



## Bernard M. Resser

Partner

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Bernard M. (Bernie) Resser is a seasoned and accomplished trial lawyer and former federal prosecutor. He applies experience gained over 35 years and uses cutting-edge technology to deliver winning results for a diverse and sophisticated business clientele.

Bernie's client-centered approach achieves successful resolution of disputes as quickly as possible through strategic motions and mediations, and when necessary, trials and appeals. His litigation practice encompasses business disputes involving corporate, real estate, intellectual property, commercial, and unfair competition matters across many industries.

Bernie's effective use of state-of-the-art trial presentation techniques has been featured in the *National Law Journal* and *Law.com*. Successes achieved for his clients have been reported in the *New York Times*, *Los Angeles Times* and the *Los Angeles Daily Journal*. Bernie's consistently strong performance is reflected in his preeminent (AV 5.0 out of 5) peer review rating with Martindale-Hubbell. Also, he has been recognized for over a decade as a "Southern California Super Lawyer" in Business Litigation.

Bernie grew up and attended high school, college, and law school in Los Angeles. He is active in the community, having served on the boards and as an officer of non-profit organizations, including as president. Bernie and his wife of over 35 years have two adult children.

### Professional Affiliations

- Member, [Primerus Business Law Institute – North America](#), Executive Committee
- Member, [American Bar Association](#), Litigation Section
- Former Judge Pro Tem, Los Angeles Superior Court
- Member, [Million Dollar Advocates Forum of Top Trial Lawyers in America](#)

### Charitable & Civic Involvement

- Past President of the Board of Trustees, [Kehillat Israel](#), Pacific Palisades, California

## Awards

- Rated, "AV Preeminent 5.0 out of 5," Martindale Hubbell
- Listed, Southern California Super Lawyers, in Business Litigation, 2005-2016
- Listed, Super Lawyers Corporate Counsel/Business Edition, 2005 - 2012
- Listed, Five dragons (highest rating), Lawdragon
- Listed, Leading Plaintiffs' Lawyer in lawdragon 3000 Guide, 2007

## Bar Admissions

- California

## Court Admissions

- All state and federal courts in California
- Ninth Circuit Court of Appeals

## Education

- University of California, Los Angeles School of Law (J.D.)
- University of California, Los Angeles (B.A.)
  - Economics and Political Science

## Experience

- Won \$2.1 million award after trial of competing breach of construction contract claims involving a high rise building in downtown Los Angeles, including 100% of the legal fees that were incurred in prevailing on the successful claims. The trial Judge ruled that Bernie and his colleagues' billing rates were "eminently reasonable" for such "high quality attorneys" at such a "prestige law firm" who "displayed great skill," and that Bernie and the firm billed "a reasonable [number] of hours commensurate with the demands of the case."
- Won motion and injunction gaining clients full administrative control of a \$363 million syndicated loan and authority over the disposition of 17 commercial real estate projects that secured the loan without trial, ousting a top five bank as the administrative agent.
- Won Summary Judgment for pension fund against 40 individual plaintiffs and defeated motion for class certification in case involving a nine figure plaintiffs' demand against owner of 350 unit apartment complex in Santa Monica, CA. Obtained dismissal of alleged claims for breach of implied warranty of habitability, public nuisance, fraudulent concealment, negligence, and unfair business practices and all class claims in Complex Los Angeles Superior Court action.
- Won Special Motion to Strike lawsuit alleging Unfair Business Practices and age discrimination against radio network and radio talk show host based on First Amendment rights of network and host; recovered

award of attorneys' fees; dismissal upheld on appeal in published opinion including award of attorneys' fees.

- Won \$1,700,000 breach of contract judgment for broker after two week Superior Court jury trial against two of the nation's largest real estate developers; won appeal in which judgment was affirmed in full and review was denied in the California Supreme Court; collected over \$2,000,000 after appeals were denied.
- Won emergency order - writ of possession and successfully resolved case for Madison Avenue media and advertising company in contract action against company represented by Johnny L. Cochran, Jr. and Carl Douglas of "O.J. Dream Team" fame.
- Successfully resolved claim by fashion designer against clothing manufacturer who wrongfully trademarked and misappropriated the designer's last name without the designer's consent.
- Obtained emergency ( ex parte ) seizure order in federal court trademark infringement action on behalf of a leading food manufacturer.
- Successfully resolved trademark and contract dispute between leading boutique retailer and supplier during deposition of supplier's (opposing parties) owner.
- Won award of specific performance regarding option to buy oil producing property and leases in downtown Los Angeles following arbitration hearing.
- Won Summary Adjudication dismissing uninsured punitive damages claims in casualty case against downtown property owner/manager.
- Successfully resolved \$11.5 million dispute over the purchase price of a five building 350 unit apartment complex through mediation and binding arbitration between client, one of nation's largest pension funds, and leading real estate developer/manager.
- Won summary judgment in Superior Court for financial institution on title issue establishing validity and priority of security for \$3,100,000 shopping center loan.
- Successfully resolved real property dispute for a leading media company over alleged right to restrict aerial access to giant wall mural in downtown Los Angeles overlooking L.A. Live/Staples Center.
- Won expungement of lis pendens that was preventing sale or refinancing of client's apartment complex and obtained order for recovery of all attorneys' fees, leading to dismissal of action by plaintiff and financial settlement.
- Won \$2,500,000 compensatory and punitive damages judgment in securities and fraud case against Beverly Hills business manager; won appeal and collected judgment from funds held in Swiss bank.
- Won Federal Court trial enforcing settlement agreement and dismissing \$75 million underlying claim against OEM automotive parts manufacturer; won appeal in Ninth Circuit Court of Appeals affirming judgment; recovered attorneys' fees at trial and on appeal.
- Won reversal of dismissal in Court of Appeal and co-tried jury trial on remand against major casualty insurance company in insurance coverage/bad faith case; jury returned verdict in first phase of trial in 45 minutes, leading to confidential settlement.
- Won three week jury trial co-tried in business fraud - real estate partnership dispute leading to \$2.32 million judgment.

- Won judgment for defendants in two actions filed by minority shareholder against tech company and management for alleged breach of fiduciary duty, improper issuance of shares, breach of contract, and fraud. Won motions for summary judgment in both actions defeating all claims before trial.
- Obtained Director and Officer Liability coverage and payment of defense fees and costs after insurer withdrew coverage and defense of minority shareholder lawsuit against client corporation and its management.
- Successfully resolved claim against real estate investment fund alleging alter ego liability as member of limited liability company for \$13 million construction contract. Case successfully resolved through mediation while motion for summary judgment was pending.
- Obtained injunction and appointment of Receiver pending non-judicial foreclosure of \$28 million mortgage loan on luxury apartment complex in Warner Center recovering over \$600,000 in net income before property was obtained by client through foreclosure and later sold to repay loan.
- Won Preliminary Injunction in shareholder derivative action against officers, directors, and shareholders of corporation who wrongfully seized control by mortgaging and misappropriating corporate opportunities and assets, leading to successful resolution of dispute for clients who were former majority shareholders and a director of corporation.
- Won preliminary and permanent injunctions against raiding of client's employees by competitor and former employee working for competitor.
- Won Judgment for Issuance of Writ of Mandate for shareholder directing corporation and officer of corporation to produce corporate records. Obtained Judgment of investment company of Contempt following disobedience of Writ of Mandate.
- Won Judgment for Respondent corporation defeating Petition for Writ of Mandate brought by dissident shareholder seeking competitively sensitive corporate records from tech company.
- Successfully resolved dispute between majority shareholder-board chair in dispute with dissident minority shareholders-officers.
- Successfully resolved dispute between minority shareholder/member and officer of two restaurant corporations and a limited liability company through action for dissolution that resulted in mediated multi-million dollar buy-out agreement.
- Successfully resolved action by former shareholder of corporation claiming interest in real property acquired by shareholders for benefit of the corporation, but held in their individual names. Obtained agreement by former shareholder to deed and release any interest in real property to the corporation.
- Won claim litigation establishing validity of real estate secured lender's \$3.363 million claim against shopping center over objection in bankruptcy case; recovered full claim for attorneys' fees in underlying action.
- Obtained order for real estate secured lender lifting stay of foreclosure on \$45 million loan secured by Santa Monica office building and requiring counsel for debtor to disgorge \$108,500 in legal fees and pay client's fees in sanctions.

- Won numerous writs of attachment, orders appointing receiver, writs of possession, preliminary injunctions (including against moving assets out of state) for lenders and creditors.
- Won judgment for defendant clothing manufacturer in UCC-9 assignment of commercial paper case after removal to federal court and successful motion for summary judgment. Matter settled while on appeal to 9th Circuit.
- Successfully defeated preliminary injunction and seizure order that threatened to destroy client's business in federal court trademark, copyright infringement and counterfeiting action brought by the world's largest software company against a major independent computer distributor whose offices were raided by law enforcement at the request of the plaintiff. Obtained insurance defense leading to an insurer funded, confidential settlement.

## Testimonials

"[Bernie] turned a pig's ear into a silk purse."

-- **Laura Cullison**, Senior Counsel, MassMutual

"Bernie is one of the most effective attorneys I have ever known. (And I used to run a State Bar Certified Referral service - so I have known literally hundreds.) \* \* \* I cannot imagine hiring anyone else."

-- **Mark Cave**, CEO, eBridge, Inc.

"Bernie Resser has been an incredibly effective commercial litigator for us. His oral advocacy, writing and negotiating skills are as good as you will find at any big or small firm! \* \* \* He works efficiently and keeps a bee-line focus on the best outcome for his client. He spends his client's money as though he were spending his own money. He is both creative and practical in devising, negotiating and implement[ing] a strategy in the best interests of his client.

-- **William J. Jordan**, Vice President and Senior Counsel, Cornerstone Real Estate Advisers LLC

"Great Results, Personable, High Integrity."

-- **Jessica (Needleman) Lewensztain**, Property Manager, Anjac Fashion Buildings

"Bernie offers some of the attributes that clients value most: He communicates extremely well and effectively; he listens and understands your business objectives; and he is an excellent attorney who obtains effective results. For potential clients who need an attorney with business savvy and litigation expertise, Bernie offers value and insight that is hard to beat."

-- **John J. Phillips**, Vice President and Associate General Counsel, Cornerstone Real Estate Advisers LLC

## Insights

January 22, 2016

**23 Greenberg Glusker Attorneys Named to Super Lawyers 2016**

*Super Lawyers*

July 19, 2015

**Nuns Intensify Fight Over Sale of Convent to Katy Perry**

*The New York Times*

July 10, 2015

**Judge asks nuns to work out dispute over sale of convent to singer Katy Perry**

*Los Angeles Times*

June 29, 2015

**Nuns fight plan to sell Hollywood convent to Katy Perry**

*Los Angeles Times*

2015

**Primerus Membership Video**