



## NEWS FROM OUR FIRM

FALL 2009

### *Recent Developments and Successes*

#### **Corporate Department Update**

Despite the challenging economic times, our corporate attorneys have remained busy with mergers and acquisitions, financing transactions and general business contracts. "We have been fortunate in that most of our clients have remained active during the past year continuing with their business operations, and when the right opportunity presents itself, with strategic purchases or sales of businesses" commented Ralph Winter. Robert Diaz added that "due to the current banking environment, we have been very busy with negotiations related to workouts relating to existing credit facilities both on the borrower and lender side." Our corporate team continues to assist our clients with their general business contracts such as licenses, employment agreements, distributor agreements, and equity compensation plans. Here are a few of our recently completed transactions:

- **Ralph Winter, Vanessa Turner and Robert Diaz** handled the negotiation and consummation of the refinancing of a working capital credit facility, for our client, one of the country's premiere sporting rifle and shotgun manufacturers.
- **Robert Diaz** completed the representation of our client, a consumer and commercial bank, in a protracted and massive restructuring of the debt portfolio of a Latin American based building materials manufacturer.

#### **Employment Law Team Obtains Multiple Successes with Summary Judgments**

- **Glenn Briggs, Terrie Kading and Beth Kearney** recently obtained complete summary judgment for our client, a lending services firm against claims of pregnancy discrimination, retaliation and wrongful termination in violation of public policy.
- **Glenn Briggs, Terrie Kading and Beth Kearney** again prevailed on summary judgment, eliminating six of seven causes of action in an action brought against our client, a national retailer. The action was based on allegations of disability discrimination, false imprisonment, breach of contract, and assorted other claims.

#### **Litigation Team's Notable Successes**

- **Karla Kraft** recently had summary judgment in favor of our client affirmed by the Ninth Circuit Court of Appeals. Our client, a real estate development and franchise financing company, obtained summary judgment in federal district court on breach of contract and tort claims

asserted by the plaintiff, a restaurant franchisee. The Ninth Circuit affirmed the judgment as to our client in its entirety.

#### ***HBW In The Community***

The publishers of Los Angeles Magazine and Law & Politics recently selected **Karla Kraft, Terrie Kading and Thorey Bauer** as "*Rising Stars*" in their respective areas of Business Litigation and Employment Law. This award recognizes the top 2.5 percent of Southern California attorneys under the age of 40.

**Terrie Kading** was appointed to serve as the Secretary on the Board of Directors for the Orange County affiliate of the National Human Resources Association, an organization focused on advancing the development of human resources professionals.

**Matt Hodel and Karla Kraft** are serving as mentors to two incoming University of California, Irvine, law students. On August 19, UCI's Law School welcomed its first year law students, marking the opening of the first new public law school in California in more than 40 years. The law school already has earned national accolades for the academic strength of its inaugural class, and its goal is to be ranked as a top 20 law school the first year it is eligible. Each of the 60 students in the class will have two attorney mentors. Karla and Matt will spend at least 25 work hours with their mentees over the course of the academic year, as well as attend informal meetings with them. We look forward to the opportunity to introduce at least some of you to our mentees.

**Robert Diaz** (*pictured below*) recently acceded to the position of President of the Chapman University Alumni Association after serving as President-Elect for the past year. Robert's term as president will last two years.



**Karla Kraft** recently joined the Dean's Cabinet for the new University of California, Irvine Law School. She will serve with nine other community leaders to provide support and advice to the Dean and the Law School.

**Mike LeBoff** continues to serve as the co-chair of the Banking and Lender Liability subcommittee of the American Bar Association and as an assistant editor for the Commercial and Business Litigation Journal. This year, Mike will also regularly provide Ninth Circuit case updates for the Commercial and Business Litigation Committee website.

**Robert Diaz** serves on a newly constituted Military Personnel Law Center and AMVETS Legal Clinic advisory committee for the Chapman University School of Law.

**Robert Diaz** serves on the Care for the Poor Committee of the St. Joseph Hospital Foundation. The committee is charged with the promotion and support of the *Puente a La Salud Mobile Community Clinics* and the *La Amistad de Jose Family Health Center*. These clinics and health center help meet the health care needs of economically disadvantaged individuals in the community who would not otherwise have access to medical services.

**Karla Kraft** served on the USC Alumni Leadership Conference planning committee, and spoke at the conference, which took place on September 24 and 25. The annual conference drew over 250 alumni leaders from around the globe.

## Just Her Speed



As litigators, a closing argument to a jury or key moment in a critical witness' deposition tends to get our pulses racing. It takes a lot more than that to raise **Beth Cheeseman Kearney's** heart rate.

Like going 157 miles per hour on a quarter-mile track.

Beth drag-raced for nearly eight years, starting in high school in Arkansas and continuing until the distance and time demands of law school forced her to quit. She really was destined to race – her grandfather started drag racing in the 1950s, and her father in the 1970s. Beth practically grew up on a race track. So, when she

was old enough to drive, it was only natural for her to “ask if I could drive *the car*.” The car was a dragster, and her dad was excited to put her behind the wheel. Her mother had other thoughts – Beth kept it a secret from her mom for over a year so that she wouldn't stop Beth from racing.

At 17, she was the youngest girl on the track, and always was one of only two or three women in any race. That was part of what Beth loved about racing – doing something that other people weren't doing. She also loved the way it felt, “the power part.” In all, she was in over 20 races. Most were bracket races, meaning the racers would predict their elapsed times and, for Beth, that was usually 8.9 seconds. Driving faster than that meant an automatic loss, slower meant Beth might lose by a mere tenth of a second.

Beth would race again in an instant if the opportunity arose. And, if her three-year-old son, Sawyer, eventually wants to race? Beth “would love it!” Sawyer definitely won't need to hide from mom to get to the track.

All of which causes one to wonder: How did Beth become an employment and litigation attorney? That was not the original plan. She intended to become an in-house attorney for the NHRA. But, she soon realized that involved working on contracts all day, and being in court was much more exciting – in other words, much more Beth's speed.

Beth practices in employment and business litigation with our firm. She represents employers in all aspects of employment matters, including employee class actions, wage and hour issues, discrimination, harassment and wrongful termination proceedings. She also represents clients in complex business litigation matters, such as products liability, class actions, trademark infringement, and construction dispute matters.



Hodel Briggs Winter LLP was formed in February 2003 and consists entirely of experienced attorneys trained at top tier national law firms. We specialize in litigation, employment law, and business and securities laws. For more on the firm, visit our website at [www.hbwlip.com](http://www.hbwlip.com).