



Hayward J. Kaiser
Partner, through his Professional Corporation

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legal expertise

Complex Commercial Litigation; Contract Disputes; Business Torts; Trade Secrets; Employment; Insurance Coverage/Bad Faith; Product Liability; Real Estate Development and Property; Construction; Entertainment; Unfair Competition; Class Action Defense; Professional Malpractice

representative matters

- As co-lead trial counsel, represented major real estate developer in partnership dispute regarding the ownership, financing, development, and management of a 600 acre high end, gated, residential golf community. The developer was sued for hundreds of millions of dollars for breach of contract, breach of fiduciary duty, waste, unjust enrichment, and an accounting. After a court trial lasting over 11 months, the court found that the developer was not liable on any of the claims, that the developer should recover over \$15 million on its cross-claims, and that the developer should recover all of its attorneys' fees.
- Defended large international bank against claims of inducing breach of contract, interference with prospective economic advantage, and fraud in connection with venture capitalist's option agreement to provide convertible debt financing. After a successful series of summary adjudication motions, judgment was entered in favor of the bank, which judgment was affirmed on appeal. Co-defendant went to trial and suffered a \$350 million loss.
- Appointed lead defense counsel in coordinated class action suits asserting defective product claims against five manufacturers of acrylonitrile butadiene styrene (ABS) pipe and orchestrated favorable class action settlement. Also, negotiated favorable settlement agreements with pipe manufacturer's insurance companies.
- Defended a pesticide company in mass product liability and toxic tort litigation involving over 350 individuals, achieving dismissals of all claims,

practice areas

- labor & employment
 - employment litigation & counseling
 - labor litigation & counseling
- real estate
- intellectual property
 - entertainment & ip litigation
- litigation
 - class action defense
 - commercial litigation

admissions

- All California Courts
- U.S. District Court
 - Central District of California
 - Northern District of California
 - Southern District of California
 - Eastern District of California
 - Southern District of Florida
- U.S. Court of Appeals
 - Ninth Circuit

education

- University of California Los Angeles School of Law, J.D., 1975; Order of the Coif
- Law Review*
- University of California, Los



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including resolution of insurance coverage issues relating to the case.

- Defended a prominent film processing laboratory in mass product liability and toxic tort litigation involving more than 160 individual cases, achieving a favorable settlement after winning several individual summary judgment motions.
- Defended prominent life insurance company in "vanishing premium" litigation, obtaining a summary judgment in one case and a dismissal after demurrer in another case, both of which were affirmed on appeal.
- After 30-day jury trial, and two jury retrials, obtained multi-million dollar judgment against insurance company on property damage case involving asbestos in high rise apartment complex.
- Obtained summary judgment order rescinding an already-consummated real estate transaction and requiring the seller to return the purchase price based on an incomplete disclosure by the seller and broker.
- After three-week jury trial, obtained orders from the court rescinding real estate purchase contract for sale of farmers' 2200 acre ranch to prominent Southern California real estate developer and awarding attorneys' fees.
- Obtained defense summary judgment and full award of attorneys' fees in claim by 41 participants in self-directed IRA against the institutional trustee, which judgment was affirmed in full on appeal.
- Obtained summary judgment and award of attorneys' fees in favor of syndicator of popular game show on issue of first impression regarding entitlement to royalties by the Copyright Royalty Tribunal, which judgment was affirmed in full on appeal by the Ninth Circuit.
- After three-week jury trial, obtained unanimous defense verdict and award of attorneys' fees in case by record producer against recording company regarding contract and accounting issues on the payment of royalties and appropriate producer's credit on sound recordings.
- Obtained several summary judgments for policyholders whose insurance carriers had refused to provide a defense to third party lawsuits.
- In published Ninth Circuit opinion, obtained reversal of district court decision that there was no duty by insurance carrier to defend a copyright infringement case. • After federal court bench trial, obtained judgment in favor of successful tender offeror against former officers of real estate investment trust for securities fraud in connection with the takeover.

Angeles, B.A., 1972; *magna cum laude*; *Phi Beta Kappa*; Departmental Honors in Mathematics



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- After jury trial, obtained verdict in favor of motion picture studio regarding a flame proofing company's failure to properly fireproof the wall covers on a studio building.
- After several week jury trial, obtained multi-million dollar jury verdict in favor of mortgage company and against large real estate company for misappropriation of trade secrets, which case was settled during jury's deliberations in the punitive damages phase.
- Represented high-rise residential co-op against construction manager/lenders representative for fraud, negligence and breach of contract relating to a multi-million dollar renovation and upgrade construction project. After a 30-day trial, jury returned a verdict in favor of the co-op, and the court awarded the co-op 100% of its attorneys' fees on the only claim for which attorneys' fees were arguably recoverable.
- After several days of trial, obtained non-suit in favor of company involved in real estate investments and the manufacture of fuel management and instrumentation systems for military aircraft against claims by shareholder/employee for breach of stockholders agreement, breach of fiduciary duties, and related claims.
- After two-month arbitration, successfully defended owner of several large apartment complexes against claims by the lender under a net operating income loan for fraud and numerous breaches of contract.
- In arbitration, defended employer that was assessed with withdraw liability by a multi-employers pension plan under the Multi-Employers Pension Plan Amendments Act of 1980. Case settled after close of evidence and briefing.
- Obtained summary judgment for prominent film processing laboratory against employee who alleged injury caused by fraudulent concealment of dangerous working conditions, which judgment was upheld on appeal.
- On behalf of film processing laboratory, obtained dismissal of "secondary exposure" claim by spouse of employee who worked with industrial chemicals, which dismissal was upheld on appeal in case of first impression in California.
- In a bankruptcy court trial, defended an actress against claims by a creditor that one of her debts was not dischargeable because of allegations fraud. At the conclusion of the evidence, bankruptcy judge ruled from the bench in favor of actress, and awarded actress her attorneys' fees.
- Represented the franchisor of hotels against a quadriplegic who was injured when diving into a swimming pool at a franchisee hotel's location in Costa Rica. Just before trial, case settled on very favorable terms.
- In arbitration, defended film distribution company against claims that film distributor had breached agreement to have all distribution proceeds paid directly to collection trustee.
- Represented guarantors of loans by hedge funds to film production and distribution companies. Cases settled on eve of trials.
- After a jury trial, obtained a verdict in favor of law firm in action to recover attorneys' fees and defend against claims of malpractice.



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- Obtained arbitration award on behalf of motion picture distributor in prosecuting claims for breach of distribution agreements.
- In arbitration, represented attorney in law firm dissolution dispute regarding how to divide the on-going business. After close of evidence, the case settled.
- In arbitration, represented diversified financial services company in arbitration against fidelity bond insurer regarding illegal kickback scheme by former employee.

honors & awards

- "Top 5% of lawyers in Southern California," Southern California *Super Lawyers* (2004-2010)
- AV® Preeminent™ Rating, Martindale-Hubbell

professional, business and civic affiliations

- Chair, MSK Litigation Practice
- Los Angeles County Bar Association
- American Bar Association, Litigation Section and Insurance Coverage Litigation Committee
- Association of Business Trial Lawyers
- Chairman of Chrysalis, a non-profit organization dedicated to creating a pathway to self-sufficiency for homeless and low income individuals, by providing the resources and support needed to find and retain employment.
- Volunteer Pilot for Angel Flight West, a non-profit, volunteer-driven organization that arranges free, non-emergency air travel for children and adults with serious medical conditions and other compelling needs

headlines

MSK Client PBS Scores \$1.5M Jury Win in Tavis Smiley #MeToo Case
March 4, 2020

Hayward Kaiser Named Chairman of the Board at Chrysalis
January 13, 2014



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media mentions

28 Named to 2010 Southern California Super Lawyers List
January 26, 2010

29 Chosen to 2009 Southern California Super Lawyers List
January 30, 2009

33 Chosen to 2008 Super Lawyers Lists
November 21, 2008

publications

Contractual Interpretation by Juries
California Litigation, Fall 2008

Mulling Motive
Los Angeles Daily Journal, March 2008

events & speaking engagements

Providing Effective Client Services

Managing Litigation Cases

Ethical Issues For The In-House Attorney

Privileges for Interference Torts (Inducing Breach) - Issues Every Business Manager Should Know Before Breaching a Contract

Products Liability Insurance Under GL Policies