

Scott E. Gizer  
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Scott E. Gizer, the firm's Operations Partner, is a trial and appellate lawyer whose practice focuses on real estate, construction and entertainment. Mr. Gizer handles all aspects of business litigation and has served as trial counsel in numerous disputes in federal, state and bankruptcy matters. Mr. Gizer also serves as general counsel to the non-profit organization Project Kindle, which primarily serves children and families infected with and affected by HIV/AIDS.

Mr. Gizer's successes as a trial lawyer began during his second year of practice when he served as lead counsel and obtained a defense verdict for his client in a multimillion dollar property dispute in the city of Santa Barbara, California that involved issues related to access rights and lateral support. Since that time, Mr. Gizer has successfully represented individuals and companies, both large and small, in complex litigation matters involving distressed assets, mechanic's liens, foreclosure disputes, escrow liability, intellectual property disputes, wage and hour claims, and trust litigation.

Mr. Gizer received his Bachelor of Arts degree from the University of California, San Diego and received his Juris Doctorate from Loyola Law School. Mr. Gizer was also a judicial extern for the Honorable S. James Otero of the United States District Court, Central District of California, as well as a Certified Law Clerk for the Los Angeles County District Attorney's Office where he was responsible for conducting felony preliminary hearings. Mr. Gizer has been selected to the Southern California Super Lawyers Rising Stars for 2005-2008, and 2010-2016. He is licensed to practice in California, Nevada and Arizona. He lives in Calabasas with his wife and two children.

## **REPRESENTATIVE MATTERS**

### **INSURANCE**

- Obtained a complete defense decision in a two-week arbitration for a major title insurer on claims of breach of contract and bad faith arising out of the Insured's claim that the insurer failed to adequately compensate him for the loss of certain beachfront property on the coast of Maui.

### **REAL ESTATE / CONSTRUCTION**

- Successfully set aside a wrongful foreclosure sale that eliminated a major U.S. bank's security interest in real property. Mr. Gizer was able to enjoin the transfer of the

property, and then prevailed on a summary adjudication motion voiding the foreclosure sale and reinstating his client's security interest.

- Extinguished a \$9 million competing lien regarding a real estate development in Santa Maria that was in bankruptcy. Through Mr. Gizer's efforts, his client was established as the senior creditor of the bankruptcy estate on a \$16.5 million dollar construction loan.
- Mr. Gizer has successfully represented numerous lenders and title insurers in litigation relating to real estate developments where the developer defaulted on its construction loan obligations, including the defense of mechanics' lien claims and stop notice claims. Through Mr. Gizer's efforts, these developments have been cleared of liens and other claims, minimizing exposure to the title insurers on their insurance policies and enabling the lenders to recoup their construction loan funds.

#### PROBATE

- Successfully defended a major US bank in a 25-day trial against a \$30 million surcharge claim filed by a trust beneficiary accusing the bank of multiple breaches of fiduciary duty in its role as a corporate trustee. At the same time, Mr. Gizer successfully defended the bank's payment of approximately \$12 million in fees and costs to its attorneys and other advisors that were incurred during the bank's 9 year administration as trustee.

#### EMPLOYMENT

- Obtained certification of a class of over 1500 individuals who served as armed guards in Iraq for a private security contractor for the United States government on claims for breach of contract, quantum meruit and promissory fraud.

#### ENTERTAINMENT

- Aided a major motion picture studio in negotiations with a competing studio who had filed a complaint for injunctive relief to prevent a high-profile movie from being released. After intense litigation, the two studios reached an agreement which allowed the movie to be released as scheduled.
- Represented a major talent agency in a class-action, age-discrimination lawsuit filed by television writers' over the age of 40.