

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 300 hotly litigated complex matters in the areas of construction, business, insurance, 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

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 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

REPRESENTATIVE CASES HANDLED AS A DISCOVERY REFEREE

High Rise Construction Defect and Fraud in ongoing litigation against the building's developers as well as adjacent properties for significant defects in a luxury high rise condominium. Responsibilities included case management, creating a discovery plan, coordinating deposition schedule, rulings during depositions.

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.

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.

Consumer Fraud action against a mortgage payment company. Responsibilities included case management, pre-approval of discovery, in camera review of backup tapes, rulings on discovery motions.

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.

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.

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.

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.

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.

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

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“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 19th 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 10th 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

“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