



## Phillip A. Davis

Partner

Los Angeles/Downtown  
333 South Hope Street  
Forty-Third Floor  
Los Angeles, CA 90071

Tel: 213.617.4175  
Fax: 213.620.1398  
[pdavis@sheppardmullin.com](mailto:pdavis@sheppardmullin.com)

### OVERVIEW

Phillip A. Davis is a partner in the firm's Los Angeles office, where he specializes in corporate and securities litigation, real estate litigation, and creditor's rights.

### Areas of Practice

Mr. Davis is currently a Co-Chair of the Securities Litigation Group at the Firm. He represents public and private companies, directors and officers, investment bankers, underwriters and analysts, special committees and advisors, and venture capital funds, in federal and state securities fraud class actions, shareholder derivative suits, and breach of fiduciary duty claims. He has successfully obtained the dismissal of numerous securities fraud claims, and has successfully opposed class certification. He has defended claims of mismanagement and breach of duty under Delaware and California law arising out of mergers, acquisitions, and going private transactions, and has successfully opposed motions to enjoin mergers. He has significant experience asserting the defenses provided by the PSLRA, SLUSA, the business judgment rule, exculpatory provisions, special litigation committees, and the exclusive right of appraisal. He has filed and defended actions involving the removal and appointment of directors, accountings, and dissolutions.

Mr. Davis also represents owners, developers and lenders in real estate litigation. He has litigated complex real estate joint venture, purchase and sale, and development disputes involving resorts, hotels, large apartment complexes, and industrial, commercial and retail developments. He has significant experience representing owners, developers, sellers, buyers, landlords, tenants, and brokers in all types of real estate disputes, including joint venture formation disputes, development disputes, purchase and sale litigation, quiet title, proscriptive easement and adverse possession claims, zoning and set-back matters, Mello-Roos defaults, complex exclusive listing agreement litigation, specific performance and lis pendens actions, and unlawful detainer and breach of lease matters.

Mr. Davis has also represented financial institutions in a wide range of complex litigation matters. He has defended numerous "lender liability," RICO, securities fraud, ERISA, breach of duty, breach of contract, negligence, and tort actions brought against many of California's largest lenders. He has significant experience enforcing rights and remedies through attachments, injunctions, judicial and non-judicial foreclosures, and receiverships. He has litigated letters of credit and guarantee issues, and well as Mello-Roos foreclosures.

Recently, Mr. Davis has successfully defended a number of consumer class actions filed under the Song Beverly Act.

### PRACTICE AREAS

- Litigation

### INDUSTRIES

- Construction and Infrastructure
- Financial Services
- Healthcare
- Hospitality
- Mortgage Banking
- Private Equity
- Retail

**EDUCATION**

- J.D., University of California, Hastings, 1983
- B.A., Stanford University and Trinity College, Oxford, 1980

**ADMISSIONS**

- California
- United States District Court for the Central District of California
- Southern District of California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals

**LANGUAGES**

- Spanish

**EXPERIENCE****Representative Clients**

- Mr. Davis has represented the following institutional clients: Dai Ichi Kangyo Bank, U.S. Bancorp, Lamps Plus, Bank of America, The Children's Place, Wells Fargo Bank, The Container Store, Disney Stores, Massachusetts Mutual Life Insurance Company, Cornerstone Real Estate Advisers, Inc., Cruttenden Roth, Inc., Roth Capital Partners, World Premier Investments, Houlihan Lokey, Howard & Zuckin, Morgan Stanley Real Estate Fund, Shaw Industries, Inc.
- Mr. Davis has received an AV® rating from Martindale-Hubbell®. He has extensive experience in mediation and arbitration before the American Arbitration Association, JAMS/Endispute, and various private judges.

**MEMBERSHIPS**

- Volunteer Judge Pro Tem and arbitrator, Los Angeles Superior and Municipal Courts
- The California Club
- Association of Business Trial Lawyers