



# KATHERINE GALLO, ESQ.

Discovery Referee, Special Master, and Mediator

Katherine Gallo is an expert in complex discovery issues and is actively involved in Alternative Dispute Resolution (ADR) as a Discovery Referee, Mediator and Arbitrator in Northern California since 1994. Ms. Gallo is known for her extensive discovery seminars, in house discovery training, and go-to blog on pre-trial discovery. Since 2010, she has authored a blog on discovery titled "Resolving Discovery Disputes--Using Discovery to Reach Evaluation, Mediation and Trial Goals".

Ms. Gallo has served as a court appointed or party selected private Discovery Referee or Special Master in over 250 hotly litigated matters concerning complex issues in business, construction defect (including lines and construction operations losses), insurance, employment (including wrongful termination, discrimination, harassment, and wage and hour claims), elder abuse, real property (including eminent domain, easements, and commissions), Lemon Law, personal injury and family law, many with multiple party litigants, including class actions. Well known to the judiciary, her court appointments in complex matters have come from the Superior Courts throughout the State.

Ms. Gallo has mediated or acted as a pro tem settlement judge in over 500 matters with a 90% settlement rate. Ms. Gallo takes pride in accomplishing the parties' and the courts' objectives with regard to impartiality, timeliness and accuracy.

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## About Katherine Gallo

Katherine Gallo is an expert in complex discovery issues, actively involved in Alternative Dispute Resolution (ADR) since 1994. Ms. Gallo is known for her extensive seminars on discovery and her discovery blog [resolvingdiscoverydisputes.com](http://resolvingdiscoverydisputes.com)

**Proven Track Record.** Ms. Gallo has served as a court appointed or party selected private Discovery Referee or Special Master in over 250 hotly litigated and/or class action matters concerning complex issues in business, construction defect (including liens and construction operations losses), insurance, employment (including wrongful termination, discrimination, harassment, and wage and hour claims), elder abuse, real property (including eminent domain, easements, and commissions), lemon law, personal injury and family law. She is well known to the judiciary in the Bay Area and her court appointments in complex matters have come from the Superior Courts throughout the state.

Ms. Gallo has extensive experience as a Mediator and Pro Tem Settlement Judge, with a **settlement rate in excess of 90%**.

**Extensive Experience.** Ms. Gallo has extensive experience including serving as Research Attorney for the Law and Motion Departments of the Alameda and San Mateo County Superior Courts, giving her a unique perspective on court process. Her responsibilities included all discovery motions as well as mediating of ongoing complex discovery disputes. She serves regularly as a Pro Tem Settlement Judge, Court Ordered Arbitrator and as a Private Mediator. As a trial attorney, Ms. Gallo managed a full case load of personal injury, product liability and commercial litigation matters.

**ADR and Arbitration Panels.** Ms. Gallo has been selected to serve on the ADR Panels for the Superior Courts of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties. She serves on the Arbitration Panels for the Superior Courts of Alameda and San Mateo Counties and on San Francisco Bar Association's Fee Arbitration Panel.

**Education.** Ms. Gallo is a graduate of the McGeorge School of Law of the University of the Pacific with an emphasis on Labor Law. She obtained her undergraduate degree from the University of California, Irvine.

**Special Training.** Ms. Gallo has well over **100 hours of specialized training** in Mediation and Conflict Resolution, including Ethics and Fairness Training for Pro Tem Judicial Officers. She has also completed three-day courses in "Mediating Complex Construction Disputes" and "Mediating the Complex Case," offered by the Strauss Institute at Pepperdine University.

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## Discovery Referee

As the civil trial calendar overwhelms the trial courts with complex procedural and substantive issues, the courts have sought relief through references to "Discovery Referees" as permitted under California Code of Civil Procedure (C.C.P.) sections 638-645.2. The appointment of a Discovery Referee can be beneficial and cost-effective in complex litigation as these cases can involve issues of confidentiality and privilege and tend to be document intensive. When I am the Discovery Referee, I take a "hands-on" approach and actively manage the case by coordinating discovery and resolving discovery disputes so settlement discussions can be productive. Below are some of the many services I provide:

**Case Management.** Works with the parties in outlining the issues and coordinating a discovery plan. There will be scheduled hearing dates to coordinate discovery, to use as meet and confer sessions, as well as having discovery motions heard. I will work with the mediator and the settlement judge in directing discovery so settlement discussions can be productive.

**Tentative Rulings.** On the day prior to the hearing, all parties will be served with a tentative ruling and will have approximately three hours to notify the Discovery Referee of their decision of whether to contest the tentative ruling. All motion procedures are set out in advance and are code compliant.

**Conference Call Hearings.** Hearings may be held via phone or video conferencing. At any party's request, an in-person hearing can be scheduled and will be held at a mutually agreed upon-location.

**Recommendation and Orders.** I will prepare all the recommended orders which will contain a ruling on every objection to each interrogatory, request for admission, request for documents or deposition question in issue. In addition, there will be a ruling on sanctions and the apportionment of referee fees. The recommended order will also specifically state that if any party objects to the recommended order, they must comply with C.C.P. section 643.

**On Stand-By For Depositions.** With appropriate notice, I will be on phone standby to rule on objections during a deposition.

**Aim Towards Settlement.** I will assist the parties in obtaining an experienced professional to mediate the matter or work with the court to obtain an early settlement conference.

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## Discovery Referee Cases Handled by Katherine Gallo

**Construction Delay and Fraud** action against a major general contractor and an architect involving a design build, multi-prime public works project. Responsibilities included case management, coordinating discovery, pre-approval of discovery, rulings at depositions and rulings on discovery motions.

**Personal Injury** action where a passenger fell off platform and was run over by a train. Claim of driver intoxication, transit rail platform design defect and spoilage of evidence. Responsibilities included case management, ruling on discovery motions and in camera review of personnel documents.

**Product Liability** case against major cosmetic company involving claims of facial burns and scarring from product usage. Responsibilities included case management, ruling on discovery motions, in camera review of customer complaints for privacy rights and conducting *Colonial Life v. Superior Court* (1982) 31 C3d 785 mailing.

**Wage and Hour** claims by 240 managers against a chain retail store. Responsibilities included case management, ruling on discovery motions, outlining procedure for trial and settlement negotiations.

**Class Action** against life insurance companies on claims of fraud in the marketing of life insurance policies as annuities. Responsibilities included case management, rulings on discovery motions and *Colonial Life* notice to class members.

**Legal Malpractice** action for failure to file an international patent for bio-tech company. Responsibilities included case management, ruling on discovery motions and rulings during depositions.

**Sexual Molestation** action. Responsibilities included ruling on attorney-client, marital, physician-patient, psychotherapist-patient, clergy-penitent and self incrimination privilege claims at deposition.

**Family Law** cases. Responsibilities have included court supervised sale of property, case management, ruling on discovery motions and rulings on trial issues.

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## Mediator

For over 20 years Katherine Gallo has served as a mediator and Pro Tem Settlement Conference Judge in over 500 cases with a settlement rate of 90%. She has been asked to serve on the Alternative Dispute Resolution (ADR) Panels for the Superior Courts of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties.

Ms. Gallo has over 100 hours of specialized mediation training, which include over 25 hours of training for Pro Tem Judicial Officers and 24 hours at the ABA Dispute Resolution Conferences in 2008 and 2010. She has also completed the well regarded three day course programs in “Mediating Complex Construction Disputes” and “Mediating the Complex Case,” offered by the Strauss Institute at Pepperdine University.

Types of cases Katherine Gallo has successfully brought to resolution:

- Business Disputes (including commercial contracts and partnership dissolutions)
- Class Actions
- Construction Defect (including liens and construction operations losses)
- Elder Abuse
- Employment (wrongful termination, discrimination and wage and hour claims)
- Family Law
- Landlord/Tenant
- Lemon Law
- Mortgage/Foreclosure disputes
- Personal Injury
- Probate
- Product Liability
- Professional Malpractice
- Real Property (including eminent domain, easements and commissions)

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## Discovery Forms

These forms are provided for general information only and should not be used without seeking independent legal advice.

### **Alternative Dispute Resolution (ADR) Agreements and Order:**

All files are Word Document format.

- Court Order Appointing Discovery Referee Pursuant to C.C.P. § 639 (a)(5)
- Stipulation and Order Appointing Discovery Referee
- Construction CMO #1 (Days 0-180)
- Construction CMO#2 (After Mediation)
- Construction CMO #3 (Trial Deadlines)
- Protective Order
- Mediation Agreement
- Settlement Agreement

### **Judicial Council Forms:**

All files are PDF fillable format.

- Commission to Take Deposition Outside California
- Deposition Subpoena for Personal Appearance
- Deposition Subpoena for Personal Appearance and Production of Documents and Things
- Deposition Subpoena for Production of Business Records
- Interrogatories--Construction Litigation
- Interrogatories--Employment
- Interrogatories--General
- Interrogatories--Limited Civil Cases (Economic Litigation)
- Interrogatories--Unlawful Detainer
- Notice to Consumer
- Request for Admissions
- Stipulation or Motion for Order Appointing Referee
- Order Appointing Referee
- Report of Referee

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## Seminars and Other Presentations

Over the last 20 years, Katherine Gallo has given over thirty seminars on Discovery. The subjects of these seminars have included how to create a discovery plan, propounding and responding to discovery, drafting discovery motions, obtaining sanctions as well as the use of discovery in construction litigation.

Katherine Gallo has been approved by the California State Bar to provide the following MCLE seminars:

**“Litigate Like an Egyptian–How to Get Your Case Ready for Trial”**

One and half hours of MCLE credit

**“Let’s Take the Game out of Discovery–How to Propound and Respond to Discovery”**

One and a half hours of MCLE credit

**“Your Honor, the Other Side is Being Mean to Me”**

One and a half hours of MCLE credit, half hour of Ethics

**“The Special Master Program–It’s Not Getting The Job Done”**

One hour of MCLE credit

**“The Discovery Act Applies in Family Law”**

One and a half hours of MCLE credit

Katherine Gallo has been approved by the California State Bar to provide the following self-study for MCLE credit:

**“Requests for Admissions–Tricky Little Discovery Devices”**

One hour of MCLE Credit

**“How to Write a Successful Discovery Motion and What you Should do to Oppose such a Motion”**

One hour of MCLE credit

Contact Katherine Gallo if you would like her to speak on discovery at your event or to provide in house training for your attorneys. Katherine will create a seminar for your specific needs and submit it to the State Bar for MCLE approval.

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## Fee Schedule

### **Discovery Referee / Special Master**

\$400 per hour

### **E-Discovery Referee**

\$450 per hour

### **Partition Referee**

\$375 per hour

### **Mediation**

\$375 per hour (1-4 parties)

\$425 per hour (5 or more parties)

### **Binding Arbitration**

\$400 per hour

*No administrative fee, no minimum or maximum.*

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## Contact Katherine Gallo

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