



## Josephine Mason Petrick

### Senior Counsel

Josephine is Senior Counsel with Hanson Bridgett's Appellate Practice Group, where she focuses on appeals and law and motion in the state and federal courts.

Before joining Hanson Bridgett, Josephine served as law clerk to the Honorable James L. Dennis on the U.S. Court of Appeals for the Fifth Circuit. She began her career as an appellate attorney at the national appellate litigation boutique Horvitz & Levy LLP, based in Southern California. She has also worked at the litigation boutiques of Kaufhold Gaskin LLP and Kanner & Whiteley LLC.

In addition to appellate litigation, Josephine has experience litigating complex and high-stakes business, commercial, securities, and environmental matters, including class actions and multidistrict litigation. Previously, she served on the litigation teams successfully representing State Attorneys General in complex matters, including the Deepwater Horizon litigation, of unprecedented scale. Josephine also maintains an active pro bono practice.

Josephine received a B.A. in Linguistics from the University of California at Berkeley (Highest Honors and Phi Beta Kappa) and a J.D. from the University of California, Hastings College of the Law (magna cum laude and Order of the Coif). She was a Senior Articles Editor of the Hastings Law Journal, was a member of the Moot Court Board, served as an intern for Judge Edward Chen on the U.S. District Court for the Northern District of California, and successfully briefed and argued a Ninth Circuit appeal with the Hastings Appellate Project.

Josephine is licensed to practice in California and Louisiana.

#### Representative Work

**Punitive Damages:** As post-trial counsel, obtained a conditional remittitur reducing a \$2.1 million punitive damage award to one third of the original award

**Insurance:** Obtained summary judgment in federal court in favor of the insured, ruling that the defendant had a duty to defend in the underlying class action

**Constitutional Law:** Represented group of behavioral science and economics scholars as amici curiae in appeal addressing interplay

#### San Francisco

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#### Practices/Industries

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Appellate

Insurance Recovery

Litigation & Dispute Resolution

between free speech and equal protection rights. *Masterpiece Cakeshop, Ltd., v. Colorado Civil Rights Commission*, No. 16-111 (U.S. Supreme Court)

Healthcare: Represented nonprofit organization as amicus curiae in support of the Director of the California Department of Public Health, in appeal involving challenge to California's determination of death laws. *Fonseca v. Smith*, No. 17-17153 (9th Cir.)

Government: Filed amicus brief in the California Supreme Court on behalf of Southern California Regional Rail (Metrolink) in case involving important questions of law and public policy that will affect public agencies throughout the State. The Supreme Court granted the Ninth Circuit's request to answer a certified question regarding prevailing wage law as applied to certain taxpayer-funded rail-improvement projects. *Busker v. Wabtec*, No. S251135.

Government: Represented municipal organizations as amici curiae in appeal addressing contours of antitrust and municipal immunity doctrines. *AmeriCare MedServices, Inc. v. City of Anaheim, et al.*, No. 17-55565 (9th Cir.)

Anti-SLAPP, First Amendment: Secured favorable settlement and dismissal of complaint in full following filing of client's opening brief on appeal. *Wag Hotels, Inc. v. Puglisi*, No. A146927 (Cal. Ct. App. 2015-2017)

Copyright: Assisted with drafting appellate brief in matter involving novel application of the copyright misuse doctrine. *Omega S.A. v. Costco Wholesale Corp.*, 776 F.3d 692 (9th Cir. 2015)

Construction/real estate: Assisted with drafting appellate brief in real estate/construction matter, which settled following filing of client's appellate brief. *Pierre v. Cox*, Nos. A132771, A131738, A1311342 (Cal. Ct. App. 2011-2012)

Pro Bono: Represented diverse group of amici curiae in right to education appeal in support of students seeking equal access to educational opportunity. *Reed v. California*, 208 Cal. App. 4th 322 (2012)

Pro Bono: Obtained reversal of order dismissing civil action on behalf of client asserting Truth in Lending Act violations. *Matza v. Countrywide Home Loans, Inc.*, 433 F. App'x 591 (9th Cir. May 18, 2011)

Securities: Successfully represented directors, officers, companies, and investment funds in variety of securities and derivative actions

Consumer Class Action: Defeated class certification in consumer class action against national retailer, in litigation presenting an existential threat to the company (N.D. Cal. 2015-2017)

RICO: Obtained dismissal with prejudice of third-party complaint in complex federal RICO action with hundreds of millions at stake. *Paskenta Band of Nomlaki Indians v. Crosby*, No. 2:15-cv-00538-MCE-CMK, 2016 WL 3854237 (E.D. Cal. July 15, 2016)

Environmental: Served on litigation team in large-scale environmental case through historic, record-breaking settlement. *In re Deepwater Horizon*, MDL No. 2179, Nos. 10-3059 & 11-0516 (E.D. La. 2010-2015)

Environmental: Served on litigation team in large-scale environmental case from trial, post-trial briefing, through record-breaking settlement. *N.J. Dep't Env'tl. Prot. v. ExxonMobil Corp.*, Nos. UNN-L3026-04 & UNN-L-1650-05 (N.J. Sup. Ct. Law Div. 2014-2015)

Each case is different. Prior results are no guarantee of future success.

## Publications

- "Amicus Briefs: Friend of the District Court, Too?," co-author, *Appellate Insight Blog* (September 2019)
- "Federal Class Action Appeals – What's the Deadline to Petition to Appeal When a Motion for Reconsideration Is Filed?," author, *Appellate Insight Blog* (December 2018)
- "Arbitration Clauses, What's in Yours?" co-author, *Appellate Insight Blog* (April 2018)
- "Must One Contest a Tentative Ruling?," *Appellate Insight Blog* (February 2018)
- "Masterpiece Cakeshop': Drawing Lines to Ensure Tolerance Runs in All Directions," co-author, *The Recorder* (December 2017)
- "Peremptory Challenge Denied? Take a Writ," *Appellate Insight Blog* (November 2017)
- "MCLE: SLAPP Update," co-author, *California Lawyer* (December 2012)
- "Why we need a federal anti-SLAPP law," co-author, *Daily Journal* (June 2012)
- "The Wide-Ranging Applications of California Anti-SLAPP Law," co-author, *Law360: Expert Analysis* (February 2012)
- "*The Standing Doctrine's Dirty Little Secret*," co-author, 107 Nw. U. L. Rev. 169 (2012)
- "Uncertainty looms over anti-SLAPP issues," co-author, *Daily Journal* (December 2011)

## Presentations

- "Appellate Litigation: What Lies Ahead in 2019 and Beyond," co-panelist, The Knowledge Group (April 2019)

## Professional Affiliations

- Executive Committee of the Bar Association of San Francisco's Appellate Law Section
- Queen's Bench Amicus Committee, Co-Chair
- U.C. Hastings Law Journal Alumni Board, Member

## Judicial Clerkships

- Law Clerk to the Honorable James L. Dennis, U.S. Court of Appeals for the Fifth Circuit (2012-2014)
- Judicial Intern to the Honorable Edward Chen, U.S. District Court for the Northern District of California

## Academic Distinctions

Senior Articles Editor, *Hastings Law Journal*

Moot Court Board, Member

Order of the Coif

### **Education**

J.D., *magna cum laude*, University of California, Hastings College of the Law (2011)

B.A., *summa cum laude*, University of California, Berkeley (2008)

### **Admissions and Courts**

California

Louisiana

Supreme Court of the United States

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Ninth Circuit