



Mediator Profile

As a civil trial lawyer for more than 40 years, Nick Cipiti handled a wide variety of large, multi-party, civil cases. Through them, he attended hundreds of mediation sessions, with significant experience at settling large cases. Nick is now available to act as a private mediator in matters that do not involve the firm's clients.

Nick has substantial trial experience involving complex litigation. His litigation background includes business, real estate, construction, environmental, employment, general liability, toxic tort, and personal injury.

These types of cases over a career generate numerous mediation sessions. Having participated in hundreds of mediations as an advocate, Nick, as a neutral, is able to quickly comprehend and synthesize the key issues of a dispute to help the parties reach a resolution. Nick's significant settlement experience is supplemented by formal mediation training through Loyola Law School and the Strauss Institute of Pepperdine Law School.

Nick is a volunteer mediator for the Los Angeles Superior Courts. He has taught seminars on how to settle complicated cases including, "Getting the Most Out of Your Negotiations" and "California's Fair Claims Settlement Practices."

Mediation services include pre-mediation discussions with the parties' counsel, review of briefs submitted by the parties in advance of the mediation, and follow up with counsel following a mediation session when necessary.

For availability and fee schedule, please email ncipiti@wfbm.com or call (714) 634-2522.

REPRESENTATIVE SUCCESSES

- **Macpherson v. Pace** – After an eight-week jury trial, secured a defense verdict in favor of a small Bakersfield oil producer, who was sued by over alleged contamination of its neighbors oil wells. The client was sued by one of the largest California onshore oil producers, and others, for subsurface trespass and nuisance. The plaintiffs sought more than \$35 million in damages relating to an alleged decrease in oil production. The jury deliberated for less than five hours before returning a defense verdict in favor of the client.
- **City of Pomona v. John Michael Faull, et al.** – Successfully secured a defense verdict in an environmental contamination case involving numerous chemicals where we were asked to represent the defendant less than two months before trial. The City of Pomona alleged that the defendants' operation of a bulk storage and distribution facility of hazardous chemicals for 50 years resulted in the contamination of soil and groundwater on its site and adjacent areas. Soil borings and groundwater logs detected significant concentrations of hazardous chemicals in each and every sample. With only three defendants remaining at the conclusion of trial, our client was the plaintiff's target defendant. After a hard-fought bench trial, the judge ruled that plaintiff did not prove a single cause of action.
- **Lopez v. Volk** – Successfully resolved a difficult lead exposure case involving eight children claiming exposure to excessive amounts of lead in an apartment complex.

Contact Information

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Areas of Practice

- Construction
- Environmental
- General Liability and Casualty
- Product Liability
- Professional Liability
- Toxic Tort
- Trial and Appellate Work
- Benzene, Silica and Other Chemicals

Education

- Loyola Law School, Los Angeles, J.D.
- Loyola Marymount University, B.A.

Admissions

- California

- **Jassim v. Village Builders** – Successfully defended a general contractor in a 12-week jury trial against the owner of a custom home built by the client in Laguna Beach, California.
- **PK Contractors v. Griffin DeWatering** – Successfully defended a de-watering subcontractor in a two-week trial against a suit by the general contractor on a public works contract. Received a defense verdict, and the client's unpaid contract damages.
- **Hehr International, Inc. v. Harding Lawson Associates, et al.** – Construction/Product Liability, Settlement of multi-million dollar claim stemming from the renovation of the San Mateo Bridge in Northern California. The claim involved the failure of coating material applied to new pylons used for supporting the bridge renovations. After proving the failures were due to poor installation, the coatings manufacturer client settled for a small fraction of plaintiff's demand.
- **Yarnell v. General Contractor** – Construction Defect. Negotiated a favorable resolution of significant mold claim that released defendant from all alleged construction defects, damages and bodily injury claims.

INDUSTRY INVOLVEMENT

Professional Affiliations:

- Southern California Mediation Association

Speaking Engagements:

- "What Every California Insurer Should Know: California's Fair Claims Settlement Practices"
- "The Nuts and Bolts of Construction Defect Litigation"
- "SB800: The Aftermath"
- "Getting the Most Out of Your Negotiations"
- "Evaluating & Defending Inverse Condemnation Claims"
- "Multi-State Construction Defect Law Review"

NEWS

- Supreme Court Ruling Benefits Homebuilders in Construction Defect Lawsuits
- Walsworth Partner Nick Cipiti and Senior Associate Jennifer Morin to Present on "Multi-State Construction Defect Law Review"