Alan J. Kessel

Partner

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Alan is a versatile and accomplished trial attorney who is trusted by national and regional companies to handle their most complex disputes.

OVERVIEW

Alan focuses his practice on complex litigation and trial work in federal and state courts throughout the U.S., as well as arbitrations. He represents a wide variety of publicly traded and privately held national and regional companies spanning multiple industries, including financial institutions, commercial and residential real estate developers, technology companies, health care plans, manufacturers, and distributors.

In addition to his trial practice, Alan has successfully argued numerous appeals in federal and state courts, including a landmark, unanimous decision published by the California Court of Appeal. Alan also regularly provides preventive litigation and risk management services to a broad array of clients.

REPRESENTATIVE MATTERS

- Represented a consortium of 49 publicly traded and private banks in a case involving a real estate development loan. In the ensuing three-week jury trial in state court on their cross-action, the banks were awarded $12 million in compensatory damages, as well as ownership of several hundred acres of undeveloped real property they subsequently sold for more than $15 million.
- Obtained a complete defense judgment on behalf of a publicly traded financial institution following a multiweek bench trial seeking $16 million in damages arising from the institution’s nationwide sale of distressed assets.
- Secured the complete defense and dismissal, with prejudice, of $10 million in lender liability claims against a publicly traded bank.
- Obtained a multimillion-dollar award of compensatory and punitive damages and attorneys’ fees and costs following a six-week jury trial and a subsequent bench trial involving the commission of three species of intentional fraud.
- Served as special trial counsel in what was then the largest bankruptcy case filed in Los Angeles County history. Multiple actions were tried in the federal and state courts alleging fraud, breach of contract, breach of fiduciary duty, and fraudulent transfers; all claims and counter-claims were defeated in their entirety.
- Successfully defended a national corporation in three separate misappropriation of trade secrets, unfair competition, and breach of fiduciary duty and contract actions filed by different competitors, and collectively seeking more than $27 million in compensatory damages.
- Prevailed on behalf of a residential real estate development company in a multimillion-dollar suit filed by an environmental group known for preventing real estate development projects through protracted litigation.
- Successfully defended a manufacturer against claims for fraud seeking more than $10 million in damages in connection with the company’s sale. The case was dismissed by the plaintiff days before trial, and ultimately was resolved by the plaintiff’s relinquishment of a $600,000 arbitration award it had obtained against the client

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in an unrelated proceeding in which the client was represented by different counsel.
- Successfully defended and prosecuted a multimillion-dollar action and cross-action in a case involving claims for breach of contract, fraud, conversion, interference, and breach of fiduciary duty arising out of the near 20-year development of one of Southern California's signature properties.

AWARDS

- *Best Lawyers in America®:* Commercial Litigation (2014-2027)
- Named to the *Southern California Super Lawyers* list
- Honored by *Forbes* magazine

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action
- Finance + Banking
- Financial Services Litigation
- Litigation + Trial
- Noncompete + Trade Secrets
- Real Estate

EDUCATION AND CERTIFICATIONS

EDUCATION

- New York University School of Law, J.D., 1987, member of the Annual Survey of American Law
- Tulane University, B.A., *cum laude*, 1984, Elected to the Phi Beta Kappa and Phi Eta Sigma honor societies

BAR ADMISSIONS

- California

COURT ADMISSIONS

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California