

# ELLIS GEORGE CIPOLLONE

ELLIS GEORGE CIPOLLONE O'BRIEN ANNAGUEY LLP



---

**Peter Obstler**

**T:** 415.391.7100

**Partner**

**F:** 415.391.7198

**Office:** San Francisco

pobstler@egcfirm.com

---

## Education

- Yale Law School, J.D.
- Haverford College, B.A.

## Bar Admissions

- California

**Peter Obstler** is a Partner in the Firm's Litigation Department. Mr. Obstler has more than twenty years of experience representing public entities, corporations, privately held institutions, and individual clients in complex, high stakes adversarial proceedings. He has appeared on behalf of his clients in jury and bench trials in state and federal courts, and in appeals before the U.S. Courts of Appeals for the First, Second, and Ninth Circuits and the California Supreme Court.

Prior to joining the firm, Mr. Obstler was a senior litigation partner at Arnold & Porter LLP from 2013 to 2017, a partner and co-head of the class action practice group at Bingham McCutchen LLP from 2009-2013, and a litigation partner in the trials and mass torts practice group at O'Melveny & Myers LLP from 2003-2009.

Since 2010, Mr. Obstler has served as lead trial counsel in over 40 financial services consumer class actions involving all aspects of the recent financial crisis. He has successfully represented clients in connection with class actions and multi district proceedings involving Fair Debt Collection, Truth in Lending, RESPA, HAMP, Anti-Deficiency, Fair Credit Reporting, loan forgiveness and tax reporting, TCPA, RICO, Unfair and Deceptive Business Practices, and securities. He also has extensive experience handling and responding to multi-agency and overlapping regulatory investigations, government consent judgment proceedings, government subpoenas, and multi-state escheatment audits of unclaimed property. Mr. Obstler is a frequent speaker and presenter at conferences and seminars on legal developments in class action litigation and risk management.

Mr. Obstler has also helped a diverse roster of clients from other industries in "bet the company," high stakes lawsuits. He currently serves as lead litigation counsel for the ranchers on the Point Reyes Peninsula in connection with environmental litigation over the future of dairy and beef ranching at the Point Reyes National Seashore. Mr. Obstler has represented governmental entities, as well as public and private corporate entities, in civil rights, land use and development, environmental, corporate acquisitions and control, collateral surety bond default, international arbitration, and adversarial bankruptcy litigation proceedings. He has also represented and obtained successful results for disputes in adversarial matters involving professional sports franchises, telecommunications, home building, manufacturing and consumer product safety. He has tried and obtained favorable judgments in patent infringement, trade secret, First Amendment, civil rights, business disputes, excessive force, dangerous condition, traffic accident, and mass tort cases. And he has obtained favorable results for individual and institutional clients in a number of high profile First Amendment, SSI, privacy, discrimination, and other class actions involving local

government entities in California, New York and Nevada.

From 1997-1999, Mr. Obstler served as a Deputy City Attorney for the City and County of San Francisco. During his tenure, he was San Francisco's lead trial counsel in more than 100 civil rights and municipal entity tort cases. Mr. Obstler also served as San Francisco's lead trial and appellate counsel in the City's successful First Amendment defense of the sale and transfer of the Mt. Davidson Park Cross.

From 1993-94, Mr. Obstler served as Law Clerk to the late Honorable Thomas H. Meskill, (then) Chief Judge, United States Court of Appeals for the Second Circuit and to the Honorable Alan H. Nevas, United States District Court for the District of Connecticut from 1991-1993.

Mr. Obstler received his J.D. from Yale Law School in 1991, where he was awarded the Robbins Prize for authoring an outstanding student article in a law school journal other than the *Yale Law Journal*. Mr. Obstler obtained his B.A. from Haverford College in 1981. In 1978-1979, and 1981-1983, Mr. Obstler was a Vista Volunteer and community organizer. From 1983 to 1988, Mr. Obstler served as National Organizing Director for the National Campaign Against Toxic Hazards.

Throughout his legal career, Mr. Obstler has maintained an active pro bono practice, representing both indigent persons and public interest groups in a variety of high profile civil rights and innocence project matters. He has earned a reputation for professionalism, collaboration, and the ability to develop and implement innovative legal strategies as well as favorable outcomes for his clients. His work has been reported on by numerous media outlets, including *The New York Times*, *Good Morning America*, and *Law360*. In 2015, the American Bar Association recognized his achievements by naming him an ABA Fellow. Mr. Obstler is also ranked in *Best Lawyers of America* and has been selected to the Northern California Super Lawyers list.

## **Practice Areas**

- Business Litigation
- White Collar Criminal Law
- Indian Law

## **Public Entity Related Matters and Representations**

- *Resource Renewal Institute, et al. v. National Park Service*. Lead Counsel for Point Reyes Sea Ranchers in NEPA litigation challenging renewal of ranching authorizations and planning issues by National Park Service at Point Reyes National Seashore; coordinated lease negotiation, park management, and coastal planning issues with Marin County, congressional delegations, and environmental and community groups.
- Lead trial counsel for Contra Costa County in defense class actions challenging foster care and SSI programs; obtained dismissal of all class action claims under Younger Abstention and Eleventh

Amendment defenses.

- Lead trial counsel for Contra Costa County in successful defense and settlement of class actions challenging county search policies for jails and juvenile detention centers.
- *Elhifny v. Washoe County School District, et al.*, and *Hart v. Washoe County School District*. Lead litigation counsel for high school students who were denied right to education because of school district's discrimination and failure to prevent harassment and discrimination of Muslim student; obtained \$400,000 compensatory damage settlement and injunctive relief amending district-wide discrimination policy.
- *Field Day, et al. v. Suffolk County, et al.* Litigation counsel for music promoters in a \$20 million civil rights action challenging municipal entities and alleged co-conspirators prior restraint of speech through illegal interference with permit process and improper denial of event permits in violation of the first Amendment.
- *Henkle v. Gregory, et al.* Lead counsel for plaintiff in civil rights lawsuit against school district and its employees alleging discrimination based on student's sexual orientation; negotiated landmark settlement in which plaintiff received \$451,000 and the school district implemented anti-discrimination policies and procedure
- Lead trial counsel for City defendants in federal civil rights bench trial. Plaintiffs challenged the auction and sale of the Mount Davidson cross and surrounding park land to a private third party on the ground that it violated the Establishment, No Preference and No Aid Clauses of the United States and California Constitutions. The court rendered a verdict in favor of the City defendants on all claims.
- *Arnold v. City and County of San Francisco*. Lead trial counsel for the City in defense of \$500,000 excessive force lawsuit for injuries allegedly sustained as the result of arrests and detentions by San Francisco police officers. The court dismissed plaintiff's lawsuit with prejudice after commencement of jury trial.
- *Grimes v. City and County of San Francisco, et al.* Lead trial counsel for defendants, the City, the San Francisco Sheriff's Department, Sheriff Michael Hennessy, and six individual sheriff deputies in federal civil rights lawsuit. Plaintiff alleged that he sustained physical injuries as a result of excessive force by sheriff deputies at the County Jail during an inmate disturbance. The jury returned a verdict in favor of defendants on all claims.
- *Safdie v. City and County of San Francisco*. Lead trial counsel for the City in defense of personal injury claims arising out of collision of two San Francisco Muni buses. The jury returned a verdict in favor of the City on all claims.
- *Johnson v. City and County of San Francisco*. Lead trial counsel for the City in defense of \$200,000 personal injury action brought for injuries allegedly sustained as the result of a dangerous condition of public

property. The court directed a verdict for the City on all claims.

- *Kong et al. City and County of San Francisco, et al.* Argued before U.S. Court of Appeals for the Ninth Circuit on behalf of City defendants in plaintiffs' appeal of district court's verdict that City's sale of cross and surrounding park land to private party did not violate the Establishment, No Preference, and No Aid Clauses of the U.S. and California Constitutions. The Ninth Circuit affirmed the district court's verdict.
- *Woo, et al. v. State of California, et al.* Lead appellate counsel on behalf of amici civil rights groups seeking heightened scrutiny review of sexual orientation classifications in connection with equal protection challenge to state prohibition on same-sex marriage.
- *Kong, et al. v. City and County of San Francisco, et al.* (See *Kong v. City and County of San Francisco*, reported at 18 Fed.Appx. 616,2001 WL 1020102 (9th Cir. 2001).)
- *Mitchell v. Prunty*. Briefed and argued appeal before U.S. Court of Appeals for the Ninth Circuit on behalf of inmate challenging denial of petition of writ of habeas corpus under 28 U.S.C. § 2254 on ground of insufficiency of evidence to support second degree murder conviction. The Ninth Circuit reversed the denial of the petition and the conviction and the writ issued resulting in the inmate's release from custody. (See *Mitchell v. Prunty*, reported at 107 F.3rd 1337 (9th Cir. 1997).)
- *California Dept. of Corrections v. Morales*. Assisted in representation of individual convicted of second-degree murder on appeal to the U.S. Supreme Court challenging constitutionality of California's parole hearing statute. (See *California Dept. of Corrections v. Morales*, reported at 514 U.S. 499 (1995).)
- *People v. Cervantes*. Lead trial and appellate counsel for juvenile seeking new trial and sentence after being convicted and sentenced to life imprisonment for non-homicide crimes.

## **Environmental and Mass Torts Litigation**

- Lead counsel for garden product manufacturers, homebuilding companies, home furnishing retailers, and computer manufacturers in multiple actions filed under Proposition 65.
- Counsel for chemical manufacturers in class actions, indemnity action and toxic tort claims involving medical monitoring, compensatory damages and injunctive relief.
- Litigation counsel for corporations in compliance and administrative proceedings, environmental cleanup, toxic tort, CERCLA, insurance coverage, and contribution actions.

## **Complex Commercial Litigation**

- Lead counsel on behalf of California's largest privately held home building conglomerate entities and corporate officers, directors and

employees in defense of “bet the company” adversary proceedings alleging \$400 million in fiduciary breach, deepening insolvency, and preference claims.

- Lead litigation counsel for homebuilding companies in a series of actions successfully defeating surety bond companies’ attempts to require homebuilders to post collateral on unasserted claims.
- Lead litigation counsel for hedge funds in a variety of litigation and regulatory compliance matters.
- Litigation counsel in defense of foreign corporation in federal unfair trade practices litigation; defeated plaintiff’s motion for a preliminary injunction and subsequently obtained dismissal of lawsuit for lack of federal subject matter jurisdiction.
- Litigation counsel in defense of individual in dispute involving complex partnership and corporate transactions over operation and sale of professional sports franchise; obtained dismissal of derivative claims resulting in favorable settlement of litigation.
- Litigation counsel in defense of national insurance company in federal lawsuit arising out of a dispute for control of a joint venture formed to operate a Minority Business Enterprise insurance company; obtained dismissal of RICO and derivative claims resulting in favorable settlement of litigation
- Litigation counsel in defense of individual officer of national healthcare company in federal criminal investigation and parallel civil lawsuits alleging violations of federal and state Medicare-Medicaid, mail, wire, securities, and false claims anti-fraud statutes.

## **Intellectual Property/Telecommunications Litigation**

- Lead counsel on behalf of international financial institution in successful defense of trade secret misappropriation.
- Lead counsel on behalf of home building company in successful defense of trade secret claim regarding misappropriation of “malternative beverages” trade secrets and recipes.
- Lead trial counsel for leading telecommunication market metrics provider in breach of warranty and fraud claims in connection with the acquisition of wireless market metrics measurement technology and regulatory compliance matters.
- Trial counsel for an electronic design automation company in successful trial defense “bet the company” trade secrets and patent infringement action.

## **Consumer Finance**

- *United States v. The Home Loan Auditors, et al.* Represented individual defendants in negotiations with US Department of Justice in connection with federal enforcement action under Fair Housing Act.

- Lead trial and appellate counsel on behalf of consumer mortgage servicing entities in defense of multiple class action litigation over the impact of California's anti-deficiency judgment laws on collection, credit reporting and taxation of home loan defaults.
- Lead trial and appellate counsel on behalf major commercial lending financial institution in 35 nationwide consumer lending class actions, including debt collection, loan servicing and default services, RICO, RESPA, TILA, UCL, lender placed insurance, FRCRA and credit reporting, OCC and NME consent orders, CFPB and regulatory investigations, loan modifications, foreclosure documentation issues.
- Lead trial counsel on behalf of major commercial lending financial institution in Class Action lawsuit alleging violations of Sections 632 and 632.7 of the California Penal Code.
- Lead counsel for a check approval services company in defense of nationwide consumer class action and unfair competition lawsuit; obtained dismissal with prejudice of class action claims and favorable settlement of unfair competition claims.
- Lead litigation counsel for investment banking entities in securities litigation matters, including federal class action securities litigation and third-party discovery matters.
- Lead counsel for international financial institution in charge of investigating and negotiating alleged compliance violations under Unclaimed Property Law and escheatment issues with California State Controller's Office.
- Litigation counsel for national mutual fund in defense of state and federal securities regulatory investigations.

## **Awards & Recognitions**

- Recognized in *The Best Lawyers in America*® 2014-2023, Commercial Litigation
- Selected to the Northern California Super Lawyers list in 2007, 2012-2022 for Mass Torts and Class Actions
- ABA Fellow, American Bar Association
- *Litigation Department of the Year* (Member and Partner), The American Lawyer, 2004
- *Outstanding Service Award (Civil Rights)*, Hetrik Martin Foundation 2003
- *Robbins Prize*, Yale Law School, 1991