

Craig R. Breitman
Partner



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EDUCATION

Southwestern University School of Law, J.D., 1982
University of California, Los Angeles, B.A., 1978

PRACTICE AREAS

- Business Litigation
- Construction Law
- General Liability

BIOGRAPHY

Craig R. Breitman specializes in representing parties involved in all types of civil litigation, with an emphasis on tort and related matters. Mr. Breitman focuses on accidents and large property damage losses, as well as litigation arising from construction incidents including construction defects, premises issues, product liability issues and professional liability claims of all kinds. Mr. Breitman advises his clients on business claims before suit and after, as well as through the appeal process, if needed. His expertise also includes trials in all courts - state and federal, both in California as well as Pro Hac Vice in other jurisdictions. He also handles all types of alternative dispute resolution including mediation, arbitration, and high/low trial, etc.

Mr. Breitman has represented clients in a consulting capacity to determine the viability of a claim before suit is brought, including claims in subrogation. His work has included trial observations and evaluations, file reviews of claims with potential excess of limits issues, advising both primary and excess insurers in claims where the insured has layers of coverage with different insurers and determining paths for resolution of all claims with limited insurance coverage limits. He has appeared in the appellate courts of the State of California with multiple published decisions.

REPRESENTATIVE MATTERS

Toxic Tort/Environmental

- Represented private school in claim of lead exposure by student and family due to age of rented school property. Resolved claims, including those of property owner.
- Represented former cemetery owner in class action claims of re-use of burial plots and failure to disclose practices to new owners.

Product Liability

- Represented car dealership in mass tort claim. Obtained manufacturer's agreement to defend and indemnify dealer and takeover defense of wrongful death case.

Business Litigation

- Represented a professional sports franchise in a claim of an injury by a player during off-season; obtained dismissal of claim.
- Represented a bobtail truck owner in a wrongful death case involving multiple fatalities. Obtained additional insurance coverage under trailer owner's policy to resolve claims and avoid bankruptcy filing.
- Represented a product manufacturer in a wrongful death/defect claim involving a recalled product. Large contributions were obtained from other parties, including distributor and installer.
- Represented multiple large apartment owners in habitability claims by multiple tenants, including minors. Negotiated resolutions of all claims.
- Represented multiple subcontractors in premises liability lawsuits, resolving injured parties' claims as well as contractual indemnity claims.
- Summary judgment was obtained for a general contractor in a wrongful death case in which a dump truck ran over subcontractor's superintendent. Property owner remained in the case with summary judgment denied.
- Represented a bus company in claims involving wrongful death and multiple injured parties, with resolution involving primary and excess insurers and punitive damage claim.
- Voluntary dismissal was obtained in exchange for a waiver of costs in a multi-party litigation involving injury to a minor, age 4, after a newspaper rack fell, injuring her leg. Our client was alleged to have supplied newspapers to the racks and also to have a contractual maintenance obligation. The rack fell because an unknown party removed the anchoring bolts. Dismissals were obtained when it was shown through discovery that the landowner had a handyman remove the bolts in anticipation of relocating the racks.
- Voluntary dismissal was obtained in exchange for a waiver of costs in an action involving a freeway collision between commercial trucks. The dismissal was obtained early in the handling of the case and before depositions, when plaintiff's counsel was convinced that the plaintiff's factual theory and the vehicle damage were inconsistent, and instead supported defendant's position.
- Defended the owner of an apartment building against claims by tenants that the building was not habitable, with significant infestation of vermin and structural deficiencies. Prompt resolution was secured through deposition testimony showing tenants' contributions to the conditions, as well as substantial efforts by landlord to abate the conditions.
- Summary judgment was obtained on behalf of insurance carrier named as a defendant in a product liability action involving a catastrophic personal injury. Plaintiffs alleged that the insurance carrier, who made suggestions as to how to make the insured's product safer as part of providing policy service, owed a duty to ensure that its insured designed the product in a safe manner. The court found that "[u]sing Plaintiffs' reasoning, any insurance carrier who gave advice to an insured to minimize risk would be assuming a duty to third parties injured by the insured. This result would be not only abnormally harsh, but nonsensical."
- Appeal of plaintiff verdict in an action for misappropriation of likeness of an athlete by defendant gym. Trial court improperly permitted evidence of prior settlements of lawsuits for unrelated incidents to go to the jury as evidence of damages of the present misappropriation action. Court of Appeals overturned the judgment as improper.
- Represented a construction subcontractor in consolidated actions involving a walkway collapse, with multiple defendants, insurers and claimants.

NOTEWORTHY

Business & Community Activities

Mr. Breitman has served as Judge Pro Tempore in the Los Angeles Municipal (Limited Jurisdiction) Court and as Arbitrator and Mediator for the Los Angeles Superior Court Arbitration Program. He received a Certificate from the 42 hour mediation program provided by Pepperdine Law School, Straus Institute for Dispute Resolution, "Mediating the Litigated Case," August, 2011.

Mr. Breitman is involved in community activities in his hometown, where he active in Region 18's AYSO program as an National Referee, a Certified Referee Instructor and a Certified National Referee Assessor. He is also a USSF Referee with Cal South. He has been voted a Superlawyer continuously since 2007.

News & Publications

- Carr v. Barnabey's Hotel Corp.

The firm was retained after an adverse trial result in a sex and pregnancy discrimination/wrongful termination case. The jury had awarded compensatory and punitive damages and the trial judge awarded attorneys' fees and costs pursuant to statute against the employer and a supervisor. Post-trial, the trial court added a party as defendant and subject to the entire award, on the basis that it was the correct party as plaintiff's employer. On appeal, the court affirmed the compensatory award and the addition of the new defendant, but reversed the punitive damage awards against the employer and the supervisor.

- Guzman v. Superior Court

The firm took over the defense of the defendant after the initial trial resulted in a plaintiff's verdict, which was reversed on a motion for new trial. At the outset of the re-trial, the plaintiff sought to add new experts. The firm resisted that effort in the trial court, and was successful. The plaintiff filed a writ in the Court of Appeal, and it was resisted by the firm and denied. Plaintiff then petitioned to the California Supreme Court, which granted the Petition, and transferred back to the Court of Appeal. There, the appellate court decided that notwithstanding the statute stating that experts are to be designated based on the first trial date, when a new trial is ordered, a new designation of experts can occur.

- Yeager v. Blue Cross of California

In this class action case, the firm handled issues concerning statutory construction of an insurance code provision concerning what coverage is required to be provided in a group health insurance policy. The court held that a health insurer had no statutory obligation to provide all coverages within the group plan on the same terms and conditions as other coverages within the same policy.

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Super Lawyers 2007 – 2014
- Association of Southern California Defense Counsel (former member of the Amicus Committee)
- Defense Research Institute