortune 500 companies to small businesses, start-up companies and entrepreneurs. We pride ourselves on giving our clients, both large and small, high quality legal representation with a comprehensive strategy for efficient litigation management geared to resolve, as soon as possible, the underlying problem causing the dispute. We are located on Wilshire Boulevard at Doheny Drive in Beverly Hills, California.

We have a great deal of depth and experience in virtually any type of litigation in federal, bankruptcy and state courts. This depth and experience also extends to arbitrations, administrative proceedings, and appeals. The firm has represented clients in real estate and construction disputes, corporate and partnership dissolutions, class actions, securities litigation, insurance coverage and bad faith matters, public utilities disputes, administrative hearings, entertainment litigation, condemnation, trade secrets, trademark and trade name disputes, receiverships, disputes involving franchise and distribution agreements, banking litigation, employment litigation matters, aviation, aerospace and product liability cases, antitrust claims, civil RICO, unfair competition, fraud and other business torts, franchise disputes, directors' and officers' liability, professional malpractice (accountants, architects, and lawyers), First Amendment issues, matters pertaining to debtor and creditor rights, and landlord-tenant disputes.

We are committed to delivering cost-efficient, high-quality legal representation in all matters entrusted to our care. Brief biographies of our lawyers appear on the following pages.

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THE LAWYERS OF LURIE, ZEPEDA, SCHMALZ & HOGAN

BRUCE J. LURIE

Bruce J. Lurie is a trial lawyer whose areas of specialties include corporate and partnership dissolutions, creditor's problems and other business disputes. Mr. Lurie is well recognized for his ability to settle complex business litigation and prelitigation controversies and for developing unique and creative methods of resolving complicated multiparty commercial disputes. Mr. Lurie has tried numerous cases and has had extensive experience in real estate litigation, class actions, securities litigation, public utilities disputes, administrative hearings, arbitrations, entertainment litigation, condemnation, insurance, trade name disputes, receiverships, injunctive relief, pre-judgment and post-judgment remedies, appeals, disputes involving franchise and distribution agreements, banking litigation, debtor-creditor disputes, workouts and insolvency issues, construction disputes, wrongful termination, products liability and antitrust claims.

Mr. Lurie is also a C.P.A. (he is one of the few C.P.A./trial lawyers in the State of California) and is a member of the California and Missouri State Bars. Mr. Lurie is also a member of the Association of Business Trial Lawyers. Mr. Lurie graduated from NYU Law School in 1970 where he was a Root-Tilden Scholar. In 1972, he joined the firm of Fulop, Rolston, Burns & McKittrick (later to become known as Fulop & Hardee) where he remained as a shareholder until he founded this Firm on January 1, 1983. Mr. Lurie is "AV" rated by Martindale-Hubbell.

ANDREW W. ZEPEDA

In over twenty years practicing law, Mr. Zepeda has broad experience in complex business litigation, including subject matters as diverse as construction and real estate, insurance coverage, banking, business torts, legal malpractice, franchise offerings, First Amendment rights, and civil RICO. Mr. Zepeda also has extensive experience in pre-trial remedies, including pre-judgment attachments, injunctive relief and lis pendens practice. He has substantial trial and appellate experience in state and federal courts in California, Hawaii, Washington State, and Maryland, among others.

Mr. Zepeda is a 1979 graduate of Thomas Aquinas College in Santa Paula, California. He received his J.D. in 1982 from the University of Notre Dame Law School where he was a recipient of the Justice William J. Brennan Scholarship. He is a member of the Board of Governors of Thomas Aquinas College and a member of Legatus. Mr. Zepeda is also a member of the U.S. Supreme Court Bar where he appeared in Semtek International Incorporated v. Lockheed Martin Corporation, 531 U.S. 497 (2001), a seminal case which resolved conflicting federal case law regarding what law governs judgments rendered by federal courts on state law claims.

He joined Fulop & Hardee directly upon his graduation from law school. He joined the Firm on February 1, 1983. Mr. Zepeda was a shareholder of the firm from March 1987 through October 2004. Mr. Zepeda is "AV" rated by Martindale-Hubbell. Since November 2004 he has been of counsel to the firm..

KURT L. SCHMALZ

Kurt L. Schmalz is a business litigator with 25 years of experience in the state and federal courts. He has handled litigation of substantial size and complexity in the areas of real estate, antitrust, insurance and insurance coverage, business torts, professional liability, intellectual property/trade secrets, product liability, First Amendment/media law and bankruptcy.

Mr. Schmalz was the lead trial and appellate attorney in these two published decisions: *American Airlines, Inc. v. Sheppard, Mullin Richter & Hampton, et al.*, 96 Cal.App.4th 1017 (2002), and *Cathco, Inc. v. Valentiner, etc.*, 944 P.2d 365 (Utah 1997).

Mr. Schmalz has published articles on the subjects of expert witnesses, civil procedure, constitutional rights, privacy, the First Amendment and copyright law, and conflicts of interest. He has served on the Editorial Board of the Los Angeles Lawyer magazine and was its Chairman. He is a former Chairman of the Planning Commission for the City of Redondo Beach. From 2001 to April 2005, Mr. Schmalz served as an elected member of the Redondo Beach City Council. While on the council, Mr. Schmalz served a one-year term as the City's Mayor Pro Tem and was a member of the Ethics Education Task Force for the League of California Cities. He has also served as an adjunct faculty member at Pepperdine University, teaching a course in Mass

Communications Law. In addition, he has been a lecturer on legal ethics and professional responsibility and has testified in court as an expert on legal ethics and the Rules of Professional Conduct.

Mr. Schmalz received a Doctor of Jurisprudence degree in 1983 from the Vanderbilt University School of Law where he was the Senior Articles Editor of the Vanderbilt Law Review. Before becoming a member of Lurie, Zepeda, Schmalz & Hogan, Mr. Schmalz was a litigator in the Los Angeles office of Gibson, Dunn & Crutcher. Mr. Schmalz is "AV" rated by Martindale-Hubbell, and was rated by his peers as one of Southern California's "Super Lawyers" for 2004, 2006 and 2008.

ROBERT W. DENTON

Robert W. Denton is an experienced business litigator who specializes in all forms of complex business litigation. He has special expertise in antitrust, intellectual property, soils defect litigation and professional liability cases, including legal and accounting malpractice cases. He has tried cases in both state and federal courts and has extensive appellate experience. Mr. Denton is a member of the Antitrust Section of the American Bar Association ("ABA") and contributed to the ABA's treatise, Antitrust Law Developments (Fourth) which was published in 1997. He has also written several articles on the statute of limitations defense in legal malpractice cases, the most recent of which appeared in the February 1999 issue of Los Angeles Lawyer magazine.

Mr. Denton received his J.D. degree in 1983 from the University of Minnesota where he graduated magna cum laude and is a member of the Order of the Coif. (Order of the Coif is a national academic honor society, similar to Phi Beta Kappa, whose members consist of those law graduates who finished in the top ten percent of their law school class.) He was an Article Editor of the Minnesota Law Review and was the recipient of the Coopers & Lybrand scholarship award. After graduation, Mr. Denton served as a law clerk to The Honorable William C. Canby, Jr., Judge of the United States Court of Appeals for the Ninth Circuit.

Mr. Denton was a member of the litigation department and antitrust group in the Los Angeles office of Gibson, Dunn & Crutcher, where he practiced for nine years before joining Lurie, Zepeda, Schmalz & Hogan.

STEVEN L. HOGAN

In his thirty years practicing law, Mr. Hogan has extensive experience litigating in both state and federal court. He has handled a wide variety of litigation matters including trusts and estates litigation, commercial contracts, partnership, shareholder and franchise disputes, securities and fraud cases, business torts, real estate and construction matters (including landlord-tenant), intellectual property and trade secret litigation, aviation, aerospace and product liability litigation, insurance coverage, bad faith and lawyer malpractice defense. Of particular note, Mr. Hogan has counseled and successfully defended major corporations in several mass tort, multi-jurisdictional cases.

Before joining Lurie, Zepeda Schmalz & Hogan, Mr. Hogan was a partner in the litigation department of Bryan Cave, an international law firm of now numbering approximately 800 lawyers, where he practiced for fifteen years. During his last three years with Bryan Cave, Mr. Hogan was one of two litigation co-coordinators for Bryan Cave's three California offices, and was responsible for the administration of the litigation department.

Mr. Hogan graduated at the top of his class from the University of Southern California, earning his Juris Doctor degree, and Order of the Coif, in June 1978. (Mr. Hogan received his B.A. from the University of California, Los Angeles in June 1975, graduating Magna Cum Laude. He is also a member of Phi Beta Kappa.) He is admitted to practice before all state and federal courts in California, the Third and Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Hogan is also a member of the Los Angeles County Bar Association. Mr. Hogan is "AV" rated by Martindale-Hubbell, the highest rating obtainable. He is listed in Who's Who In America Law, and he has also been named repeatedly by Los Angeles Magazine as one of Los Angeles' Super Lawyers.

TROY L. MARTIN

Troy L. Martin has handled a wide variety of complex business disputes in both Federal and State court, including matters involving misappropriation of trade secrets, partnership and limited liability company dissolutions, unfair competition claims, construction disputes, employment claims, and real property disputes. The subject matters of the disputes in which Mr. Martin has been involved include the sale of multi-million dollar resorts and hotels, the design and production of component parts of F/A 18 E/F Super Hornet fighter jets, the construction of the MetroLink Red Line and numerous ARCO service stations, and the production and marketing of french fry vending machines. Mr. Martin has also represented trustees, beneficiaries, and conservators in probate proceedings.

Mr. Martin received his J.D. in 1996 from Loyola Law School, Los Angeles. He graduated *cum laude* and was selected for membership in the Order of the Coif, a national legal honor society. Mr. Martin received his

Bachelor of Arts Degree in Political Science from the University of California, Los Angeles. In 1997, Mr. Martin served as a Research Attorney for the Honorable Thomas I. McKnew of the Los Angeles Superior Court.

WAYNE C. ARNOLD

Wayne Arnold is an employment and business litigator with over twenty-four years of experience litigating cases in federal and state court. He has handled a wide variety of cases including wrongful discharge cases, discrimination cases, violation of public policy claims, retaliation claims, sexual harassment claims, wage and hour claims, commercial contract disputes, business torts, partnership disputes, intellectual property and trade secret cases, construction and real property cases including commercial landlord-tenant disputes, Americans with Disabilities Act claims, weight and measure violations, and aviation and product liability litigation. His practice focuses on problem-solving while being fully prepared to go to trial. Mr. Arnold is experienced in resolving cases through all forms of alternative dispute resolution, and trying both jury and non-jury cases. Mr. Arnold also counsels employers on employment contracts as well as employment manuals and policies.

Mr. Arnold is resident in the firm's Beverly Hills office and the Irvine office.

Mr. Arnold comes to Lurie, Zepeda Schmalz & Hogan from Hart, King & Coldren in Orange County, California. Previously, he was a member of his own firm, Arnold & Herzog, and formerly he was a partner in the litigation department of the international law firm of Bryan Cave LLP.

Mr. Arnold graduated near the top of his class from the University of Mississippi Law School in December 1977. He is admitted to practice before all of the state and federal courts in California as well as the Ninth Circuit Court of Appeals. He is a member of the Orange County Bar Association. Mr. Arnold is "AV" rated by Martindale-Hubbell, the highest rating available. Mr. Arnold is a past chair of the California Board of Legal Specialization

LAWRENCE J. IMEL

Lawrence J. Imel received his J.D. in 2001 from Loyola Law School, Los Angeles, where he was a staff writer for the *Loyola of Los Angeles Law Review* and a Moot Court participant. For the Law Review, Mr. Imel wrote "Substantial Compliance with the Contractors' State License Law: An Equitable Doctrine Producing Inequitable Results," published at 34 Loy. L. Rev. 1539 (2001). He twice received the Loyola Law School First Honors Award. Mr. Imel received his Bachelor of Arts Degree in Political Science from the University of California, Los Angeles.

Mr. Imel has experience in a wide variety of actions involving fraud, breach of contract, business torts, real property disputes, bankruptcy litigation, and probate litigation and post judgment collections. Mr. Imel is a

member of the litigation section of the Los Angeles County Bar Association and is a member of the Editorial Board for the Los Angeles Lawyer magazine.

Mr. Imel was recently recognized by Los Angeles magazine as one of Southern California's Rising Star Super Lawyers in 2007.

M. DAMIEN HOLCOMB

Mr. Holcomb received his J.D. degree in 2005 from Southwestern University School of Law, where he graduated *magna cum laude* and was an Articles Editor for the Southwestern University Law Review. While a staff writer for the Law Review, Mr. Holcomb wrote "Congressional Intent Rebuffed: The Federal Communications Commission's New Perspective On 47 U.S.C. § 315(a)(2)," published at 34 SW. U. L. REV. 87 (2004). Mr. Holcomb received his Bachelor of Arts degree in Political Science from California State University, Fullerton, graduating *magna cum laude*.

SHAWN M. OGLE

Shawn M. Ogle is an associate at Lurie, Zepeda, Schmalz & Hogan. Mr. Ogle was a summer associate at the firm in 2008. Mr. Ogle received his Juris Doctor in May 2009 from the University of Southern California School of Law where he was the Executive Notes Editor for the Southern California Interdisciplinary Law Journal. While attending USC Law, Mr. Ogle was the recipient of the Institute for Corporate Counsel Scholarship. Mr. Ogle also participated in the Employer Legal Advice Clinic at USC Law where he advised clients on employment law matters.

Prior to joining the firm, Mr. Ogle externed for the Honorable Rita Miller of the Los Angeles Superior Court in downtown Los Angeles. Mr. Ogle received his B.A. in Political Science from the University of California, San Diego. While attending U.C. San Diego, Mr. Ogle was a Special Assistant to Governor Schwarzenegger in the San Diego Governor's Office. Mr. Ogle is admitted to practice before all state courts in California, the U.S. District Court – Central District of California, and the Ninth Circuit Court of Appeals.

PAYTON E. GAROFALO

Payton E. Garofalo earned her Juris Doctor degree from the University of Southern California, Gould School of Law in 2010. While in law school, Ms. Garofalo was a senior editor for the Interdisciplinary Law Journal and a recipient of the USC Law Merit Scholarship. She was also an extern for the Honorable Judge Gregory Alarcon in the Los Angeles Superior Court. Ms. Garofalo received her Bachelor of Arts degree in journalism from Pepperdine University in 2007, where she graduated *magna cum laude*. As an undergraduate, Ms. Garofalo was a recipient of the Dean's Scholarship and was elected to the Dean's List and the Lambda Pi Eta honor society. Ms. Garofalo is admitted to the State Bar of California.