

# RPN FIRM PROFILE

## ROXBOROUGH, POMERANCE & NYE LLP

**R**oxborough, Pomerance & Nye LLP (RPN) with two offices in Los Angeles County has been providing top legal representation to the California business community for two decades. With extensive trial, appellate, and business experience, we offer clients throughout the nation the benefit of a large firm's skill, organization, and full service environment without the traditionally associated high overhead costs and accompanying expenses.

We provide a broad range of legal services in all facets of civil litigation, legislation and policymaking. Our primary focus is on complex insurance issues, employment, business, and liability and claims activities. We defend our clients, both insured and self-insured, against tort and employer liability claims. We also handle a wide array of transactional work including business formations, partnership agreements, purchases and sales of businesses, employment agreements, and general business agreements.

At RPN, we place a high premium on preventive strategies and positive long-term solutions. We provide answers to clients' day-to-day business questions in order to limit litigation and devise effective strategies. When problems do arise, we work with clients to take incisive action to produce solutions that minimize costs and maximize results. Whether we are counseling on legal compliance or litigating a complex case, we keep our clients' interests foremost in mind.

Our associates handle issues faced by our clients with a practical, business-oriented approach designed to achieve their objective as efficiently as possible. We are dedicated to providing quality, efficient and aggressive representation to clients and ensuring our clients are kept apprised on the status of all significant developments on their cases.

Following is a list of published or precedential decisions we have won:

- Star Roofing Company, Inc. Precedential Decision 04-49. File No. AHB-WCA-04-49 [1/24/06]
- Donabedian v. Mercury Ins. Co. (2004) 116 Cal.App.4th 968
- Schaefer Ambulance Precedential Decision 99-01. File No. ALB-WCA-95-8 [1/11/99]
- State Compensation Insurance Fund v. The Superior Court of Orange County; Shaefer Ambulance Service, Inc., et al., Real Parties in Interest (1999) 24 Cal.4th 930, 103 Cal.Rptr.2d 662
- Joe Notrica dba. Notrica's 32nd St. Markets v. State Fund, (1999) 70 Cal.App.4th 911, 83 Cal.Rptr.2d 89 [rev. denied 7/14/99]
- MacGregor Yacht Corp. v. State Fund, (1998) 63 Cal.App.4th 448, 74 Cal.Rptr.2d 473 [rev. denied 7/29/98]
- Tricor California, Inc. v. State Fund, (1994) 30 Cal.App.4th 230, 35 Cal.Rptr.2d 550 [rev. denied 2/23/95]
- Security Officers Services, Inc. v. State Fund, (1993) 17 Cal.App.4th 887, 21 Cal. Rptr.653 [rev. denied 10/21/93]
- Maxon Industries, Inc. v. State Fund, (1993) 16 Cal.App.4th 1387, 20 Cal.Rptr.2d 730
- Courtesy Ambulance v. State Fund, (1992) 8 Cal.App.4th 1504, 11 Cal.Rptr.2d 1161 [rev. denied 11/12/92]
- Clayton E. Worthington, v. Victor M. Alcala, (1992) 10 Cal.App.4th 1404, 13 Cal.Rptr.2d 374
- Air-Sea Forwarders v. Air Asia, 880 F.2d 176 [9th Cir. 1989]
- Tozer v. LTV Corporation, 792 F.2d 403 [4th Cir.1986]
- Hingson v. Pacific Southwest Airlines, 743 F.2d 1408 [9th Cir. 1984]
- Stud v. Trans International Airlines, 727 F.2d 880 [9th Cir. 1984]
- James v. Bell Helicopter, 715 F.2d 166 [5th Cir.1983]

### RPN's Areas of Practice

- Civil Trial Advocacy
- Commercial Litigation
- Business Transactions
- Indian Law
- Insurance Law/Coverage/ Bad Faith
- Employment Law/Wrongful Termination/ADA/Sexual Harassment/Labor Code 132(a) and Serious and Willful Claims
- Real Estate Law
- Self-Insured Defense
- Class Actions
- Civil Appeals in Federal and State Court

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# RPN PARTNER BIO

## ROXBOROUGH, POMERANCE & NYE LLP

**N**icholas P. Roxborough is the co-managing partner at the Los Angeles County based firm of Roxborough, Pomerance & Nye LLP (RPN), the first law firm in the country to specialize in representing employers nationwide in workers' compensation premium disputes. He has dedicated his practice to representing businesses in California as well as other states including Utah, Nevada, Kentucky, Pennsylvania, and New York in all aspects of insurance and employers' rights issues through litigation, legislation and public policy.

Mr. Roxborough has been practicing law since 1984. He has substantial jury trial and appellate experience before state and federal courts, various administrative boards as well as arbitration panels. He has also served as an arbitrator concerning insurance issues. A well-known and nationally respected trial attorney, Mr. Roxborough has obtained seven leading published appellate opinions concerning employers' rights in the insurance arena as well as a statewide injunction against California's largest workers' compensation insurance carrier for unfair trade practices. At trial, he also obtained the largest punitive damages award upheld by the California Court of Appeals on behalf of a California employer against its workers' compensation insurance carrier. He has won numerous cases and arbitrations where national carriers have been found in violation of California's Business & Professions Code Section §17200 (unfair trade practices) and engaged in bad faith claims mishandling. His firm continues to pioneer, win and secure for employers throughout the nation their right to be treated fairly and equitably by their workers' compensation insurance carrier.

In the process, Mr. Roxborough has also expanded his expertise to assist tribal entities throughout the state of California in their battles against regulatory agencies concerning the protection and preservation of tribal entities' sovereign rights. He has also fought for and achieved class action settlements against multi-national corporations for violating consumer and employer rights concerning various federal and state statutes.

Recognized for his expertise in employers' rights issues, Mr. Roxborough frequently addresses trade associations, California State Bar organizations, private employers and the California Legislature concerning insurance related issues. He is often quoted in numerous employer and insurance trade journals, and has appeared on television as an expert in areas of insurance and privacy matters.

A graduate of UC Berkeley, Mr. Roxborough received his legal education from Southwestern Law School in Los Angeles. He also studied International Relations and International Law at the Institute of European Studies in Vienna, Austria. Mr. Roxborough, his wife and children are actively involved in various charitable organizations, and he has served for the last ten years as President of United Cerebral Palsy Spastic Children's Foundation in Southern California.



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**D**rew E. Pomerance is the co-managing partner at the Los Angeles County based firm of Roxborough, Pomerance & Nye LLP (RPN), the first law firm in the country to specialize in representing employers in workers' compensation premium and dividend disputes. He has dedicated his practice to representing the California business community in all aspects of insurance coverage and bad faith disputes, employment litigation, and trial and appellate advocacy.

A business trial and appellate lawyer since 1982, Mr. Pomerance specializes in the areas of insurance coverage, insurance bad faith, and employment litigation. Mr. Pomerance's trial victories include a landmark insurance bad faith decision resulting in a \$20 million jury verdict against California's largest workers' compensation insurance carrier. Other trial victories include a \$1.1 million judgment against a major insurance carrier for excluding a medical provider from a medical network; a real estate case against the actor Michael J. Fox; the successful defense of a major misappropriation of trade secrets case against a Fortune 500 defense contractor; the successful defense of a wrongful termination and retaliation case; a multi-million dollar malicious prosecution verdict against a former CIA proprietary company; and a multi-million dollar arbitration award for Children's Hospital of Los Angeles against its insurance carrier for breach of contract.

Mr. Pomerance also has won eight reported appellate court decisions including a recent landmark decision from the California Supreme Court which upheld the rights of employers to sue their workers' compensation insurance carrier for bad faith conduct which results in unjustifiable premium increases. He has also been at the forefront of protecting consumers' rights against insurance companies under Proposition 103, with several significant appellate decisions in this area.

Mr. Pomerance is a member of the American Board of Trial Advocates (ABOTA), which is a national organization recognizing only the most experienced trial lawyers. He is also recognized for his expertise in employers' rights issues and lectures at seminars on various topics including preventing or defending wrongful termination and harassment lawsuits. Mr. Pomerance has been a featured speaker at seminars in class action and complex business litigation matters. He has assisted in drafting employee handbooks and manuals for a variety of companies. He has also authored several articles, including one titled "Trade Secret Insurance" which was published in the November 1999 issue of *California Lawyer Magazine*.

A graduate of the University of California at Berkeley, Mr. Pomerance received his legal education and obtained a J.D. degree from Hastings College of the Law in San Francisco. He is actively involved in the community, serving as president of one of City of Hope's fund-raising chapters for two years. Mr. Pomerance practices out of the Woodland Hills office.



**Drew E. Pomerance, Esq.**

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## ROXBOROUGH, POMERANCE & NYE LLP

**G**ary A. Nye is a partner in the Los Angeles based firm of Roxborough, Pomerance & Nye LLP. He has been named as a “Southern California Super Lawyer,” and recognized as one of the top lawyers in Southern California by his peers in *Los Angeles Magazine* and *Super Lawyers* publications.

Practicing law since 1986, Mr. Nye represents the California business community in all aspects of business and commercial litigation including employment, insurance, real estate, and shareholder/partner disputes. He also has extensive experience in all aspects of corporate and business transactions.

Through his representation of surety and insurance companies as well as insurance agencies throughout the United States, Mr. Nye has developed an expertise in insurance law as it relates to surety bonds, government liabilities, and insurance bad faith. He has represented numerous insurance companies in both claims and bad faith actions. Among Mr. Nye’s successful achievements in this area of practice include his representation of the plaintiffs in the matter *Ammest v. Reno, et al.*, resulting in the landmark settlement pertaining to the administration of Federal Surety Bonds. Based upon this case, Mr. Nye has represented numerous insurance companies in disputes with the United States resulting in cumulative savings to his clients of amounts in excess of \$40 million.

Mr. Nye has also represented various businesses in the successful defense of class actions arising out of claims asserting Labor Code violations and unfair business practices under the Business and Professions Code. Most recently, he has served as lead counsel in the favorable resolution of a class action claim relating to the independent contractor classification of a large employer’s sales force.

In addition to litigation, Mr. Nye serves as outside general counsel to small, medium, and large businesses. Mr. Nye represents business and executives on matters involving business formation, operations, labor and employment issues, strategic planning, risk management, and growth. His experience in the transactional area encompasses representing both purchasers and sellers in the sale of a variety of businesses, as well as the preparation of all types of general business agreements.

Mr. Nye has authored “The Customer List as a Trade Secret” which has been nationally published in *Intellectual Property Law Journal*. A graduate of Loyola Law School, he has served as an arbitrator on the Los Angeles Court Panel of Judicial Arbitrators, and has been a frequent guest speaker on legal issues pertaining to surety and general business.



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## ROXBOROUGH, POMERANCE & NYE LLP

**M**ichael Adreani is a partner at the Los Angeles based employers' rights law firm, Roxborough, Pomerance & Nye, LLP (RPN), the first law firm in the country to specialize in representing employers in workers' compensation premium and dividend disputes. Mr. Adreani has dedicated his practice to representing the California business community in bad faith litigation, class actions, civil appeals, insurance regulation, administrative actions and appeals, employer liability, and legislative action.

Mr. Adreani represents clients in a wide variety of insurance related matters with an emphasis on risk management, coverage, and workers' compensation cost containment. He also represents both employers and employees in prosecuting and defending against various wage and hour matters. His experience encompasses a wide range of cases including:

- Representing a large staffing and labor leasing company in a bad faith litigation to recover compensatory and punitive damages from Liberty Mutual for deficient claims handling and improper reserving under a policy of workers' compensation insurance.
- Representing a large California insurance broker in various actions to obtain insurance coverage for public entity clients through the California Insurance Guarantee Association.
- Representing an international reinsurance company in an action brought by the California Insurance Commissioner to recover proceeds to a surety bond.
- Representing a class of computer software engineers in an action to recover overtime compensation from several CitiGroup entities.



**Michael B. Adreani, Esq.**

Partner

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Prior to joining RPN, he gained valuable experience in insurance related issues while working at the California Department of Insurance, legal division, in San Francisco, and with the in-house legal team at Hannover Re-, one of the world's largest reinsurers located in Hannover, Germany. Today he is recognized for his expertise in the insurance industry.

A member of the Risk and Insurance Management Society (RIMS), Mr. Adreani has been a featured speaker at the national RIMS conference as well as at local chapter meetings. He has also authored articles for trade publications including the most recent one titled "Covering Your Tail: LPTs Transfer Risk When Moving To Fully Insured Plans" for the *PEO Insider*.

In addition, Mr. Adreani has been named 2006 Southern California Super Lawyers "Rising Star" by *Law & Politics*, an honor given to the top 5% of attorneys in Southern California who are 40 years old or younger or who have been in practice for ten years or less.

Mr. Adreani has been practicing law since 1998. He earned a bachelors degree from the University of California at Berkeley and studied abroad at the University of Göttingen prior to receiving his law degree from Northeastern University School of Law in Boston.

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