



## Andrew A. Bassak

### Partner

Andrew Bassak is a partner in the firm's litigation section with more than 25 years of experience in executing comprehensive legal strategy. He has advised and represented clients who are key players in leading industries such as energy and real estate, energy and utilities, environmental, financial services, and more, most recently having served as litigation partner at a national firm.

Andrew's wide-ranging experience encompasses all aspects of business trials, resolving varied commercial disputes in federal and state courts as well as arbitration, including cross-border disputes. Outside of his practice, Andrew serves as chair of the Board of Governors of California Trout, a nonprofit organization supporting natural resource issues and balancing the needs of wild fish and people. He has also served as president of the Board of Governors of the Association of Business Trial Lawyers and has been honored with several awards, including California Lawyer Magazine's California Lawyer of the Year award and the National Law Journal's Pro Bono award.

#### Representative Work

##### Trial Experience—Energy

Lead trial counsel for a major California oil and gas producer in four-day combined mandate and takings trial to avoid a regulatory taking of oil and gas operations valued in excess of \$1 billion. The decision of the trial court was to invalidate, on constitutional and other grounds, Monterey County Measure Z, a voter-approved ballot measure designed to end oil and gas production in Monterey County. (2017)

Lead trial counsel for private equity owners of a 400 MW power plant in a years-long contract and regulatory dispute over who will bear hundreds of millions of dollars in costs imposed by California's landmark greenhouse gas legislation, AB 32. The litigation included a five-day arbitration before a panel of three arbitrators, subsequent trial and appellate court litigation in which the courts twice vacated adverse decisions, and advocacy before the California Public Utilities Commission and the California Air Resources Board, which ultimately granted the relief sought by the client. See *Panoche Energy Center, LLC v. Pacific Gas & Electric Co.*, 1 Cal. App. 5th 68 (2016).

##### Trial Experience—Real Estate

#### San Francisco

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#### Practices/Industries

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Environmental Law  
Financial Services  
Land Use  
Litigation & Dispute Resolution  
Real Estate  
Business Disruption Strategies  
Family Office Services  
Contaminated Property

Lead trial counsel for a property owner, the petitioner in four consolidated mandamus proceedings, to successfully invalidate two voter initiatives adopted by the Antioch, California City Council that prevented the client's planned residential development. In the first phase of this two phase litigation, the court invalidated the City Council's adoption of a voter initiative sponsored by activist groups to stop development across a broad swath of undeveloped land within City limits, and also invalidated a development agreement embedded in the second initiative sponsored by a competing developer. In the second phase, the court found that the invalid development agreement could not be severed from the second initiative, resulting in the invalidation of the second initiative in its entirety. (2019)

Lead trial counsel on behalf of a developer to defend the California Environmental Quality Act CEQA litigation filed to challenge the City of Berkeley's approval of the downtown Berkeley Plaza project, an 18-story, mixed-use building with 302 apartment units, 20,000 square feet of cinema space, 10,000 square feet of restaurant or retail space, and 170 parking spaces. Successfully defended litigation challenging the project, including trial, within ten months. (2016)

Lead trial counsel for the developer of a 50-acre mixed-use project in a six-week bench trial against a municipality in a breach of contract/inverse condemnation action to recover over \$1 million incurred by the developer to install storm water infrastructure improvements benefiting the municipality. (2014)

### **Trial Experience—Commercial Disputes**

Acted as lead U.S. counsel for Kuwait Finance House (Bahrain), B.S.C., and its senior executives in a global dispute involving interrelated legal proceedings in Bahrain, New Zealand and California. Obtained the dismissal of a \$62 million lender liability U.S. District Court lawsuit alleging breach of fiduciary duties and concealment claims relating to the plaintiff's entering into a Sharia law-compliant commercial financing transaction, the enforcement of which in Bahrain resulted in a \$3.4 million judgment issued by the Bahrain Chamber for Dispute Resolution, a commercial tribunal established by decree of the King of Bahrain in partnership with the American Arbitration Association AAA. Employing an often-misunderstood aspect of California law, obtained a significant attorneys' fee award in favor of the clients that was upheld on appeal in the Ninth Circuit (*Teece v. Kuwait Finance House (Bahrain) B.S.C.*, 667 Fed. Appx. 931, (2017)).

Led a team of attorneys representing the former owners of D&D Tire, a regional tire retailer and distributor, in litigating a major M&A dispute venued in U.S. District Court in Reno, Nevada, ultimately to a settlement on the brink of trial. The sale of the D&D Tire business closed in 2008, just before the onset of the global economic crisis, with millions of dollars of the purchase price deferred, subject to post-closing performance under an earn-out agreement. Despite D&D Tire hitting all the requisite earnings milestones, Purcell refused to pay the balance of the purchase price, claiming that the value of D&D's business had eroded since the deal closed. After more than two years of arbitration conducted by the accounting firm Grant Thornton and a host of depositions across the U.S. and in Mexico, Purcell paid every dollar of the purchase price it owed to the seller, including late charges. (2011)

### **Probate**

Represented actor Robin Williams' trustees in resolving the highly publicized probate court dispute concerning the authority of the trustees, the disposition of Mr. Williams' personal residence, and his bequests of tangible personal property to his children. Under intense media scrutiny, negotiated a settlement confirming the trustees' authority, addressing the personal residence, and confirming the trustees' decisions regarding Mr. Williams' tangible personal property. See *Good Morning America* interview, *The Battle Over Robin Williams' Estate Begins* (March 30, 2015).

### **Notable Experience—Real Estate and Environmental**

Provided sophisticated litigation expertise to a buyer in the \$64 million acquisition of a city block in downtown San Jose, including the obsolete Valley Title office building, through a complex off-market transaction. For more than 70

years, the site had been owned by a California general partnership, with fee title held and controlled by the majority partner in an entity outside of the partnership, essentially rendering the building and site unmarketable. The owner's partners were deeply engaged in fiercely contested litigation and arbitration against each other, the partnership's accountants, and the court-appointed receiver for the seller/partnership, with allegations of fraud and theft of partnership profits among many other claims. Managed difficult negotiations between the parties to the pending litigation, brokered and documented a settlement to enable a timely closing, and coordinated the issuance of a court order discharging the receiver concurrent with the partnership interest and real estate closings. (2018)

Successfully represented owner of a remote, aging 40-unit residential housing development who became embroiled in a complex series of disputes initiated when the State Water Board issued water code violation citations. Consequently, the county ordered the tenants to vacate the property and sued the owner, alleging additional code violations and nuisance conditions at the property. The secured lender then commenced foreclosure proceedings, and a group of the tenants sued the owner. The matters were resolved by negotiating the settlement of the administrative enforcement actions, the settlement of lawsuits, and the lender foreclosure, all concurrent with the sale of the property to a buyer that intends to restore the property to open space. (2018)

In a representation spanning two decades for an industrial real estate owner/investor, led the resolution of a complex environmental matter concerning significant environmental contamination caused by former tenants. The matter began as a 12-party federal court CERCLA litigation to resolve cleanup cost liability for extensive chlorinated solvent contamination in groundwater, soil, and air at the client's warehouse site, a case that ultimately required over 75 days of deposition. Negotiated with U.S. EPA to avoid listing of the property as a superfund site, and negotiated numerous cleanup orders with local regulatory agency, negotiated forgiveness of secured debt against the property, and temporarily eliminated client's property tax liability. Addressed claims of neighboring property owners arising from environmental contamination concerns. Successfully pursued insurance recovery litigation against multiple carriers. Ultimately, generated a multimillion-dollar settlement fund from the potentially responsible parties and their insurers, leading to the negotiation of a guaranteed remediation contract backed by environmental insurance to effectuate the cleanup of the site. After the environmental engineering firm subsequently defaulted, obtained a court-issued affirmative preliminary injunction ordering the environmental engineering firm to continue remediation under its guaranteed contract. After decades of ownership, a series of difficult and expensive litigations, and constant dealings with environmental regulators, negotiated and closed sale of client's site on favorable terms to a REIT specializing in industrial properties, with no impairment to value due to the ongoing remediation, and with multiple layers of environmental insurance to protect our client/seller. (concluded 2015)

### **Published Decisions**

*Teece v. Kuwait Finance House (Bahrain)* B.S.C., 667 Fed.Appx. 931(9th Cir. 2016)

*Panoche Energy Center, LLC v. Pacific Gas & Electric Co.*, 1 Cal.App.5th 68 (2016)

*Fleur du Lac Estates Assn. v. Mansouri*, 205 Cal.App.4th 249 (2012)

*Mansouri v. Superior Court (Fleur du Lac Estates Assn.)*, 181 Cal.App.4th 633 (2010)

*Markstein v. Countryside I, L.L.C.*, 77 P.3d 389; 2003 WY 122 (Sup. Ct. WY 2003)

### **Publications**

"Force Majeure and Other Contract Performance Defenses In The Face Of COVID-19," Corporate Law Alert (March

2020)

"From Climate Change, Condemnations, and Fracking to Inspiration, Optimism, and Improvement," *ALFA International Publications*, March 4, 2018 (Co-author)

"Show Me the Money! A Survey of Issues Raised by Modern Third Party Litigation Funding," *ALFA International Publications*, March 4, 2017

"California Interference Torts for 'M&A Collateral Damage' Cases," ABTL Report, Spring 2010

"Going Fishin': Can plaintiffs discover the identity of potential class members before class is certified?" Feb. 15, 2007 (Co-author)

"International Dispute Resolution," ACC – ALFA International Global Legal Conference, October 11, 2006 (Co-author)

## **Presentations**

"Bad Lawyers in the Movies," presenter, MCLE Marathon (January 2020)

"Bad Lawyers in the Movies," Manatt Client CLE Marathon, Mr. C Beverly Hills Hotel, November 8, 2018

"From Climate Change, Condemnations, and Fracking to Inspiration, Optimism, and Improvement," ALFA International Client Seminar, March 3, 2018

"Technology And Law Firms – Boom Or Bane? Where Are We Headed?" ALFA International Annual Business Meeting, October 27, 2017

"What the Frac?! Recent Decisions in Lawsuits Challenging Fracking Bans," ALFA International Oil & Gas Conference, Oct. 24, 2017

"Show Me the Money! Modern Commercial Litigation Finance," ALFA International Client Seminar, March 4, 2017

"Investigations: Managing the Process and the Resolution," Association of Corporate Counsel (ACC) 2016 Annual Meeting, Oct. 18, 2016

"Hot Topics on Cold Water—Wine Industry Water Issues," Napa Valley Wine Industry Financial Symposium, Sept. 26, 2016

"Discerning the Wink, Avoiding the Blink – 21<sup>st</sup> Century ADR," ALFA International Client Seminar, March 4, 2016

"Where In The World?—Going Global To Collect Judgments," ALFA International Client Seminar, March 7, 2015

"Think Tank Crisis Management – Roundtable Discussion," ALFA International Oil & Gas Practice Group Meeting, May 1, 2014

"Managing E-Discovery In Complex Cases," ALFA International Client Seminar, March 5, 2011

"Concerned McCloud Citizens v. McCloud Community Services District, et al., and What Followed—Lessons to Be

Learned," Bay Area City Attorneys' Luncheon, June 24, 2010

"Cross-Border Collections: You Won... Now What?" Association of Business Trial Lawyers' Annual Seminar, Oct. 3, 2009

"Enforcing U.S. Judgments in the U.K. and Other Countries," ALFA International Client Seminar, March 8, 2008.

"International Dispute Resolution," ACC – ALFA International Global Legal Conference, October 11, 2006

## Press

"Council Places 'Flawed' Sand Creek 'Let Antioch Voters Decide' Initiative on November Ballot," The Antioch Herald (June 2020)

"Antioch Growth-control Measure Headed for the Ballot Box," East Bay Times (June 2020)

Good Morning America interview: "The Battle Over Robin Williams' Estate Begins," Good Morning America, Yahoo News (2015)

"Hanson Bridgett Welcomes Partner Andrew Bassak and Senior Counsel Christopher Rheinheimer," Hanson Bridgett press release (2019)

"Legal Challenge to Downtown Berkeley Mixed-Use High-Rise Struck Down," The Registry, (2016)

"Judge Rules in CEQA Infill Case," GlobeSt, (2016)

## Honors & Awards

2010 California Lawyer magazine Attorney of the Year "CLAY" Award – Environmental Law/Pro Bono Advocacy  
2010 National Law Journal Pro Bono Award

2009 California Trout Streamkeeper Award

California Super Lawyer (2005 - 2006, 2008 - 2019)

Martindale Hubble Rating: AV-Preeminent

## Professional Affiliations

Board of Governors, Association of Business Trial Lawyers of Northern California (2007 – 2015, 2018 – present; President, 2015)

Board of Governors, California Trout (2013 – present), Chairman of the Board (2015 – 2019)

## Education

B.S., University of Wisconsin (1988)

J.D., Santa Clara University School of Law (1992)

**Admissions and Courts**

California

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. Tax Court