

# APPEALS

Klapach & Klapach has represented clients in appellate matters involving virtually every major area of the law, including business torts, constitutional rights, criminal law, intellectual property, professional liability, real estate, bankruptcy, and securities. Many of these appeals have involved high-profile, high-stakes disputes, and a number have resulted in published decisions. Most notably, Mr. Klapach defended the committee established by President George W. Bush and Senators Feinstein and Boxer to advise the President on the selection of federal district court judges and U.S. Attorneys for the State of California against a lawsuit challenging the committee process on statutory and constitutional grounds. Mr. Klapach briefed and argued the case before the Ninth Circuit Court of Appeal, resulting in a published decision in the committee's favor.

## Representative Cases:

*Manshardt v. Federal Judicial Qualifications Committee et al.*, 408 F.3d 1154 (2005) - defended the federal judge selection committee against lawsuit challenging committee process on statutory and constitutional grounds. Result: Court of Appeal affirmed the trial court's dismissal of the lawsuit, ruling in my clients' favor.

*In re Tobacco II Cases*, 47 Cal.Rptr.3d 917, review granted, 51 Cal.Rptr.3d 707 (2006) - defended cigarette manufacturer in appeal analyzing scope and effect of Proposition 64. Result: Court of Appeal affirmed trial court's dismissal of lawsuit, ruling in my clients' favor. Case pending before the California Supreme Court.

Defended investor in post-trial and appellate proceedings after \$100 million jury verdict in favor of former business partners. Result: Court of Appeal affirmed trial court's decision to overturn jury verdict, ruling in my client's favor.

Defended hedge funds in appeals arising out of malicious prosecution lawsuit. Result: Court of Appeal dismissed two appeals, ruling in my clients' favor, and granted petition for writ of supersedeas.

Represented prominent law firm in malpractice and breach of contract litigation. Briefed two petitions for writ of mandamus and petition for review.