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HON. BONNIE SABRAW

Judge, Alameda County Superior Court (Retired)

Judge Sabraw has established herself as a highly experienced and knowledgeable judge. Her reputation for “thinking outside the box” and investing herself in the settlement process has earned her the reputation of consistently bringing parties together to resolve disputes, even under the most difficult circumstances.

During her 20 years on the Bench, Judge Sabraw presided over hundreds of settlement conferences, court and jury trials in all categories of civil litigation. From 2001 to 2006 she presided over all Environmental Quality Assurance (CEQA) matters filed in Alameda County. Since 1996 she has handled numerous complex matters, including many consumer and employee class actions, unfair business practices matters, catastrophic and mass tort personal injury cases, insurance coverage claims, real estate disputes, eminent domain matters, construction defect, and Proposition 65 environmental claims.

In January 2007 Judge Sabraw was assigned to the complex litigation department.

Representative Matters:

Insurance Coverage

- *Western MacArthur v. United States Fidelity and Guaranty Insurance Company* and related cases (C-721595-7 and 2002-067900.) Coverage claims against multiple insurance carriers involving in excess of 20,000 current and future asbestos plaintiffs. After extensive litigation, including jury and court trials, all cases settled for approximately \$2.2 billion.

Government/Constitutional Law

- *People’s Advocate and National Tax Limitation Foundation v. Independent Citizen’s Oversight Committee et al* (HG05 206766 and HG05 235177) Constitutional challenges to Proposition 71, the State initiative granting \$3 billion in funding for stem cell research. Two related cases assigned to Judge Sabraw for all purposes, including court trial. Judge Sabraw held that the initiative was constitutional. Affirmed on appeal. Petition for hearing to the Supreme Court was denied. (2007) 147 Cal.App.4th 1319

Business/Commercial

- *Taiwan Semiconductor Manufacturing Company (TSMC) v. Semiconductor Manufacturing International Corporation (SMIC)* (RG06 28611) The world's largest semiconductor manufacturing company, brought suit against the largest semiconductor manufacturing company in mainland China alleging misappropriation of in excess of 1000 trade secrets and other information. The case has been aggressively managed to resolve discovery disputes, preliminary injunction issues, summary judgment and other matters. TSMC's motion for anti-suit injunction to prevent litigation in China denied. Affirmed on appeal. (2007) 161 Cal.App.4th 581. Case is still pending.
- *Falkowski v. Imation Corp. et al.* (H209331-6, 02-052976) Employee class action claiming stock option rights were illegally cancelled when employer corporation became a subsidiary after merger. Summary judgment granted for Defendant. Affirmed on appeal. (2005) 132 Cal.App.4th 499

Consumer Class Actions

- *Cellphone Termination Fee Cases* (JCCP 4332) High profile coordinated consumer class actions against all major cellphone carriers regarding early termination fees and handset locking. Court handled numerous motions involving class certification issues, summary judgment, and two jury trials (Sprint and Verizon).
- *Hoffman v. American Express Travel Related Services Co.* (2001 022881) Nationwide consumer class action seeking recovery of travel related insurance premiums. Court rendered numerous rulings regarding discovery, summary judgment, and case management. This matter is still pending.

Personal Injury/Mass Tort

- *Damian v. Enterprise Rent-A-Car et al.* (HG04 165692 and HG04 166260) Ford van rollover accident with 14 young adult occupants. Five of the passengers died in the accident and the other nine occupants were all seriously injured. Confidential settlement during jury trial.
- *Leyvas v. Washington Hospital and Paragas, M.D.* (CH 7988684) Medical malpractice jury trial alleging that delay in treatment of jaundiced newborn by the pediatrician and hospital resulted in quadriplegia and cerebral palsy. Jury verdict \$83 million.
- *Welding Product Cases* (JCCP 4388) These coordinated matters included claims by 80 persons allegedly injured by exposure to toxic manganese fumes. The cases presented complex case management, law and motion and discovery issues. Many of the cases have been resolved.

Employment/Labor Class Actions

- *Garcia v. Oracle/Peoplesoft et al.* (RG07 321026) Class action alleging failure to pay wages for overtime and meal and rest breaks. Court held numerous law and motion and case management proceedings. Matter still pending.
- *Connell v. Sun Microsystems, Inc.* (RG06 252310) Class action alleging misclassification of employees. Settled after Court granted class certification.
- *Debro v. San Leandro Unified School District, et al.* (CH 211565) Action alleging racial discrimination and free speech violations. Jury verdict for Plaintiff. Settled in punitive damage phase.

Environmental and CEQA cases

- *Center for Biological Diversity, Inc. v. FPL Group, Inc.* (RG04 183113) Action against the owners and operators of energy producing wind turbines alleging a private right of action under the public trust doctrine for the killing of birds caught in the turbine blades. Defendants' Motion for Judgment on the Pleadings granted. Appeal pending (A116362).
- *Dipirro v. Bondo Corporation* (01-032519) Challenge by individual alleging manufacturer's failure to warn the public that its automotive touchup paint contained toluene, a reproductive toxin, in violation of Proposition 65. Court trial. Affirmed on appeal (2007) 153 Cal.App.4th 150.
- *Citizens For A Megaplex-Free Alameda v. City of Alameda et al.* (RG05 235478) CEQA challenge alleging City's failure to require preparation of an environmental impact report for a large theater project. Affirmed on appeal (2007) 149 Cal.App.4th 91.

Eminent Domain

- *BART v. City and County of San Francisco* (HG03 099024) Condemnation action involving properties necessary for BART extension. Settled after extensive settlement conferences which included participation of several non-party public agencies.
- *PG&E v. King and Lyons* (HG03 081237) Condemnation action of research and development property for PG&E easement. Resolved at Court supervised settlement conference.

Honors, Memberships, and Professional Activities

- Trial Judge of the Year, Alameda/Contra Costa Trial Lawyers Association, 2000
- Speaker on “Common Issues That Arise in Class Action Settlements” at Consumer Attorneys of California College of Trial Arts-Class Action Seminar, March 2008
- Speaker on “The View From the Bench; How Condemnation Cases Are Different” at the CLE International Eminent Domain conference, 2007
- Panelist discussing procedures in complex litigation departments in the San Francisco Bay Area, American Business Trial Lawyers, May 2007
- Faculty member, Continuing Judicial Studies Program for Experienced Judges, California Environmental Quality Act (CEQA), teaching course to judges, justices, and court research attorneys, 2005
- Panelist at “Evidence” seminar, Consumer Attorneys of California convention, 2004
- Member, Board of Directors, San Francisco Law School, 1997-2002
- Member, American College of Business Court Judges
- Member, Alameda County Fair Board, 2007 to present

Background and Education

- Judge, Superior Court, County of Alameda, 1993-2008
- Judge, Municipal Court, County of Alameda, 1988-1993 (Presiding Judge 1992)
- Private law practice, Varni, Fraser, Hartwell, McNichols & Rodgers, 1981-1988 (Partner, 1985)
- Deputy District Attorney, Alameda County, 1979-1981
- J.D., San Francisco Law School, 1979