



David E. Hackett

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David Hackett has a broad-based appellate practice and has served as lead counsel for numerous appeals, writ petitions, and dispositive pre-trial and post-trial motions in state and federal courts. He frequently helps trial counsel, businesses, insurers, and individuals to navigate appellate and post-trial issues and consults with clients and trial teams regarding record preservation and critical briefing in all phases of litigation. He has substantive experience across a wide variety of topics, including: agency and partnership, anti-SLAPP motions, arbitration, civil procedure, contracts, constitutional law, employment, family law, health care, intellectual property, probate, real estate, secured transactions, state and federal regulations, and tax, among many others.

David received his law degree from Loyola Law School, where he was the class valedictorian. He then served as a law clerk to Judge Gary A. Feess of the U.S. District Court for the Central District of California, and to Judge Alfred T. Goodwin of the U.S. Court of Appeals for the Ninth Circuit. Between clerkships, he was an associate in the Los Angeles office of Latham & Watkins, where his practice included complex civil litigation, international arbitration, internal corporate investigations, and white-collar defense.

David graduated magna cum laude and Phi Beta Kappa from UCLA and he is still a dedicated Bruins fan. One of his prized possessions is an autographed copy of Coach John Wooden's Pyramid of Success.

Outside the courtroom, David is a proud husband and father of two children.

Some of David's appellate victories include:

- *AIX Specialty Insurance Company v. Timed Out, LLC* (Oct. 5, 2023, B320255) 2023 WL 6475087 – Court of Appeal held that nightclub's standard commercial insurance policy did not cover infringement of models' rights of publicity or a variety of other intellectual property infringement claims.
- *Tufeld Corp. v. Beverly Hills Gateway, L.P.* (2022) 86 Cal.App.5th 12 – Court of Appeal rejected challenge to ground lease's validity, applied Civil Code section 718's 99-year limit on city lot leases, and ordered lease enforcement through 2102.
- *Baral v. Schnitt* (Jan. 28, 2022, B298050) 2022 WL 263108 – Court of Appeal reversed jury's compensatory and punitive damages awards and trial court's denial of JNOV, ordering entry of defense judgment on all business tort claims.
- *Ray v. State Farm Mutual Automobile Insurance Co.* (9th Cir. 2021) 2021 WL 4902357 – Ninth Circuit affirmed judgment, rejecting plaintiffs' belated effort to change insurance bad faith theories.
- *Southern California School of Theology v. Claremont Graduate University* (2021) 60 Cal.App.5th 1 – Court of Appeal reversed judgment against the Claremont Colleges, ordering full enforcement of their property purchase rights worth more than \$30 million.
- *Kanno v. Marwit Capital Partners II, L.P.* (2017) 18 Cal.App.5th 987 – Court of Appeal affirmed judgment, comprehensively analyzed the parole evidence rule's governing principles and application, and complimented "all counsel on the excellent briefing and oral argument in this case."

Education

J.D., Loyola Law School, Los Angeles (2009). Summa cum laude, Order of the Coif, Loyola of Los Angeles Law Review (Articles Editor).

B.A., University of California Los Angeles (2003). Magna cum laude, Phi Beta Kappa.

Honors

Southern California Super Lawyers Rising Stars, Appellate (2017, 2018, 2019, 2020)

Southern California Super Lawyers, Appellate (2023, 2024)

Bar Admissions

- California
 - U.S. Supreme Court
 - U.S. Court of Appeals: Ninth Circuit
 - U.S. District Courts: Central District of California
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Speaking and Involvement

"Year in Review" – Case Highlights of 2023, Association of Southern California Defense Counsel Annual Seminar

2024

2022 Year in Review: A Summary of Recent Cases, Association of Southern California Defense Counsel Annual Seminar

2023

Writing and Arguing Winning Motions, Rossdale CLE

2022

Keeping The Lid On The Policy, American Property Casualty Insurance Association

2021

CYA (Coach Your Attorneys): How to Help Your Outside Counsel Preserve the Record for an Appeal, American Property Casualty Insurance Association

2019

Is Dynamex Dynamite? Evaluating Dynamex's Potentially Explosive Effects On Tort Defendants, Employers, And The Gig Economy; Association of Southern California Defense Counsel Seminar

2019

MCLE: Fighting Non-Economic Tort Damages, Los Angeles City Attorney's Office

2019

The Write Stuff: How To Win Your Case With A Compelling Style And The Tools Of Rhetoric, December 12, 2018, ProLawCLE

2018

Stop Controlling Me! Recent Legal Developments In Employee/Independent Contractor Classification In The Gig Economy, 29th Annual PCI Western Region General Counsel Seminar

2018

Experts: Can't Live With Them, Can't Live Without Them, 28th Annual ACIC General Counsel Seminar

2017

Reptiles, Picassos, And Stealth Bombers: Tips For Combating Aggressive Efforts To Inflate Non-Economic Tort Damages, 27th Annual ACIC General Counsel Seminar

2016

Secret Agents: The Coverage You Didn't Think You'd Be Providing, ACIC's 26th Annual General Counsel Seminar

2015

Professional Associations

Friends of the Los Angeles County Law Library, Board Member

Family Violence Appellate Project, New Leadership Council

Beverly Hills Bar Foundation, Board Member (2017 - 2018)

Law Student Mentor, The Appellate Project (2021)

Los Angeles County Bar Association, Appellate Courts Section

Federal Bar Association, Los Angeles Chapter

Association of Business Trial Lawyers (ABTL)

Association of Southern California Defense Counsel (ASCDC)

High Impact Wins

Tufeld Corporation v. Beverly Hills Gateway, L.P. (2022) 86 Cal.App.5th 12
Dec 07, 2022

Carachure v. Scott (2021) 70 Cal.App.5th 16
Oct 07, 2021

Southern California School of Theology v. Claremont Graduate University (2021) 60 Cal.App.5th 1
Jan 22, 2021

Kanno v. Marwit Capital Partners II, L.P. (2017) 18 Cal.App.5th 987
Dec 22, 2017

Novak v. Fay (2015) 236 Cal.App.4th 329
Apr 28, 2015

Publications

Guaranteed Confusion: The Uncertain Validity of Suretyship Defense Waivers in California (2008) 41 Loy. L.A. L.Rev. 1097.
Mar 22, 2008
