



Stephen E. Foster

Partner, through his Professional Corporation



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legal expertise

Complex civil litigation and general civil litigation with an emphasis on contract disputes, business torts, real estate and construction disputes, and professional liability.

representative matters

- Successfully defended prominent general contracting firm and its principal in action asserting claims for, *inter alia*, fraud, unfair business competition, breach of contract, and negligence, where the plaintiff sought seven figures in compensatory damages, six figures in *Crawford* fees, punitive damages, and attorneys' fees. After a three week jury trial, the Court issued nonsuit in favor of the firm's contractor client and against the plaintiff on all claims. Thereafter, based on the Court's interactions with Mr. Foster before and during trial, the Court awarded the firm's client 100% of the attorneys' fees incurred through trial finding that Mr. Foster's fees were reasonable.
- Successfully represented owner of beachfront Santa Monica property in contentious construction litigation with neighbor and neighbor's contractors, architects, and engineers, and in related disputes with insurance carrier, City, and the California Coastal Commission. Obtained nearly five million for the client in settlements over the course of the litigation and dismissals of all cross-claims against the client.
- Obtained summary adjudication and judgment of claims against unlicensed contractor for unfair competition and disgorgement, resulting in judgment in favor of the firm's client for nearly \$2.8 million in restitution. After trial on the remaining claims, the Court held that the evidence that the defendant company was alter ego of the individual defendant was overwhelming and the application of alter ego liability was "the most appropriate of any cases I've ever seen." In the jury trial phase, obtained verdict for damages on breach of contract, negligence, and breach of fiduciary duty claims, but elected the disgorgement remedy which was the higher amount.

practice areas

litigation
commercial litigation
real estate

admissions

California, 2001
U.S. District Court
Central District of California,
2001
Southern District of
California, 2003

education

Southwestern Law School,
J.D., 2000
Loyola Marymount
University, B.A., 1995

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- Successfully obtained a jury verdict for our client, a major construction company, in a complex matter involving a personal injury claim at a construction site. The claims for contractual and common law indemnification against our client were also dismissed.
- Obtained complete victory for client after long court trial arising out of construction of custom home. Proved defendants were the alter ego of corporate defendant, acted as contractors without a license, and did defective work. Court ruled that defendants had to disgorge 100% of money they received for the project, had to pay to repair all below standard work, had to pay delay damages, pre-judgment interest, costs, and 100% of the client's attorneys' fees. Much of the case came down to a battle of experts. The court noted in its written opinion that Steve's cross examination of defendants' expert was "extraordinarily effective."
- Completely defended claims of fraud, breach of contract, breach of fiduciary duty, conversion, and unfair business competition in two week arbitration where the clients' exposure exceeded \$14 million in claims that arose out of a residential remodeling project.
- Prevailed on demurrer to claims for quiet title and slander of title to property located in Beverly Hills that was purchased at a Sheriff's sale. Also obtained summary judgment in a related case. Both rulings were upheld on appeal.
- Represented prominent country club in connection with significant claims by and against contractors, subcontractors, and design professionals.
- Represented prominent nonprofit performing arts center in connection with claims arising out of the construction of a first class performing arts and cultural facility for the presentation of theater, dance, music and the education of children in arts and theater.
- Obtained judgment in favor of real estate developer in action brought by homeowner, including award of attorneys' fees incurred in connection with the case.
- Obtained judgment in favor of client accused of converting \$5 million after court trial.
- 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.
- Represented a major insurance company in multi-district litigation involving financial fraud and the enforceability of policies purporting to insure payments under leases. The insurer sought rescission of policies and related agreements. These cases involved claims totaling over \$400 million, with our client's potential exposure at over \$100 million.
- Acted as private counsel for owners of nightclub in a multi-million dollar premises liability suit being defended by appointed defense counsel and with policy limits of \$300,000. After denying insureds' Cumis counsel, carrier finally acknowledged insureds' "superior right" to control defense, paid all attorneys' fees and costs incurred by clients over the course of our 3 year involvement, and paid \$2.4 million to resolve the third



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party claim. Currently attempting to informally resolve the insureds' claim for bad faith.

- Successfully represented owner of high-end automobile with lemon law claim against manufacturer, recovering approximately 85% of purchase price plus taxes and license fees after 5 years of ownership and approximately 70,000 miles of use.
- Represented Board Member in dispute with complex insurance issues involving errors and omissions policy and directors and officers policy.
- Represent numerous contractors and subcontractors in various dealings with insurance companies including tendering of claims, coverage disputes, premium disputes, reimbursement demands, and other defense related issues.
- Assisted with representation of prominent life insurance company in two "vanishing premium" cases, obtaining summary judgment and a dismissal after demurrer which was upheld on appeal.
- Represented corporation in multiple cases involving construction defects, property damage, mechanics liens, and complex insurance coverage issues, resulting in favorable six figure settlements for the client.
- Member of litigation team representing one of the world's leading insurance providers in an action to rescind over \$100 million in fraudulently induced policies.
- Represented insureds and third party claimants in complex coverage disputes.
- Represented large California law firm in defending claims of legal malpractice and ethical violations.

honors & awards

- "Best Lawyer, Litigation - Insurance," *Best Lawyers in America*® (2020-2026)
- Southern California *Super Lawyers* (2005, 2009-2011)

professional, business and civic affiliations

- American County Bar Association
- Los Angeles County Bar Association

headlines

37 MSK Attorneys Named Among *The Best Lawyers in America*® for 2026
Best Lawyers, August 21, 2025



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34 MSK Attorneys Named Among *The Best Lawyers in America*© for 2025
August 15, 2024

38 MSK Attorneys Named Among *The Best Lawyers in America*© for 2024
August 17, 2023

33 MSK Attorneys Named Among *The Best Lawyers in America*© for 2021
August 20, 2020

27 MSK Attorneys Named Among *The Best Lawyers in America*© for 2020
August 15, 2019

With Less Than A Week To Go Till Trial...
September 21, 2016

Two Promoted to Partner; Seasoned Attorney Joins MSK
February 3, 2009

media mentions

Steve Foster Featured in *The American Lawyer*
September 30, 2015

Nine MSK Attorneys Named to Southern California *Super Lawyers*' Rising Stars List
June 13, 2011

publications

Lawyer to Be Learns Real Life Lessons in Traffic-Court Trial
May 2001

His Legal Fame Predated Law School
May 1998