

# Jan T. Chilton

## PARTNER

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**From trial strategy to final appeal, Jan is a trusted advisor for complex litigation with a track record of success in the nation's highest courts.**

Jan has more than 40 years of experience handling civil appeals and writ proceedings in state and federal appellate courts, from the Superior Courts' Appellate Divisions to the U. S. Supreme Court. He has successfully briefed and argued cases in the appellate courts of eleven states and all but three federal circuits. Jan has secured many published opinions favorable to his clients and other businesses, particularly in insurance and financial services industries.

Jan shares his substantial jury and non-jury trial experience with the firm's trial attorneys, formulating case strategies, preparing or opposing important pre-and post-trial motions and preserving or defusing issues for potential appeals.

Jan has represented businesses and individuals in appeals involving a broad range of issues including antitrust, bankruptcy, civil procedure, consumer protection, contracts, commercial law, construction disputes, insurance coverage, labor law, psychotherapy issues, securities, unfair competition and wrongful termination of employees. He has also filed many friend-of-the-court briefs on behalf of industry groups and others on issues of particular importance to their members.

## PRACTICES & INDUSTRIES

Banking & Financial Services

Business Litigation

## ADMISSIONS

California

Tennessee

U.S. Court of Appeals for the Ninth Circuit

U.S. Supreme Court

## EDUCATION

University of Chicago Law School, J.D., 1970

University of California, Berkeley, B.A., 1967

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## EXPERIENCE

*Martin v. Franklin Capital Corp.* (2005) 546 U.S. 132. Successfully represented Franklin Capital before the United States Supreme Court winning unanimous, and now much-cited opinion on standard for awarding attorney fees on remand of improperly removed state court case.

*Bailey v. Citibank, N.A.* (2021) 66 Cal.App.5th 335. Successfully represented deed of trust beneficiary on appeal from a default judgment in favor of an alleged adverse possessor of the encumbered property. The opinion affirms that the five-year adverse possession period begins to run against a deed of trust beneficiary only if and when the beneficiary forecloses and buys in at the foreclosure sale.

*Lima v. Deutsche Bank Nat'l Trust Co.* (2021) 149 Haw. 457, 494 P.3d 1190. Obtained opinion holding that amount owed on secured debt must be subtracted from damages otherwise due for wrongful foreclosure.

*Nissan Motor Acceptance Cases* (2021) 63 Cal.App.5th 793. Successfully defended order granting new trial on ground of juror misconduct in \$250 million commercial dispute.

*Kurtz-Ahlers, Inc. v. Bank of America, N.A.* (2020) 48 Cal.App.5th 952. Won landmark decision limiting a bank's duty of care to its depositor and denying any duty to prevent another depositor from defrauding the plaintiff depositor.

*Perez v. Mortgage Electronic Registration Systems, Inc.* (9th Cir. 2020) 959 F.3d 334. Successfully defended securitized trust as assignee of a home loan against claim that assignment was void because loan was transferred after trust's IRS-required closure deadline.

*Prima Donna Development Corp. v. Wells Fargo Bank, N.A.* (2019) 42 Cal.App.5th 22. Prevailed against various challenges to arbitration award in bank's favor on claim bank should have stopped a wire transfer made in response to spoofed email supposedly from plaintiff's CEO.

*Huyer v. Van de Voorde* (8th Cir. 2017) 847 F.3d 983. Obtained opinion dismissing objection to class action settlement on ground the objector was unaffected by the settlement terms to which she objected.

*Tun v. Wells Fargo Dealer Services, Inc.* (2016) 5 Cal.App.5th 309. Won opinion allowing auto dealers and finance companies a powerful means of compelling buyers to settle their claims or risk loss of attorney fee recovery.

*Montierth v. Deutsche Bank (In re Montierth)* (2015) 131 Nev. 543, 354 P.3d 648. Obtained opinion rejecting theory that assignment of deed of trust to loan servicer fatally split note from deed of trust rendering both unenforceable.

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*Jordan v. Nationstar Mortgage LLC* (9th Cir. 2015) 781 F.3d 1178. Won decision holding that 30-day period for removal restarts when defendant learns facts showing ability to remove under CAFA even if other grounds for removal were apparent earlier.

*Feaz v. Wells Fargo Bank, N.A.* (11th Cir. 2014) 745 F.3d 1098. Obtained landmark decision holding that FHA-insured mortgages permit lenders to require flood insurance in amounts exceeding the federally required flood insurance amount.

*Conservatorship of Whitley* (2010) 50 Cal.4th 1206. Successfully obtained opinion awarding attorney fees under California's private attorney general fee statute despite the client's non-pecuniary interest in the outcome of the litigation.

*Das v. Bank of America, N.A.* (2010) 186 Cal.App.4th 727. Won landmark decision interpreting California's elder abuse statute to require proof of actual knowledge of wrongdoing before liability is imposed for "assisting" in financial elder abuse.

### RECOGNITIONS

Recognized in The Best Lawyers in America® list, 2026

### PROFESSIONAL & CIVIC ACTIVITIES

California Academy of Appellate Lawyers

- Member, 1983-present
- President, 2011-2012

American Academy of Appellate Lawyers

- Fellow, 2013-present

### NEWS

Best Lawyers® Recognizes 172 Stinson Attorneys in 2026 Edition of the *Best Lawyers in America*® List  
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