



John Kaniewski focuses his practice primarily on environmental litigation with an emphasis on asbestos, toxic torts and product liability. He is also involved in general liability matters of all sorts.

Prior to joining the firm, John spent more than 20 years in private practice and several more years as staff counsel for two major commercial liability carriers. John is a highly successful litigator with over 50 trials and is a member of the American Board of Trial Advocates (ABOTA), one of the preeminent national organizations for experienced trial lawyers. Many of John's trials have involved multi-million dollar exposure against some of the top plaintiffs' attorneys in the country. The subject matter of these trials has been quite varied and includes product liability, premises liability, general negligence, invasion of privacy and slander. John also has substantial experience in construction defect matters where he has represented owners, general contractors, subcontractors, and design professionals in mold and traditional damages claims.

REPRESENTATIVE SUCCESSES

- ***Plaintiff v. Commercial Real Estate Brokerage*** – Secured a defense verdict and award of costs in favor of a commercial real estate brokerage accused of professional negligence and breach of fiduciary duties. Plaintiff alleged a commercial real estate transaction involving the purchase of country club and complicated liquor license was thwarted when escrow instructions were not properly completed. Due to thorough cross examination of witnesses and expert testimony, the judge entered judgment in favor of our client immediately after closing arguments and without taking the matter under submission.
- ***Cardinal Collection Educational Foundation v. Museum of Global Antiquities*** – Represented plaintiffs in a case where the defendants induced them to loan \$4.8 million, and to then invest an additional \$2.225 million, in classic violins. At trial, we convinced the jury the investment scheme was a ruse and the main violin at issue never existed. The jury awarded our clients \$27 million in damages against the defendants, the Museum of Global Antiquities and its president.
- ***DePree v. Wholesale Distributor*** – Secured a non-suit during trial for a wholesale distributor of talc that was used in the manufacture of other products in a case involving a maintenance man who developed mesothelioma.
- ***Shackles v. Product Manufacturer*** – Obtained a non-suit during trial for one client, and settled the case favorably as to a related client immediately after the non-suit was granted, in a case involving mesothelioma purportedly caused by work with asbestos-cement pipe.
- ***Fraser v. California Nursery Center Chain*** – Obtained an extremely nominal settlement in Los Angeles County of a mesothelioma case against a retail seller of lawn fertilizer after a week of trial.
- ***Utech v. Heavy Equipment Manufacturer*** – Obtained a favorable settlement in Los Angeles County of a mesothelioma case against a heavy equipment manufacturer after cross-examination of the plaintiffs' industrial hygiene expert.
- ***Valentine v. City of Westminster*** – Successfully secured a defense verdict for the City

Contact Information

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Areas of Practice

- Asbestos
- General Liability and Casualty
- Product Liability
- Toxic Tort
- Trial and Appellate Work
- Environmental

Education

- Loyola Law School, Los Angeles, J.D.
- Loyola Marymount University, B.A., *magna cum laude*

Admissions

- California
- United States District Court, Central District of California
- United States Court of Appeals, Ninth Circuit

of Westminster and its employee in an action involving a seven-year-old child who darted out in front of a city-owned truck being driven by the city employee in a residential area.

- **Gale v. City of Newport Beach** – Represented the City of Newport Beach in an action involving allegations of excessive force by two police officers during the course of a traffic stop for suspected driving under the influence. While there was an arbitration award for the plaintiffs, the plaintiffs requested a trial de novo. At trial, the jury found only negligence and no intentional harm and returned a verdict less than the arbitration award. As a result, the City was entitled to its costs of suit. Since those costs exceeded the verdict in favor of the plaintiffs, there was a net judgment in favor of the City.
- **Tripp v. Newport Beach** – Successfully secured a defense verdict for the City of Newport Beach and two of its police officers in an action involving allegations of excessive force in an arrest for possession of marijuana.
- **Livernois v. Livernois** – Successfully secured a defense verdict in a slander action.
- **Vivas v. Southern Counties Express** – Secured a defense verdict in an accident involving a small car and a tractor-trailer. It was suspected that this was a fraudulent lawsuit and, during trial, we proved that two of the plaintiffs had lied under oath about critical aspects of the case.
- **Rhoads v. Burger King** – Successfully secured a defense verdict in an invasion of privacy case that drew both local and national media attention.
- **Martinez-Smith v. Brinker International** – Successfully secured a defense verdict in an action alleging burning and personal injury.
- **Reiner v. Park West Landscape** – This was an admitted liability action arising out of an automobile accident. The jury's verdict was more than \$430,000 less than what the plaintiff's counsel requested from the jury during closing argument and \$56,000 less than the final pre-trial settlement offer.
- **Westrup v. Hardy & Harper** – Defense verdict for a paving contractor in a slip and fall accident in a school parking lot which occurred shortly after the contractor had resurfaced the asphalt in the lot.
- **Thomas v. Tovey Construction** – Construction accident case, where the plaintiff fell down an elevator shaft, resulted in a net verdict \$600,000 below the final pre-trial demand. In addition, the general contractor client obtained full contractual indemnification from the primarily negligent subcontractor co-defendant.
- **McGrath v. ARMC** – Non-suit was granted to a ready mix concrete company in this premises liability action where the plaintiff was the driver of a bottom dump truck making a delivery to a concrete plant. He parked his truck in line with several others in the center divider lanes of a street as they waited to turn left onto the plant premises. Plaintiff got out of his truck and was talking to other drivers near the first truck in line when the driver of that truck made his left turn into the plant, running over plaintiff's foot and causing serious injuries. The granting of non-suit was upheld on appeal in an unpublished opinion.
- **Rodriguez v. Scovill** – Successfully secured a defense verdict in a products liability action. The plaintiff, a sheet metal worker, suffered traumatic amputation of three fingers from both hands when a punch press was inadvertently actuated.
- **Rios v. Scovill** – Products liability action that went to trial three separate times. The plaintiff, a sheet metal worker at the Long Beach Naval Shipyard, suffered traumatic amputation of fingers from his hand when a punch press was inadvertently actuated. The defendant was the manufacturer of a set of pneumatic valves that functioned as the actuation mechanism for the press. The first trial resulted in a defense verdict on the claim of failure to warn. However, there was a hung jury (8-4 for the defense) on the claim of product defect. On retrial of the product liability theory, a non-suit was granted to the defendant, but that ruling was subsequently overturned on appeal. At the third trial, the jury finally returned a defense verdict.
- Successfully enforced a judgment for attorneys' fees in excess of \$1 million awarded to a defendant arising from the successful defense of that defendant by other counsel in a complex fraud and construction defect action.
- Secured a defense verdict and award of costs in favor of a commercial real estate brokerage accused of professional negligence and breach of fiduciary duties.

Plaintiff alleged a commercial real estate transaction involving the purchase of country club and complicated liquor license was thwarted when escrow instructions were not properly completed. Due to thorough cross examination of witnesses and expert testimony, the judge entered judgment in favor of our client immediately after closing arguments and without taking the matter under submission.

INDUSTRY INVOLVEMENT

Professional Affiliations:

- American Board of Trial Advocates (ABOTA)

Speaking Engagements:

- “Hot Topics in Tort Litigation”
- Advanced Trial Advocacy Training. National Institute of Trial Advocacy, Boulder, CO
- “The New Judicial Council Jury Instructions.” Orange County Bar Association, Costa Mesa, CA
- “Trial Preparation from Start to Finish for California Paralegals.” Institute for Paralegal Education, Pasadena, CA
- “Gag Orders and Handling the Media During Litigation.” Third Annual Spring Meeting of the State Bar of California Business Law and Intellectual Property Law Sections, Carlsbad, CA
- “Youth Ministries and the Law.” National Association of Catholic Youth Ministers National Conference, San Diego, CA

BEYOND THE OFFICE

John is a native Southern Californian. He put himself through college by working as the assistant manager of a racquetball club. John and his wife, Cheryl, have been married for 35 years. Shortly after getting married and while John was in law school, they worked together as Directors of Youth and Young Adult Ministries at a Catholic parish in Orange County. They are both still heavily involved in their parish in many roles, including the choir.

In 2007, John (a bass), Cheryl (an alto), and their daughter, Katie (a second soprano) toured with the choir through Italy where they performed in the Vatican and several cathedrals, as well as in concert with the Vatican Orchestra. John was also a coach on Katie's travel softball team, which finished second in the state. In their spare time, John and his family spend as much time as possible in the Sierras.

NEWS

- Walsworth Attorneys Obtain Favorable Outcome for Clients in Habitability Case
- Meet the Walsworth Family Members on the Front Lines During the COVID-19 Pandemic
- \$8+ Million Binding Arbitration Award to Walsworth Clients Affirmed on Appeal
- Walsworth Obtains Appellate Victory for Distributor in Los Angeles
- Meet the Team Q&A: John A. Kaniewski
- Walsworth Obtains \$8 Million Binding Arbitration Award in a Breach of Contract Case
- Walsworth Announces 2018 Partner Class
- Walsworth Obtains \$27 Million Verdict in “The Great Violin Caper” Breach of

Contract Case

- Kaniewski Featured in Law360's Trial and International Arbitration Q&A Series