



Elizabeth S. Balfour

Partner

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PRACTICE AREAS

- Litigation
- White Collar and Civil Fraud Defense

INDUSTRIES

- Education
- Financial Services
- Life Sciences
- Technology

OVERVIEW

Elizabeth S. Balfour is a litigator and works out of the firm's Del Mar Heights (Northern San Diego) office.

Ms. Balfour handles complex commercial and securities litigation, including class actions. She is experienced in all aspects of litigation, arbitration, and mediation. Ms. Balfour represents technology and life sciences companies in cases involving contract disputes, unfair competition, breach of fiduciary duty, theft of trade secrets, and products liability. She handles class action and creditor's rights cases for financial institutions and funds. Ms. Balfour has appeared in state and federal courts, NASD arbitrations, and Securities and Exchange Commission enforcement proceedings. Her practice also involves advising clients on internal investigations, document retention, and electronic discovery.

EDUCATION

- J.D., Harvard University, 1999, *cum laude*
- B.A., Yale University, 1996, *magna cum laude*

CLERKSHIPS

- Served for one year as Law Clerk to the Honorable Marilyn L. Huff, Chief Judge of the United States District Court for the Southern District of California

ADMISSIONS

- California
- United States District Court for the Southern District of California
- United States District Court for the Central District of California

EXPERIENCE

Represented software company in federal securities class action against homestore.com and AOL. Motion to dismiss on behalf of client was granted and resulted in published opinion regarding "secondary liability" under Section 10(b) of the Securities and Exchange Act.

Representing a national bank in an action brought by franchisees in which plaintiffs assert unfair business practices and seek to certify a nationwide class.

Represented the former CFO and board member of a public company sued in an SEC enforcement action and sued in multiple securities fraud lawsuits in New York and California. Negotiated a settlement for less than policy limits.

Representing a national bank in a lawsuit in which plaintiffs attack the bank's lending practices and seek to certify a nationwide class of bank customers. Obtained an order dismissing plaintiffs' claims under the Consumer Legal Remedies Act.

Advised a manufacturer of office technology products in conjunction with products liability claims and reporting to the U.S. Consumer Product Safety Commission.

Represented a national weight loss company in a class action lawsuit alleging unfair business practices and misrepresentation. Defeated motion for class certification and negotiated a class-wide settlement involving minimal payments to the two named plaintiffs and a coupon offer for company product to any other putative class-members.

Handled claims for fraud and conspiracy to commit fraud, fraudulent conveyance, and breach of contract with alleged damages of \$7.5 million. Defeated summary judgment motions and successfully argued over 30 motion hearings.

Represented a medical practice group subjected to a government investigation for alleged billing improprieties and tax evasion. Assisted with two-month criminal jury trial in federal court. Hung jury. Case settled on favorable terms for client.

Defended a Foundation accused of committing tax violations and successfully opposed the Government's request for a temporary restraining order and appointment of a receiver. Ultimately, the Government withdrew its case and the Court found the Government was required to pay the Foundation's legal fees incurred in opposing the Government's action.

Represented the President of a corporation in an enforcement action brought by the SEC for an alleged Ponzi scheme involving PinnFund mortgage company. Negotiated settlement of enforcement action with the SEC that involved working with the court-appointed Receiver and a bankruptcy Trustee.

Represented a provider of international telecommunications services as plaintiff and cross-defendant in federal court, seeking damages for trademark infringement, misappropriation of trade secrets, and unfair competition.

Represented a company in conjunction with both civil and criminal proceedings whose comptroller was convicted of embezzling over \$1.5 million.

Represented a victim of securities fraud in NASD Arbitration proceedings. Case involved unauthorized trading and churning by the broker and failure to supervise by the brokerage firm. After a 5-day arbitration proceeding, reached a settlement with the broker and brokerage firm.

Represented a manufacturer in a products liability case against a materials supplier. As a result of defective products, manufacturer suffered damages of over \$13 million, including loss of business. Took critical depositions, after which the case settled on favorable terms for the manufacturer.

Represented online legal research company in claims against former sales representative for breach of non-compete agreement and violation of confidentiality provisions. Case resulted in a favorable negotiated agreement.

Represented a U.S. corporation organized pursuant to the Farm Credit Act in litigation regarding multiple breaches of lease agreements and guaranties. The case resolved with a

substantial amount of the payments owed being made.

HONORS

- 2007 Recipient of the San Diego County Bar Association's "Service to the Bar" Award for extraordinary contributions towards the mission of the Bar Association
- 2005 Recipient of San Diego Metropolitan's "Forty Under 40" Award, which recognizes business and professional leaders in San Diego under the age of 40
- 2005 Recipient of the Sheppard Mullin Richter & Hampton Pro Bono Attorney of the Year Award for outstanding commitment to working in the community and providing legal services to the indigent
- 2002 Recipient of the San Diego Volunteer Lawyer Program Distinguished Service Award
- 2002 Recipient of the California Bar Association Wiley Manuel Award for Pro Bono Legal Services

MEMBERSHIPS

- Board Member and Secretary, San Diego County Bar Association
- Board Member, Legal Aid Society of San Diego
- Advisory Board Member, Genesis International Orphanage Foundation
- Co-Chair, Womens Resource Fair Task Force (2007-2008)
- Co-Chair, Children at Risk Committee of the San Diego County Bar Association (2004-2006)
- Associate, Louis M. Welsh American Inn of Court (2002 - 2003)
- Member, American Bar Association
- Member, Federal Bar Association

ARTICLES

Corporate & Securities Law Blog Articles

- "Delaware Chancery Court Questions Good Faith of Directors in Sale of Company to Unrelated Party at a Premium", August 26, 2008

San Diego Daily Transcript Articles published in conjunction with special editions on:

- Top Corporate Counsel in San Diego, September 3, 2008
- Best Young Attorneys in San Diego, November 21, 2007

SPEECHES

- "Responding to the Crisis Situation: Do's and Don'ts, Best Practices for Responding to the Unexpected in the Context of Government Investigations," Annual CAPA Conference, June 23, 2007
- "Effective Negotiating Skills for Women," California Women Lawyers Continuing Legal Education Seminar, April 16, 2008
- "Privacy Law Perils in California, the Nation, and Beyond: Securing Data Responding to Theft of Data and Other Business Assets, Assessing Your Company's Privacy Policy, Evaluating Risks Presented by Your Employees' Computer Use, and Understanding Government Enforcement Mechanisms," Association of Corporate Counsel, San Diego Chapter, Mini-MBA Program, November 18, 2008