



→ John T. Brooks

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John Brooks is a partner and Practice Group Leader of the Business Trial Practice Group. He is resident in the firm's San Diego office.

Areas of Practice

John is a proven first-chair trial lawyer who has defeated over \$500 million in claims at trial or arbitration. John, a member of the California Academy of Appellate Lawyers, also helps clients preserve victories and expunge defeats on appeal, winning numerous published opinions. He is a three-time recipient of the California State Bar's Wiley W. Manuel Award for outstanding pro bono legal services.

John's clients include insurers, healthcare entities, self-storage operators, and other consumer-facing companies that entrust him with high-exposure cases in California and nationwide.

Honors

Best Lawyer in America, *Best Lawyers*, 2020-2024

Leading U.S. Litigator, *Lawdragon*, 2022-2023

Leading Lawyer, *Chambers USA*, 2019

Experience

Clients turn to John, inside and outside California, because of his track record of success in high-exposure cases before trial, at trial, and on appeal in the areas of insurance, healthcare, and consumer class actions. Representative matters include:

Insurance

Defense verdict, after 4-week jury trial, on \$46 million claim for alleged bad faith failure to settle "permanent vegetative state" brain damage claim. (2018)

Defense verdict, after 10-day jury trial, on \$5.5 million claim for bad faith and elder abuse in connection with claim for uninsured motorist benefits. (2018)

Victory, after 9-day arbitration, against \$22.5 million claim by excess insurer that accused primary insurer of bad faith failure to settle claim by grievously injured 9-year-old girl. (2014)

Victory in arbitration against \$1 million claim for alleged bad faith failure to settle traumatic brain injury claim. (2021)

After being brought in by insurer on eve of trial, tried 4-week trial of claim that bad faith handling of UIM claim drove the plaintiff out of business and led him to attempt suicide. The trial resulted in a verdict less than 25% of plaintiff's lowest pre-trial demand. (2015)

Won reversal on appeal of \$4 million judgment against insurer client accused of bad faith failure to settle death claim, with order that judgment be entered for client. *McDaniel v. GEICO*, 681 Fed.Appx. 614, 2017 WL 892516 (9th Cir. 2017)

Under Hawaii law, won summary judgment for insurer in suit seeking over \$30 million based on accusation that insurer's delay in settling business interruption claim drove insured out of business. (2016)

Won summary judgment for insurer client, establishing non-coverage of \$21 million judgment construction defect judgment based on "your product" exclusion. (2016)

Under Missouri law, won affirmance on appeal for insurer client accused of bad faith failure to settle a multi-claimant auto injury claim. *Purscell v. Tico Ins. Co.*, 790 F.3d 842 (8th Cir. 2015).

Won affirmance on appeal of jury trial victory for insurer client accused of bad faith failure to settle. *Du v. Allstate Ins. Co.*, 697 F.3d 753 (9th Cir. 2012).

Healthcare

Victory, in arbitration, on \$50 million claim against health care service plan client for alleged underpayment of emergency room claims and alleged violation of reimbursement regulations. (2020)

Victory, in arbitration, against UCL claim alleging that health care service plan's methodology for calculating "reasonable and customary" payments for non-contracted emergency services was illegal and unfair. (2021)

Won summary judgment on claim seeking to impose over \$4 billion in retroactive gross premium tax liability on a health care service plan client. (2020)

Victory on summary judgment against claim by City Attorney accusing health care service plan of UCL violations based on allegedly inaccurate provider directories. (2022)

On motion to dismiss, defeated consumer class action accusing health care service plan of violating Lanterman-Petris-Short Act. (2022)

On motion to dismiss, defeated consumer class action alleging that health care service plan violated state and federal law by virtue of limitations on coverage for wheelchairs. (2022)

After being brought in on eve of trial in an \$80 million certified class action alleging underpayments to provider by health care service plan client, won class decertification and complete dismissal without payment by the client. (2015)

After being brought in two years into class action litigation, won complete dismissal through an anti-SLAPP motion of suit contending that a medical group client illegally charged excessive witness fees when its physicians were subpoenaed to testify. (2015)

Consumer Class Action

In California Supreme Court, defeated class action accusing self-storage client of illegal and unlicensed sale of insurance. *Heckart v. A-1 Self Storage, Inc.*, 4 Cal. 5th 749 (2018).

In California Supreme Court, defeated class action attacking clients' contractual med pay reimbursement rights. *21st Century Ins. Co. v. Superior Court*, 47 Cal.4th 511 (2009).

Defeated class action seeking over \$200 million from client for allegedly charging illegal premium installment fees. *Interinsurance Exchange of the Auto. Club v. Superior Court* (Williams), 148 Cal.App.4th 1218 (2007).

Defeated two class actions alleging false price advertising and misleading sales practices by motor club client. *Davis-Miller v. Automobile Club of So. Cal.*, 201 Cal.App.4th 106 (2011).

After being brought in two years into class action litigation, won complete dismissal through an anti-SLAPP motion of suit contending that a medical group client illegally charged excessive witness fees when its physicians were subpoenaed to testify. (2015)

Won dismissal on the pleadings, affirmed on appeal, in class action alleging that motor club client's compensation system illegally incentivized sales agents to upsell. *Rogers v. Automobile Club of So. Cal.*, 2016 WL 1253528 (Cal. Ct. App. 2016).

Defeated class action accusing insurer client of providing less coverage than represented in stated value auto policies. *George v. Automobile Club of So. Cal.*, 201 Cal.App.4th 1112 (2011).

Defeated class action accusing insurer client of violating statute prohibiting "steering" insureds to preferred body shops. *Maystruk v. Infinity Ins. Co.*, 175 Cal.App.4th 881 (2009).

Under Arizona law, defeated class action alleging that auto insurer client failed to adequately secure customer consent to waive UM/UIM coverage. (2014)

Other Victories Resulting in Appellate Opinions

Won summary judgment of price fixing and other antitrust claims against Realtor® association client concerning pricing for multiple listing service. *Freeman v. San Diego Association of Realtors*, 77 Cal.App.4th 171 (1999).

Won affirmance on appeal for restaurant client in trademark infringement dispute. *Department of Parks & Recreation v. Bazaar Del Mundo, Inc.*, 448 F.3d 1118 (9th Cir. 2006).

Under Nevada law, won affirmance on appeal of judgment for insurer client accused of bad faith handling of UIM claim. *Sherwin v. Infinity Ins. Co.*, 639 Fed.Appx. 466 (9th Cir. 2016).

Won affirmance on appeal of judgment for insurer client accused of bad faith failure to settle. *Grayson v. Allstate Ins. Co.*, 650 Fed.Appx. 320 (9th Cir. 2016).

Won summary judgment for insurer client accused of breach of duty to defend in fatality case. *Travelers Prop. Cas. Ins. Co. v. Shower*, 648 Fed.Appx. 617 (9th Cir. 2016).

Under Louisiana law, won reversal on appeal with directions to enter judgment for insurer client in a coverage dispute involving the effect of the "separations of insureds" clause. *Petrozziello v. Thermadyne Holdings Corp., et al.*, 211 So.3d 1199. WL 658242 (La. App. 2017).

Won summary judgment, affirmed on appeal under doctrine of judicial estoppel, for insurer client accused of bad faith denial of theft claim. *Hamilton v. State Farm Ins. Co.*, 270 F.3d 778 (9th Cir. 2001)

Articles

- 2023 Insurance Team Year-In-Review
04.03.2024

- Sheppard Mullin Celebrates Stellar Year in Insurance Litigation
03.30.2023
- Should You Appeal? Top 10 Things to Consider
The Recorder, 09.05.2017
- Your Skills: The Key to Persuasion is Credibility
The Recorder, 06.14.2013
- Court does a *Du-Over* in bad faith failure to settle case
Daily Journal, 10.11.2012
- Human Trafficking & Supply Chain For California Businesses
Transworld Business, 10.13.2011
- Human Trafficking and Your Supply Chain: New Disclosure Requirements for Companies Doing Business in California
10.07.2011
- Credit Card Privacy Class Action Lawsuits Back With a Vengeance
02.23.2011
- Don't Be Next: Bank Hit for \$203 Million in Overdraft Suit
08.12.2010
- Just When You Thought It Was Safe to Lend Again: Mortgage Late Fee Class Actions
07.19.2010
- Overdraft Fees: Barbarians (and Regulations) at the Gate
06.29.2010
- Merchant Beware: A New Class Action May Be Stalking You If You Accept Credit Cards
ABTL San Diego Report, Fall 2007
- Installment Fee Class Action
10.03.2007
- Liar's Bane: Using Judicial Estoppel in Civil Litigation
ABTL San Diego Report, 05.2002
- Summary Judgment in Peril?
ABTL San Diego Report, 10.2001
- Point-Counterpoint: The Defense and Plaintiffs Bar Face Off on Kraus and Cortez
ABTL San Diego Report, 08.2000

Media Mentions

Litigation Leaders: Sheppard Mullin's Robert Friedman on Splitting Leadership of the Business Trial Group Three Ways

ALM, 08.03.2023

Litigators of the Week Runners-Up and Shout Outs

The AmLaw Litigation Daily, 04.28.2023

Health plans win summary judgement over doctor directory claims
Daily Journal, 09.22.2022

GEICO Wins Bad Faith Claim
Daily Journal, 02.02.2018

Speaking Engagements

"The Evolving Duty to Initiate Settlement Discussions," ACI 23rd National Advanced Forum on Bad Faith Litigation, Orlando, FL, November 28, 2012

"Class Actions" Emerging Threats From Other States," 22nd Annual General Counsel Seminar, Las Vegas, NV, July 29, 2011

"Class Action Litigation: New Theories of Liability and How to Protect Against Them," Luce Forward Insurance Litigation Seminar, Los Angeles, October 14, 2010

"Don't Be the Next Target: Recognizing and Avoiding Insurance Class Action Risks," Luce Forward Insurance Litigation Seminar, Los Angeles, September 11, 2008

Memberships

California Academy of Appellate Lawyers

Board of Governors 2004-2007, Editor-in-Chief of ABTL Report 2000-2004, Association of Business Trial Lawyers

San Diego County Bar Association

Practices

Litigation

Appellate

Class Action Defense

Insurance

Appellate

Distressed Real Estate Loan Workouts and Enforcement

Industries

Healthcare

Insurance

Retail, Fashion & Beauty

Self-Storage

Education

J.D., Stanford Law School, 1993, with distinction

B.A., Stanford University, 1988, *Phi Beta Kappa*

Admissions

California