



## Geoff Spellberg Of Counsel

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### Practice Areas

- Construction and Complex Litigation
- Employment Law and Litigation
- Labor Relations and Labor Law

### Bar Admission

- California

### Education

- University of California, Hastings College of the Law, JD, *cum laude*
- University of California, Berkeley, BS

## Experience

Geoffrey (Geoff) Spellberg has over 30 years of litigation experience in the fields of labor and employment law, construction law, and complex business and real estate litigation. Along with serving as lead counsel in over 100 trials, he has handled numerous arbitrations and administrative evidentiary hearings. Mr. Spellberg has also developed a successful plaintiff's practice, which has resulted in recovering over \$25 million for his clients in just the last few years.

- ***El Bethel Arms v. Christian Church Homes***, San Francisco Superior Court Case No. CGC-15-546236. In this 2017 trial, Geoff convinced the SF Superior Court to rescind four development contracts and two owner representative agreements that were intended to illegally take possession of a 355-unit affordable housing property worth \$70 million and owned by a prominent African American Church in San Francisco.
- ***Trinh v. SCVWD***, U.S.D.C. N.D. Cal. Case No. CV 13-05913 EJD. In this 2016 trial, Geoff obtained a complete defense jury verdict on claims by a former employee for gender and race discrimination and unequal pay under the federal fair pay statutes.
- ***Booker v. City of Richmond***, Contra Costa Superior Court (No. C07-00408). In this 2012 trial, Geoff represented the Police Chief, the Deputy Police Chief, and the City as lead trial counsel in a lawsuit filed by seven high-ranking police officers. Each of the plaintiffs, all African American, asserted a variety of racial discrimination, retaliation and harassment claims. After a four-month trial, the jury returned a complete defense verdict on all 28 claims.
- ***San Jose Police Officers Association v. City of San Jose***, Santa Clara Superior Court No. 1-12- CV-225926. In this nationally followed pension reform trial, Geoff was one of the lead trial attorneys who successfully defended San Jose's Measure B, which was overwhelmingly passed by the San Jose voters to curb pension costs that had increased to the point where basic City services were impacted.
- ***City of La Puente v. Pert Construction, et al.***, Los Angeles Superior Court, No. BC328044. Geoff recovered more than \$2.6 million on a construction defect and design case arising from the

contractor's failure to adequately waterproof a pre-existing structure during construction, which resulted in extensive water infiltration and damage. Part of this recovery came from the surety on a claim against the performance bond.

- ***City of Larkspur v. Jacobs Engineering Group***, Marin Superior Court No. CV-061094. Geoff obtained a \$8.3 million jury verdict on behalf of the City against Jacobs Engineering Group, an international engineering company, for fraudulent concealment of the company's defective design work on a bridge retrofit project. Geoff also successfully defended the appeal and ultimately recovered almost \$10 million.
- ***City of Pinole, et al. v. Community Housing Assistance Partners, et al.***, Contra Costa Superior Court, No. C04-00979. Geoff helped recover over \$7.1 million for construction design defects in a senior citizen housing project. The total settlement was obtained from the project's contractors, design professionals, and subcontractors.
- ***City of Milpitas v. Turner Construction Co., et al.***, Santa Clara Superior Court, No. 1-03- CV814946. Geoff obtained a \$4.5 million settlement the day before trial was to commence from an international construction management firm and architect whose deficient work resulted in extended delays and significant cost overruns on the construction of a new City Hall. In addition to recovering monies for delay and poor quality work, the settlement amount included a significant recovery component for fraud and false claims.
- ***City of Stockton v. PG&E***, San Joaquin Superior Court No. CV 031996. Geoff helped recover over \$500,000 collectively from three public utilities who failed to cooperate during a public construction project, which resulted in the City incurring significant costs due to postponing the contractor's work.
- ***Kaiser Foundation Hospitals v. HBE Corporation***, JAMS No. 1100069717. This action involved cross multi-million dollar claims arising out of a major earthquake retrofit and renovation of a Kaiser hospital facility in Southern California. Geoff was one of the two lead trial counsel and helped obtain a successful outcome after a 30-day JAMS arbitration.
- ***GMMB Inc. v. Durazo et al.***, Los Angeles Superior Court No. BC 350690. Geoff obtained a restraining order from the Court, which froze over \$2.4 million in embezzled state educational funds. Geoff then successfully recovered all those public funds on behalf of his client.
- ***Hughes v. City of Stockton***, United States District Court, Eastern District, No. 03-01666MCE. Geoff was lead trial counsel in obtaining a full defense verdict in a Fair Labor Standards Act (FLSA) claim brought by 20 police, fire, and emergency medical dispatchers, all of whom were City employees. Before the trial, the City had offered \$1 million to settle the case.
- ***McFall v. City of Tracy***, San Joaquin Superior Court No. CV 025753. In 2010, Geoff served as lead trial counsel in obtaining a complete defense verdict at trial for the City on gender and racial discrimination claims brought by the City's terminated Human Resources Manager.
- ***Wulfman v. County of San Bernardino***, San Bernardino Superior Court No. C1014374. As lead trial counsel in this 2012 case, Geoff successfully defended the County on whistleblowing and retaliation claims. After Geoff and his co-counsel won several key in limine motions at trial, plaintiff dramatically reduced his settlement demand and the case resolved.

## CONSTRUCTION LITIGATION AND CONTRACTS

Mr. Spellberg has extensive experience litigating construction cases on behalf of public agencies, and frequently represents public agencies in negotiations and mediations concerning construction projects. He has also drafted and negotiated dozens of contracts, including architecture contracts, engineering contracts, general contracting agreements, and large scale acquisition and development contracts.

Mr. Spellberg's representative construction litigation and settlements include:

- ***Stacy & Witbeck v. City and County of San Francisco*** (1996) 47 Cal.App. 4th 1 and ***Stacy & Witbeck v. City and County of San Francisco*** (1995) 36 Cal.App. 4th 1074. Contractor Stacy & Witbeck was hired to provide construction services on a project involving the San Francisco underground municipal railway. Stacy & Witbeck sued the City for substantial claim amounts after problems with the project arose. Geoff successfully defended the City and recovered costs for the contractor-caused completion delays on behalf of the City. This case successfully established precedent for a public entity's right to bring suit for violations of the California False Claims Act on a public contract. Geoff also successfully prosecuted before the Public Utilities Commission (and successfully defended on appeal) the debarment of Stacy & Witbeck based upon the submission of the false claims.
- ***Teichert Construction v. City of Stockton***, Stanislaus Superior Court No. CV 023294. Mr. Spellberg defended the City against claims of extra costs incurred due to unforeseen conditions and Public Contract Code claims. He successfully settled the case at mediation in October 2004, before the Honorable Peter Stone of JAMS. The key result was a finding that the City of Stockton's public contracting practices were valid and enforceable under the Public Contract Code.
- Represented the Tenderloin Neighborhood Development Corporation (TNDC) in a construction dispute concerning a \$50 million low income housing project against Lem/Transworld Joint Venture. The matter was successfully settled at mediation before a lawsuit was filed, effectively allowing TNDC to complete the project and secure the requisite refinancing in a timely manner.
- Successfully recovered over \$200,000 and obtained a complete defense verdict for the San Francisco Fine Arts Museum before trial commenced in a dispute concerning the renovation of the Legion of Honor.

## OTHER LITIGATION EXPERIENCE

Mr. Spellberg has handled dozens of breach of contract litigation matters, ranging from employment to business torts to real estate contracts. In 2006, Mr. Spellberg successfully prosecuted a breach of contract and fraud claim in the Los Angeles Superior Court in ***Infac Management Co. v. Vernon Loucks et al.*** where he obtained a \$1.3 million verdict, including punitive damages. He has two additional million dollar verdicts, one involving lender liability claims for agricultural loans and another for damages to a professional musician who was injured in a recording studio fire.

In addition, Mr. Spellberg has been involved in insurance litigation and has litigated insurance disputes in state and federal court, including insurance issues related to building and project insurance packages. For example, he advises an Oakland-based company with several hundred employees on insurance needs and reviews proposed policies annually.

Mr. Spellberg has an active labor and employment practice and is familiar with key public contracting labor issues, such as prevailing wage. He has tried to verdict a number of employment-related cases for his public entity clients. In 2006, Mr. Spellberg was lead counsel in recovering \$1.7 million for a class of transit drivers based on Labor Code violations.

Some of Mr. Spellberg's additional cases include:

- ***Fleury v. Richmond N.A.***, Federal District Court No. C05-4525. Served as co-lead counsel for the plaintiff class in the antitrust case. Geoff and his co-counsel obtained a \$14 million recovery for the class.
- ***Dennis Davis v. ARSI***, Los Angeles Superior Court, No. BC 354896. As lead counsel, Geoff successfully obtained a \$3 million settlement for the plaintiff based on business tort claims.

## PRESENTATIONS AND PUBLICATIONS

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- Co-Presenter, "Anatomy of an EEO Lawsuit," Western Regional IPMA-HR Conference, 2014
- Presenter, "Protecting Your Internal Confidential Information," CalPELRA, 2015
- Speaker, "Affirmative Litigation on Behalf of Public Entities," 84th Annual Meeting of The State Bar of California, 2011
- Lecturer, League of California Cities, 1995-present
- Lecturer, Lorman Education, 1995-present
- Instructor, Hastings School of Advocacy, 1995-2002

## PUBLISHED APPELLATE DECISIONS

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- ***In Re Electric Refund Cases*** (2010) 184 Cal. App.4th 1490.
- ***Weatherly v. Universal Music Publishing Group*** (2004) 125 Cal.App.4th 913.
- ***Stacy & Witbeck v. City and County of San Francisco*** (1996) 47 Cal.App 4th 1.
- ***Stacy & Witbeck v. City and County of San Francisco*** (1995) 36 Cal.App 4th 1074.
- ***San Francisco v. Superior Court*** (1993) 21 Cal.App.4th 1031.
- ***San Francisco International Yachting Center Development Group, et al. v. City and County of San Francisco*** (1992) 9 Cal.App.4th 672.
- ***In Re Bettye K.*** (1991) 234 Cal.App.3d 143.
- ***Minor v. San Francisco Municipal Court, et. al.*** (1990) 219 Cal. App.3d 1541.
- ***White v. Roper*** (9th Cir. 1990) 901 F.2d 1501.
- ***Buenavista et al. v. City and County of San Francisco*** (1989) 207 Cal.App.3d 1168.
- ***Harrison v. County of Alameda*** (N.D. Cal. 1989) 720 F.Supp. 783.

- ***Stone v. City of San Francisco*** (CCSF) (N.D. Cal. 1989) 735 F.Supp. 340.

## PROFESSIONAL AFFILIATIONS AND AWARDS

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- Recipient, AV Preeminent Rating, Martindale-Hubbell
- Recipient, “Northern California Super Lawyer,” General Litigation, Super Lawyers magazine, 2014 – 2019