
HENDRICKS^{LAW}

ATTORNEYS AND COUNSELORS

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San Francisco | London[†]

Robert Weiss' distinguished career includes more than three decades of experience in general civil litigation, specializing in real estate and business disputes, fraud and breach of contract claims, and professional liability matters. Starting in New York and then moving to California in 1985, he has engaged in

numerous complex and often lengthy jury and non-jury trials. He provides clients with an early analysis of the issues, and explores all options including the prospects for settlement in order to meet each client's individual needs.

ROBERT P. WEISS

OF COUNSEL

Admitted to the State Bar of California

Practice Areas

Civil Litigation, Real Estate, Business

Education

BA, State University of New York, Binghamton
JD, American University, Washington College of Law

Court Admissions

California State Courts
US District Court, *Northern and Central Districts of California*
US Court of Appeals for the Ninth Circuit

Mr. Weiss' trial experience includes 15 jury trials, 26 court trials, and more than 50 arbitrations and mediations involving business disputes, personal injury, medical, legal and other professional liability claims, real property, breach of contract, breach of warranty, fraud, ERISA and criminal defense. He has drafted and argued state and federal court appeals for both appellants and respondents involving business, tort and real estate matters.

Of particular note, in a coverage dispute brought against a health plan, Mr. Weiss successfully defended the insurance carrier at trial and later prevailed on appeal in the Ninth Circuit, as reported in *Downey Community Hospital v. Wilson*, 977 F.2d 470 (1992).

Prior to becoming Of Counsel to Hendricks Law, Mr. Weiss joined Los Angeles-based Narvid Scott as their head of litigation, where he successfully represented clients in jury and bench trials, as well as in pre-trial proceedings, mediations, arbitrations, and before the Court of Appeal. He has been a member of the State Bar of California since 1985 and was previously admitted in New York. Mr. Weiss also served as a volunteer mediator for the Los Angeles Superior Court's Crash Settlement Program and the Center for Conflict Resolution.

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Lowe v. Sure Fill & Seal, Inc. (2011, Los Angeles Superior Court)

My client was an independent manufacturer's representative who sued to collect his commission for the sale of an industrial filling and sealing machine. The manufacturer cross-complained, alleging various business torts. After extensive discovery, they dismissed their cross-complaint but argued breach of fiduciary duty as an affirmative defense at trial. The court awarded my client his full commission plus interest and \$7,000 in sanctions for discovery abuses and other bad-faith litigation tactics.

Manzanares v. Bertolino (2011, Second District Court of Appeal)

In 2008, I won a week-long trial in the Los Angeles Superior Court to establish both a prescriptive easement and an equitable easement in the driveway between neighbors in Studio City. The defendants appealed. I then briefed and argued the case before the 2nd District Court of Appeal, which affirmed the judgment for our clients.

Kessler v. Fish (2011, Orange County Superior Court)

Plaintiff sued her 97-year-old grandmother to obtain title to an ocean-view house in Laguna, alleging breach of contract and promissory estoppel, and also sued her brother, claiming that he had intentionally interfered with contractual relations.

Plaintiff further alleged that their late mother had abused her power of attorney to embezzle funds, which she then invested with the brother in real estate. Both of my clients received a defense verdict after a seven-day jury trial.

Woolley v. Pacific Coast Roofing & Construction, Inc. (2008, Los Angeles Superior Court)

The plaintiff claimed to have suffered a slip-and-fall accident on my client's uninsured property, and was thereafter the victim of serious surgical malpractice. Potential damages were several million dollars. Following a month-long jury trial, I successfully moved the court for a non-suit, having established that the property owner was not liable for the alleged defective condition at the property.

AFCO Development, Inc. v. Bassinson (2007, Los Angeles Superior Court)

My clients owned residential real estate that was mistakenly zoned by the city as suitable for multifamily development. The buyer sued the sellers and the real estate agents for breach of contract, rescission and fraud. Not only did we avoid having to take back the property at a considerable financial loss, but on the eve of trial, we settled the entire action with the realtors paying the lion's share of the damages. Even after contributing toward settlement, my clients were the only parties to actually profit from the deal.

San Joaquin Valley Associates, LLC v. Trimark San Joaquin (2006, San Joaquin County Superior Court)

Two real estate developers formed a joint venture to build 234 homes in Stockton. After the project was completed, the plaintiff alleged fraud, breach of contract and violation of the usury law, and demanded several million dollars in damages. The parties were unwilling to settle. After 4 weeks in trial, the jury returned a verdict against my clients on plaintiff's smaller damage claims, but not fraud or usury. In a subsequent hearing, the court agreed with me that my clients fell under an exception to the usury law.

Concha v. Silver & Friend (2005, Los Angeles Superior Court)

My clients were two older commercial real estate investors sued by their broker and longtime confidant for past-due commissions and interests claimed in various properties. We acknowledged they owed him, but not \$2 million. My efforts were complicated by the fact that one of my clients had died and the other's recall was limited by a stroke. Thus, the crux of our defense was my cross-examination of the plaintiff and his expert. The jury returned a verdict of \$664,000, far less than our settlement offer.

Coy v. Wachtel (2004, Ventura County Superior Court)

A young family was defrauded in the purchase of a home by the sellers and realtors. The judge presiding at the settlement conference stated we could not win, because my clients had failed to obtain a home inspection, which would have revealed the defect. A month-long jury trial resulted in a unanimous finding of fraud. Compensatory and punitive damages plus attorney fees and costs exceeded \$500,000.

NOTABLE CASES

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