

KATHERINE L. GALLO

Discovery Referee//Mediator/Arbitrator

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PROFESSIONAL EXPERIENCE

- 1994 to present **Discovery Referee, Mediator, and Arbitrator**
Discovery Referee or Special Master in over 300 contentious complex matters in the areas of construction, business, insurance, employment, business contracts, real estate, family law, personal injury, and probate. Assignments by stipulation and Court Assignments from the Superior Courts throughout California.
- Served in more than 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 (including defect claims, liens and construction site accident 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 resolvingdiscoverydisputes.com**
Continuously updated reference site for litigators focusing on the use of Discovery to reach evaluation, mediation, and trial goals. The articles discuss new statutory and case law authority, and real-world scenarios as practice research guides and strategic applications.
- 1995 to present **Pro-Tem Judge for Settlement Conferences and Discovery Disputes**
Court appointed officer for 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 For California Discovery**
Speaking and interactive training on Discovery issues including creating discovery plans, meeting and conferring with the parties serving and responding to discovery, and ruling on discovery motions and sanctions.
- 2019 to present **California Continuing Education of the Bar (CEB)**
Contributor to California Education of the Bar's (CEB), including Discovery forms for the *Practitioner*, speaking at *MCLE seminars* on Discovery, and authoring blogs on Discovery for *Current Awareness*.
- 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. 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, and 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, and 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 biotech 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.

Probate cases. Responsibilities included case management, in camera review of financial documents, 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

“Building a Discovery Plan – A Product Defect Case”

CEB, July 2021

“The Discovery Act Applies in Family Law”

American Academy of Matrimonial Lawyers Spring 2021 Symposium

“Discovery Boot Camp – A Six Part Series”

In House Seminar, January 2021

In House Seminar, August 2020

“ADC Basic Training Series---Discovery”

ADC, September 2020

“New Rules of Civil Discovery”

CEB, August 2020

“Justice Need not be Delayed”

CLM, October 2020

CEB, August 2020

ADC, July 2020

California Judges Assoc., June 2020

“New Rules of Civil Discovery”

CEB – August 2020

“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

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

West Coast Casualty Construction Defect Seminar – May 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

“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

“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

"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 – March 2012
In House Seminar – April 2012
In House Seminar – November 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

"Emerging Trends in ADR for California Construction Litigation"

ABA 10th Annual Section of Dispute Resolution Spring Conference – April 2008

"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"

Queen's Bench of San Francisco County Bar Association – October 2002
Santa Clara County Bar Association – December 1996

"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

"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