



David Coher
Arbitrator – Mediator – Referee

Electronic Mail – david@coheradr.com

Telephone – (213) 545-6149

Website – <https://www.coheradr.com/>

American Arbitration Association (AAA)
Arbitrator Commercial and Large Complex
Case Panel

Central District of California, U.S. District Court
Alternative Dispute Resolution (ADR) Panel

State Bar of California
Legal Education (MCLE) Provider

Case Summaries

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Business (Commercial) Disputes

- A two-decade-old business partnership was dissolving due to the retirement of the Managing Member. However, passive members were unprepared to manage the business and were unhappy with the market rates for fees proposed by other management firms. The property-based company was valued in the low nine figures. Due to the length of the partnership, close ties are developed between the partners, adding substantial emotions to the situation and complicating matters needing resolution. Mediation was initiated after the second round of litigation had begun, resulting in a reasonable resolution by all parties involved and allowing for later, eventual reconciliation.

Business (Commercial) Dispute - Real Estate Assets

- Several siblings were locked in litigation over the division of a portfolio of nearly a dozen residential investment properties (single-family homes and multi-family properties) in Orange County. The portfolio had originally been assembled by the parents of siblings who were now disputing how to apportion the business nearly ten years after the last parent's passing. During the interim, the company had been run poorly, leaving many opportunities for blame and seeking leverage over one another. The case was finally resolved by securing independent valuations of the properties, apportioning opportunities for some of the properties not to be sold so that children of the siblings could live in some, and securing a commitment to keep the involvement of one sibling's spouse out of the final steps for sales and resolution.

Civil Rights (Section 1983)

- An inmate died in custody while undergoing painkiller drug withdrawals. Survived by his mother and brother, they pursued litigation against the County. The resolution required a substantial amount of work with the plaintiffs to work through the emotional issues they needed them to address and with the Defendant to address the varied grounds for liability and policy changes to address the plaintiff and counsel's concerns.

Cybersecurity

- FinTech firm holding assets for clients was subject to a substantial breach of their systems. The resulting transfer of eight figures worth of assets from clients' accounts resulted in numerous customer insurance claims both on the policies provided through the FinTech firm and on clients' separate policies (CGL with cyber riders and others). The resulting losses had the potential to bankrupt the firm. However, a series of mediations resulted in blanket settlements for several classes of customers. They allowed the FinTech firm to remain solvent (with some new ownership partners included) and continue operations.
- Crypto-currency exchange was targeted in a SIM-jacking scheme that resulted in thousands of customer accounts being breached and drained of their assets. Substantial questions of fact arose regarding the sufficiency of the exchange's security measures and the sufficiency of some clients' security measures. These questions would have been cumbersome and prohibitively voluminous to resolve in arbitration. Accordingly, a global settlement was reached using test cases and leveraging insurance coverage.

Employment

- A senior executive was terminated from employment by the company president in retaliation for a personal dispute. The termination was sudden and improperly accomplished, primarily because it was emotionally driven. Nonetheless, the company had retained extremely effective counsel whose best recourse was to delay the litigation in the hope of causing the self-funding former executive to relent. By focusing with the principals on the underlying emotional drivers, a resolution was reached that secured an end to the litigation and reasonably capped liability for the former employer.
- An employee was constructively terminated without the employer following the proper steps under State law (not the employer's leading state for operations). The employer maintained that the employee could still work but had not followed the usual course of business for the employee to schedule hours, etc. After one mediation session with a review of the potential liabilities or likely recovery for each side, the employee and employer resolved the matter.
- An employee registered a business's Internet domain name using their personal email account. Years later, when the company had grown to rely upon the domains, they terminated the employee and lost control of the Internet domain names over a dispute for unrelated back-owed reimbursements. A parallel ICANN process threatened to dislodge the employee's leverage based on the domains. Meanwhile, the employer had continuing and growing liabilities from the incorrectly handled termination.

Environmental

- Litigation over the clean-up of a substantial environmental disaster involved dozens of liable parties and hundreds of insurers with potential coverage. The total clean-up costs were unclear, but the extent of available assets was known. After lengthy litigation, a mediated resolution was reached based on determining the appropriate limits of the concerned parties and distributing the liabilities accordingly.

Personal Injury

- Resolution of bodily injury and attendant claims stemming from an automobile accident involving a victim who chased his unleashed dog across the street, which included third parties (insured and self-insured) that were involved in the dog being set free.
- Guided parties to reach an agreement in a class-action matter that concerned food poisoning of several hundred patrons by a restaurant's improper preparation of several meals and varying degrees of injuries to patrons.

Product Liability

- A product liability matter involving an adulterated organic supplement product with promised but unverified medicinal claims. Produced overseas, the adulteration consisted of over-the-counter and other unlicensed substances that tended to have some therapeutic effects promised by the product's unverified claims. With approximately \$100 million in annual sales worldwide, numerous claims were to be resolved, including those of the states and survivors. The matter was resolved by resolving

several insurance coverage disputes to ensure the greatest resources available to resolve the claims.

Real Estate - Development

- A seven-acre urban in-fill development sought permitting for an extensive multi-family housing development in a development-adverse jurisdiction. The prior use was a beloved family-owned retail business that was shutting down. Spotty community opposition opened the door to resolution once organized community support was brought together and leveraged to find support within the governing body.
- A developer seeking a Conditional Use Permit for a hotel and conference center immediately adjacent to a residential neighborhood found organized opposition seeking to deny the permit. In response, outreach to critical, reasonable members of the community groups and resolving with them brought the community support necessary for obtaining approval. It denied essential voices to the opposition, which then floundered as a result.

Real Estate - Landlord-Tenancy Law

- A potential tenant was denied rental based on owning an emotional support animal, violating state law protections for such. There were questions of fact as to whether the individual landlord or the property management firm involved was responsible for the denial. The plaintiff sought recovery from both, but the property management firm refused to engage in serious negotiations. The plaintiff and individual landlord were able to craft a resolution that left the non-participating party subject to potential further litigation.

Real Estate - Zoning

- Disputes amongst residential neighbors arose concerning the construction of a home addition doubling the size of the prior residence. While the proposed home addition was within zoning size limitations, a Minor Conditional Use Permit was required. The matter was appealed throughout the administrative process and eventually litigated. After much discussion of the underlying issue and the plan to live together as neighbors in the coming years, the dispute was resolved to the satisfaction of all parties.