

# ELLIS GEORGE CIPOLLONE

ELLIS GEORGE CIPOLLONE O'BRIEN ANNAGUEY LLP



---

## Russell F. Wolpert

### Of Counsel

Office: Los Angeles

T: 310.274.7100

F: 310.275.5697

rwolpert@egcfirm.com

---

### Education

- Loyola University School of Law, Los Angeles, J.D., with Honors, 1980
- University of California, Los Angeles, B.A., with Honors, 1977

### Bar Admissions

- California

### Court Admissions

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

**Russell F. Wolpert** litigates a wide range of business disputes, including all litigation and class actions, labor, employment, contracts, consumer claims, securities, real estate, intellectual property, regulatory compliance, and administrative law, among other areas.

For more than a dozen years, Mr. Wolpert was Chief Legal Officer, Senior Vice-President, and Corporate Secretary for a 14,000 employee, publicly traded New York Stock Exchange company, 99 Cents Only Stores. In this capacity, he headed the company's law department, with Loss Prevention and Risk Management also reporting to him. He was also on the company's several member Executive Committee and advised at its Board meetings. Before that, he was a trial lawyer specializing in business and complex litigation, with jury and court trials in both federal and state courts.

### Representations

- Counsel in *99 Cents Only Stores v. City of Lancaster*, 237 F. Supp 2d 1123 (2001), striking down governmental taking as unconstitutional, with case later cited and quoted in *Kelo v. City of New London*, 545 U.S. 469 (2005).
- Trial counsel for plaintiff in *Watson v. Wood Dimension, Inc.*, 209 Cal. App. 3d 1359 (1989), the first California case to apply quantum meruit in a case for damages based on procuring cause theory of relief.
- Trial counsel for plaintiff *Peoples' Republic of China entity Bank of China in Bank of China v. Sun, et al.*, USDC-CD Case CV-93-05395 HLH, in which the jury awarded Bank of China in excess of \$2 million, the full amount requested. This was its largest U.S. jury award at the time of verdict.
- Counsel for plaintiff *People's Republic of China entity Bank of China in Bank of China v. SV International Inc., et al.*, USDC-CD Case CV-96-07360 TJH. Obtained judgment of \$47.3 million, its largest U.S. judgment at the time of entry of judgment, and the full amount requested.
- Resolved misclassification and meal/rest break employment class action at California record low level (\$1 per work week in 2012 resolution).
- Spearheaded and successfully defended novel plan to increase 99 Cents Only Stores' price point by 99/100¢, to \$0.9999.
- Obtained numerous summary judgments, including as counsel for *HomeFed Bank in HomeFed Bank, etc. v. GW Lancaster Venture, Griffin Homes, etc., et al.*, LASC Case BC 029995.

- Trial counsel defendant in *Rucinski v. Graphic Controls Corp.*, OCSC Case X608293, appellate no. G011058, in which a defense verdict was rendered at trial in an employment action brought by an elderly, long term female employee with uniformly superior job evaluations who was terminated from employment. The trial verdict was affirmed on appeal.
- One of two corporate officers charged with heading \$1.6 billion going private transaction for 99 Cents Only Stores, voted best large company going private transaction of the year.
- Obtained numerous restraining orders and injunctions, including a compulsory, mandatory TRO compelling Shasta to continue shipping all requested merchandise, in the case of *99 Cents Only Stores v. Shasco*, LASC Case BC 121637.
- In *99 Cents Only Stores v. City of Oxnard, et al.*, USDC-CD Case CV-02-01972 TJH, successfully compelled City of Oxnard to stop enforcement of ordinance prohibiting opening of new stores that sell most merchandise for under \$2.00.
- Obtained numerous sanctions against opposing parties, including a greater than \$100,000 discovery sanction in favor of client Johnson & Johnson for the other side's failure to admit facts in discovery that were later proven in a successful summary judgment motion. (*Suresh Wadwani v. Johnson & Johnson, et al.*, USDC-CD Case CV-95-00974 LGB.)
- Obtained court order for single party binding arbitration in case where the arbitration agreement did not provide for single party rather than class arbitrations.

## **Selected Professional Activities & Honors**

- Honored by the Los Angeles Daily Journal and the San Francisco Daily Journal as one of "Twenty Leading General Counsel in California" (2012)
- Speaker, with Toyota Financial Services General Counsel and Los Angeles Managing Partners of Munger, Tolles & Olson; Gibson, Dunn & Crutcher; Latham & Watkins; and DLA Piper, at Sandpiper Los Angeles/Orange County law firm Managing Partner seminar (2012)
- Co-Author of chapters on Federal Court jurisdiction, removal jurisdiction, and State Court jurisdiction of California Civil Procedure Before Trial, published by the California Continuing Education of the Bar (1997, etc.)
- Past Chairman, Malibu General Plan Task Force (created Malibu's first General Plan)
- Panelist with 9th Cir. Judge Kozinski, USDC-CD Presiding Judge Real, and attorney Ellis Horvitz, at ABTL Annual Seminar (1985)
- Guest Lecturer, Pepperdine Law School, Straus Institute for Dispute Resolution (2013)

## **Practice Areas**

- Business Litigation
- Intellectual Property
- Real Estate
- Administrative Law