

# Bartko

## J. Thomas Hannan



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### Education

University of California, Berkeley,  
School of Law (Boalt Hall), J.D., 1966  
  
Dartmouth College, A.B.

### Bar Admissions

State Bar of California

### Honors

Rated "AV Preeminent" by Martindale  
Hubbell, indicating very high legal ability and  
ethical standards.

### Publications

Co-Author, "The Importance of Economic  
Risk in Defining Federal Securities,"  
25 *Hastings Law Journal* 219 (1974).

### Practice Areas

Litigation and Trial Practice

### Experience

Tom Hannan is Of Counsel to the firm. He is an accomplished trial lawyer with a national reputation for high quality work and success in complex commercial cases. He represents plaintiffs, defendants and third parties in litigation matters and has served as lead counsel in numerous jury and court trials with notable results as well as settling many matters at all stages of litigation. Mr. Hannan has substantial experience in matters involving professional negligence by accountants, auditors, lawyers, investment bankers and financial advisors, as well as in consumer class actions, antitrust matters, investor and business fraud, unfair lending practices, false claim act litigation, IRS whistleblower, ERISA, contract, and securities litigation.

Mr. Hannan was the law clerk to the honorable Alfonso J. Zirpoli in the United States District Court for the Northern District of California, from 1966 to 1967. Mr. Hannan was in practice with Lovitt & Hannan for 43 years.

### Representative Cases

*In re Daisy Systems Corporation.* Mr. Hannan served as lead counsel representing the debtor's trustee in bankruptcy in a trial in the United States District Court for the Northern District of California which resulted in a jury verdict in the amount of \$108 million for the professional negligence of the debtor's investment banker. The case was settled on appeal on confidential terms.

In *Kenny v. Irell & Manella*, Mr. Hannan represented a bankruptcy trustee in a professional negligence trial in the United States Bankruptcy Court in San Jose, California. The case was settled after the trial of a discrete issue on terms favorable to the bankruptcy estate.

*In re Tri-Valley Growers*, Mr. Hannan represented the Official Committee of Unsecured Creditors in an investigation of various claims of the debtor and subsequently on a professional negligence claim against the pre-bankruptcy auditor of Tri-Valley Growers. The matter was settled favorably.

*In Acree v. General Motors Acceptance Corporation* (2001) 92 Cal.App.4th 385, Mr. Hannan successfully tried a class action case against GMAC to a jury in Sacramento County Superior Court and defended the jury verdict on appeal. At issue was the practice an accelerated method of computing premiums charged to purchasers of automobiles to the detriment of purchasers of automobiles sold by General Motors' dealers. After a lengthy trial, the jury returned a favorable special verdict against GMAC for those purchasers who provided their own insurance after having very high premium insurance policies issued by GMAC's subsidiary, Motors Insurance, forced upon them. The California Court of Appeal, Third District, affirmed the juries' verdict on appeal. This appellate decision now provides authority for CACI 350, a basic standard jury instruction on contract damages.

## Representative Cases [ Continued ]

*In re Beer Distributor Litigation.* Mr. Hannan served as co-lead counsel in a Sherman Act, Section 2, case brought on behalf of beer distributors terminated when the Olympia Brewing Company acquired the Hamm's Brewery. The case was settled favorably prior to trial.

*In Heckmann v. Ahmanson* (1985) 168 Cal.App.3d 119, Mr. Hannan represented a class of investors in a case involving the "greenmailing" of the Walt Disney Corporation by investor Saul Steinberg. The class was granted a precedent-setting injunction shortly after the case was filed to prevent dissipation of the greenmail funds, a ruling that was affirmed on appeal. The case was settled during jury trial for a recovery valued at more than \$80 million.

*In Kraus v. Harmon*, Mr. Hannan successfully tried two cases in the San Francisco Superior Court. The first was based upon breach of duties and a breach of contract pertaining to the payment of a share of profits arising out of the development and operation of a resort property on the island of Kauai with a mandatory rental pool. The second was based upon false accounting for the plaintiff's share of the revenue stream from the same property.

*In Cavanaugh v. Zell*, Mr. Hannan represented the sellers of a Reno, Nevada office building and apartment complex in a misrepresentation and fraud claim against a major property owner and his tax lawyers. The case was settled during jury trial on confidential but favorable terms.

*In re Blue Earth.* Mr. Hannan represented the Official Committee of Unsecured Creditors in analysis of potential claims and negotiation of resolutions. After approval of a plan or reorganization, he represented the Trustee of a Litigation Trust created for further analysis and possible pursuit of litigation and/or settlement.

*McCubbery v. Boise Cascade; Head v. Boise Cascade; Mancini v. GAC; Weiss v. GAC; O'Neil v. Horizon Corporation.* These are a series of separate cases pursued early in Mr. Hannan's career that also form the platform upon which much of class action litigation was built. The fundamental claims were for investor fraud in connection with sales of undeveloped property through the use of common misleading high-pressure sales techniques. Each of these cases was settled in the 1970's for recoveries that included cash, a re-design of the paper communities involved and reductions in purchase prices. Primarily as a result of these cases, Beverly C. Moore, Jr., then-Editor of Class Action Reports, described Mr. Hannan and his partner, Ronald Lovitt, as "pioneers and leaders in the class action area" who "have a well-known and well-deserved national reputation as competent and experienced trial lawyers who are ready, willing and able to go the distance against the most formidable adversaries." Affidavit of Beverly C. Moore, Jr. filed in *Acree v. General Motors Acceptance Corporation*.

*In Liston v. U.S. Life*, Mr. Hannan represented the plaintiffs in a fraud case brought on behalf of two large investors in a financial services representative program that was tried in the United States District Court for the Central District of California. The case was settled on confidential terms favorable to the plaintiffs during jury trial.

*In Findley v. U.S. Life*, Mr. Hannan represented the plaintiffs in a class action alleging the corporate defendant was responsible for financial fraud by a financial services representative. The case was settled on the eve of trial in the Riverside County Superior Court on terms that resulted in full recovery for the plaintiffs and members of the class.

## Representative Cases [ Continued ]

In *Schmidt v. Callaway Golf Co.*, Mr. Hannan represented defendant Callaway Golf against a claim by a former employee that he was owed compensation based on the success of the Big Bertha golf club. The matter was settled on confidential terms before trial.

*In re Arizona Dairy Products Litigation.* Mr. Hannan represented the state of Arizona in antitrust litigation against the country's major dairy producers. After certification, the class was notified by having the notice printed on defendants' milk cartons. The case settled on the eve of trial. Then Arizona Attorney General Robert Corbin described the recovery [at that time] as the largest in the history of the state.

In *Brinker v. Amalgamated Sugar Company*, Mr. Hannan represented a class of California consumers against the major domestic sugar producers. The Brinker case established law that California indirect sugar purchasers were entitled to assert Cartwright Act (the state antitrust statute) price fixing claims in state courts. After the 9th Circuit Court of Appeals ordered the case remanded to state court, the case was settled in favor of Mr. Hannan's clients and the class.

Mr. Hannan successfully represented classes in the settlement of price fixing claims in the following cases: *James v. Phoenix Real Estate Board*; *Hooley v. Portland Board of Realtors* (real estate commissions); *In re Arizona Escrow Fee Litigation*; *Pate v. Boise Cascade* (paper products); and *Goldberg v. CPC International* (corn products).

In *Henry v. Hanson*, Mr. Hannan represented a minority shareholder in the trial of a case claiming the majority shareholder usurped corporate opportunities. The case was favorably settled after trial to a retired appellate court judge.

In *Jerrehian v. Tymshare, Inc.*, Mr. Hannan represented plaintiff in litigation against the chairman of the board for breach of contract and securities fraud. The matter was settled favorably before trial.

*In re Pizza Time Theatre Securities Litigation.* Mr. Hannan represented Executive Life Corporation in connection with securities fraud claims and bankruptcy proceedings.

*In re Heller Ehrman.* Mr. Hannan represented the Official Committee of Unsecured Creditors in the investigation of claims of the bankrupt estate.