



David E. Hackett

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David Hackett has a broad-based appellate practice in which he has briefed and argued numerous appeals, writ petitions, and dispositive pre-trial and post-trial motions on a variety of topics, including agency and partnership, anti-SLAPP motions, arbitration, civil procedure, contracts, constitutional law, employment, environmental law, evidence, family law, health care, probate, real estate, state and federal regulations, and tax, among many others. David has also developed expertise representing secured commercial creditors in appeals regarding California's unique real estate foreclosure procedures and the law of suretyship and guaranty.

David received his law degree from Loyola Law School, where he was the valedictorian of his graduating class. He then served as a law clerk to Judge Gary A. Fees 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 matters.

David received his undergraduate degree 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.

Some of David's appellate victories include:

- *Baral v. Schnitt* (Jan. 28, 2022, B298050) 2022 WL 263108 (nonpub. opn.) – 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) __ F.Appx. __ [2021 WL 4902357] – Ninth Circuit affirmed judgment, rejecting plaintiffs' belated effort to change insurance bad faith theories.
- *Morgan v. J-M Manufacturing Company, Inc.* (2021) 60 Cal.App.5th 1078 – Court of Appeal reversed \$15 million punitive damages award in asbestos exposure suit.
- *Southern California School of Theology v. Claremont Graduate University* (2021) 60 Cal.App.5th 1 – Court of Appeal reversed judgment against the Claremont Colleges, holding that the doctrine of equitable servitudes required 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)

Bar Admissions

California

U.S. Supreme Court

U.S. Court of Appeals: Ninth Circuit

U.S. District Courts: Central District of California

Speaking and Involvement

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

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
