

## **KATHERINE L. GALLO**

Discovery Referee//Mediator/Arbitrator  
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### **PROFESSIONAL EXPERIENCE**

- 1994 to present:      **Discovery Referee, Mediator and Arbitrator**  
I have served as a Discovery Referee or Special Master in over 250 hotly litigated complex matters in the areas of business, insurance, construction, employment, financial markets, real estate, family law, personal injury and probate. Court assignments have come from the Superior Courts throughout the state
- I have handled over 500 cases as a Mediator or Pro-Tem Settlement Judge with a settlement rate in excess of 90% in the areas of real property (including eminent domain, easements and commissions), personal injury, product liability, elder abuse, construction defect (including liens and construction operations losses), employment (including wrongful termination, discrimination, harassment and wage and hour claims), business disputes, mortgage and foreclosure matters and lemon law.
- 2010 to present      **Founder-Author of Blog [www.resolvingdiscoverydisputes.com](http://www.resolvingdiscoverydisputes.com)**  
A continuously updated series of articles on using discovery to reach evaluation, mediation and trial goals. The articles rely on statutory authority, current case law and real world scenarios to aid attorneys in their research and approach to discovery related issues and tactics.
- 1995 to present      **Pro-Tem Judge for Settlement Conferences and Discovery Disputes**  
Conducted mandatory settlement conferences for Contra Costa, San Mateo and San Francisco Superior Courts. Acted as a Pro Tem Discovery Judge for San Francisco Superior Court and a Discovery Facilitator for Contra Costa Superior Court.
- 1994 to present      **Speaker and Trainer on California Discovery**  
Speaking and providing interactive training on discovery on issues ranging from developing a discovery plan, serving and responding to discovery, preparation of motions and seeking sanctions.
- 2007 – 2012          **Chaired Construction Litigation Form Interrogatories Committee**  
Created and led a statewide committee in developing the Judicial Council's Form Interrogatories for Construction Litigation.  
(<http://www.courts.ca.gov/documents/disc005.pdf>)

1992 – 1994            **Research Attorney for Law & Motion Department of Alameda County**  
Superior Court. Researched and drafted bench briefs for Law and Motion Judge  
regarding matters on the Law and Motion Calendar for Judge Parrilli and Judge  
Sabraw. Responsible for all discovery motions as well as mediating discovery  
disputes.

1987 – 1991            **Litigation Attorney**  
Responsible for caseload of 60 active files in the areas of personal injury,  
product liability and commercial litigation.

## **EDUCATION**

### **Professional Training:**

Strauss Institute, Cross-Cultural Dispute Resolution and Law Practice, 2018  
Bar Association of San Francisco Attorney/Client Fee Arbitration Training, 2014  
San Francisco and Santa Clara Superior Court Judge Pro Tem Training, 2010-12  
ABA Dispute Resolution Conference, 2010  
ABA Dispute Resolution Conference, 2008  
Strauss Institute, Mediating the Complex Case, 2007  
Strauss Institute, Mediating Complex Construction Disputes, 2006  
Rosenberg Mediation and Conflict Resolution Training, 1996

### **Law School:**

McGeorge School of Law, University of the Pacific  
Juris Doctorate, 1986  
Emphasis: Labor Law

### **Undergraduate:**

University of California, Irvine  
Bachelor of Arts, 1981  
Majors: Political Science, Social Ecology

## **REPRESENTATIVE CASE HANDLED AS A DISCOVERY REFEREE**

**Construction Defect and Fraud** in ongoing litigation against the building's developers and other parties for significant defects in a luxury high rise condominium. Responsibilities include case management and coordinating discovery.

**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 during depositions and rulings on discovery motions.

**Personal Injury** action where passenger fell off platform and was run over by a train. Claim of driver intoxication, transit rail platform design defect and spoliation 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 permanent scarring from product usage. Responsibilities included ruling on discovery motions, in camera review of customer complaints to review third party privacy and relevance prior to production and supervising notice to those customers pursuant to *Colonial Life* (31 Cal. 3d 785).

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

**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.

**Construction Defect and Fraud** claim against developer, experts, insurance company and law firm for alleged fraudulent settlements of prior construction defect claims. Responsibilities included case management, ruling on discovery motions, outlining procedure for trial and settlement negotiations.

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

**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.

**Class Action** involving the management of several limited real estate partnerships throughout the country and challenging the merger of two publicly traded companies. Responsibilities included case management, rulings at deposition and rulings on discovery motions.

**Wrongful Termination, Sexual Harassment and Age Discrimination** cases. Responsibilities included case management, rulings at depositions, in camera review of personnel records and rulings on discovery motions.

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

#### **CASES HANDLED AS A MEDIATOR**

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

## **SEMINARS GIVEN ON DISCOVERY**

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

*Bay Area Legal Aid, September 2016*

**“Let’s Take the Game Element out of Discovery”**

*ADC Basic Training Series, September 2016*

*In House Seminar for Paul Hastings – February 2015*

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

*In House Seminar for Paul Hastings – April 2015*

**“Do You Have a Discovery Plan—How to Get Ready for Trial”**

*In House seminar for Paul Hastings – January 2015*

**“Civility in the Courtroom Series Part I of IV: Discovery”**

*Bar Association of San Francisco, March 2014*

**“Sanctions Denied”**

*Santa Clara Trial Lawyers, November 2013*

*In House Seminar for Borton Petrini, October 2013*

*San Mateo County Bar Association, October 2012*

**“E-Discovery is Discovery—It’s Just Another File Cabinet”**

*Santa Clara Bar Association, May 2011*

**“E-Discovery —Are You Ready?”**

*Santa Clara County Bar Association – January 2009*

**“Discovery Plans - The First 200 Days”**

*In House seminar for Van De Poel & Levy - July 2006*

*In House seminar for Paul Hastings - July 2005*

**“Ethics of Discovery”**

*Queens Bench of San Francisco County Bar Association – October 2002*

*Santa Clara County Bar Association - December 1996*

**“How to Win Your Discovery Motions”**

*San Mateo County Bar Association – June 1999*

**“What You Should Know Before You Take a Deposition”**

*San Mateo Clara County Bar Association – April 11, 1997*

**“How to Ethically and Strategically Propound and Respond to Discovery”**

*San Mateo County Bar Association – October 1996*

*Santa Clara County Bar Association - November 1995*

**“The Do's and Don'ts of Discovery”**

*San Mateo County Bar Association - November 1994*  
*Santa Clara County Bar Association - July 1995*

**SEMINARS GIVEN ON CONSTRUCTION LITIGATION**

**“What’s Wrong with the Current CMO/PTO Process?”**

*West Coast Casualty Construction Defect Seminar, May 2015*

**“New Trends in the Investigation and Discovery of a Construction Defect Claim”**

*MC Consultants 19<sup>th</sup> Annual West Region Construction Litigation and Insurance Coverage Seminar Regional Seminar - September 2013*

**“The Insurer's and Defense Counsel's Perspective--New Trends in the Investigation and Discovery of a Construction Defect Claim”**

*CLM Webinar – July 2013*

**“Form Interrogatories for Construction Litigation—What it means to you”**

*In house seminar, April 2012*  
*In house seminar, March 2012*  
*In house seminar, November 2012*

**“Emerging Trends in ADR for California Construction Litigation”**

*ABA 10<sup>th</sup> Annual Section of Dispute Resolution Spring Conference - April 2008*

**“The Critical Path to Resolution–The First 200 Days”**

*Lorman Seminar, San Jose - October 2007*

**“Emerging Trends in Complex Litigation: Litigating in the Brave New World After Jeld-Wen”**

*Santa Clara Bar Association - September 2007*

**“The Aftermath of Jeld-Wen”**

*In house seminar for Wood, Smith, Henning & Berman - February 2007*

**“The Special Master Program--Is it Getting the Job Done?”**

*In house seminar for AIG, October 2014*  
*11th Annual AIG-CS Construction Defect Seminar - May 2006*

**PUBLISHED ARTICLES**

**“What a Mediator Would Like to See in a Mediation Brief”**

March 2014—*BASF Bulletin*--Bar Association of San Francisco

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

February 2013—*BASF Bulletin*--Bar Association of San Francisco

**“Sanctions Denied!”**

January/February 2012--*The Forum*—Consumer Attorneys of California

**“How to Write Requests for Admissions”**

January/February 2012--*The Docket*—San Mateo County Bar Association

**“Answering Requests for Admission--Beware of Traps.”**

January/February 2012--*The Docket*—San Mateo County Bar Association

**“It Is Too Relevant!”**

April/May 2011--*The Docket*—San Mateo County Bar Association

**“Preparing and Opposing Motions to Compel?”**

Fall 2010--*Comment Magazine*—Assoc. of Defense Counsel of No. Cal.

**“Let the Games Begin.”**

May/June 2010--*The Docket*—San Mateo County Bar Association

**“The 1986 Discovery Act--Is it Working?”**

Fall 2007--*Comment Magazine*—Assoc. of Defense Counsel of No. Cal.

**“There’s This Case That Says. . . (Depositions)”**

October 2007--*The Docket*—San Mateo County Bar Association

**“The Codes--They Are a Changin’”**

May 2005--*The Forum*—Consumer Attorneys of California

**“Oops! Now What Do I Do?”**

April 2004--*The Forum*—Consumer Attorneys of California

**“I Have This Great Doctor You Gotta See”**

August/September 2001--*The Docket*—San Mateo Bar Association

**“Do You Have All Your Ducks (Experts) in a Row?”**

November/December 1999--*The Docket*—San Mateo Bar Association

**“Why Aren’t You Using Requests for Admissions?”**

January/February 1999--*The Docket*—San Mateo Bar Association

**“Let the Other Guy Do the Work--What Parts of Litigation-Related Investigations are not Protected from Disclosure?”**

November/December 1998--*The Docket*—San Mateo Bar Association

**“Five of the Most Annoying Discovery Objections by Opposing Counsel and the Rulings That Are Sure To Follow.”**

August/September 1998--*The Docket*—San Mateo Bar Association