



## Robert J. Stumpf, Jr.

Partner

San Francisco  
 Four Embarcadero Center  
 Seventeenth Floor  
 San Francisco, CA 94111

Tel: 415.774.3288  
 Fax: 415.434.3947  
[rstumpf@sheppardmullin.com](mailto:rstumpf@sheppardmullin.com)

### PRACTICE AREAS

- Litigation

### INDUSTRIES

- Financial Services

## OVERVIEW

Bob Stumpf is a partner in the firm's San Francisco office and serves as leader of the firm's Financial Institutions Litigation team.

### Areas of Practice

Bob's principal areas of practice are commercial litigation and appellate law. His commercial litigation practice focuses upon financial institution litigation, real estate litigation, securities litigation, contract and partnership disputes, bankruptcy litigation, and other types of complex commercial litigation.

Bob is also a Certified Specialist in Appellate Law.

## EDUCATION

- J.D., University of California, Hastings, 1976, Order of the Coif
- M.A., University of California at Berkeley, 1971
- A.B., Harvard College, 1970, *magna cum laude*

## ADMISSIONS

- California

## EXPERIENCE

### Reported Appellate Decisions

Derek Andrew, Inc. v. Poof Apparel Corp. (9th Cir. 2008) 528 F.3d 696

Applied Equipment Corporation v. Litton Saudi Arabia, Ltd. (1994) 7 Cal.4th 503

Campbell v. Parker-Hannifin Corporation (1999) 69 Cal.App.4th 1534

Comeaux v. Brown & Williamson Tobacco Company (9th Cir. 1990) 915 F.2d 1264

Davis v. Birr, Wilson & Co., Inc. (9th Cir. 1988) 839 F.2d 1369

Federal Deposit Insurance Corporation v. Sovereign State (9th Cir. 1977) 557 F.2d 683

Finch v. Brenda Raceway, et al. (1994) 22 Cal.App.4th 547

Gee v. Southwest Airlines (9th Cir. 1997) 110 F.3d 1400

Glover v. BIC (1992) 6 F.3d 1318

ICF Kaiser Engineers, Inc. v. Superior Court (1999) 75 Cal. App. 4th 226

Jackson & Perkins Co. v. Agricultural Labor Relations Board (1978) 77 Cal.App.3d 830

Mart v. Severson (2002) 95 Cal.App.4th 521

Mayacamas Corporation v. Gulfstream Aerospace Corp. (9th Cir. 1987) 806 F.2d 928 cert. granted and affirmed (1988) 485 U.S. 271

Metropolitan Philip v. Steiger (2000) 82 Cal. App. 4th 923

Pacific Gas & Electric Co. v. City of Oakland (2002) 103 Cal.App.4th 364

Protestant Episcopal Church v. Barker (1981) 115 Cal.App.3d 599

Santisas v. Goodin (1998) 17 Cal.4th 599

Sartor v. Superior Court (1982) 136 Cal.App.3d 322

Snyder v. Marcus & Millichap (1996) 46 Cal.App.4th 1099

Software Design & Application, Ltd. v. Hoefer & Arnett, Inc. (1996) 49 Cal.App.4th 472

Stockton Citizens for Sensible Planning v. City of Stockton (2010) 48 Cal.4th 481.

Union Safe Deposit Bank v. Floyd (1999) 75 Cal.App.4th 25

Westly v. U.S. Bancorp (2003) 114 Cal.App.4th 577

Xuereb v. Marcus & Millichap (1992) 3 Cal.App.4th 1338

### **Representative Engagements**

Represented a Silicon Valley firm in a successful petition to the California Supreme Court establishing the principle that a contracting party cannot be held liable in tort for interfering with its own contract.

Represented a national bank in a case now pending before the California Supreme Court that clarified the scope of the "litigation privilege" under California law.

Represented a major real estate development corporation in the successful resolution of a homeowner/class action dispute involving more than 150 residences.

Represented a national bank in a class action alleging unlawful sharing of customer information.

Represented The Hillman Company, a major private corporation, in lender liability litigation involving a leveraged buy-out between the two largest dairies in California.

Represented several commercial brokerage firms in numerous cases involving the alleged misappropriation of trade secrets and "raiding" of employees and clients.

Represented a national bank in prosecuting a trade secret claim against a former employee.

Represented an Indonesian development corporation in a complicated jurisdictional dispute leading to dismissal of all claims.

Represented Southwest Airlines in appellate litigation concerning the scope of preemption under the Airline Deregulation Act of 1978.

Represented Cessna Aircraft Company in appellate litigation concerning the scope and interpretation of the General Aviation Revitalization Act of 1994.

Represented a regional bank in a lender liability dispute involving the bank's largest commercial credit.

Represented a national accounting firm in the successful resolution of major litigation involving a failed oil syndication empire.

Represented a technology company in obtaining affirmance of a federal court dismissal based upon separation of powers and "state secrets" doctrine.

Represented a commercial brokerage firm in establishing principle that a contractual attorneys fees clause can include both tort and contract claims.

Represented the FDIC in obtaining affirmance on the appeal of a multimillion-dollar judgment against the founder of a major Southern California bank.

Represented McKesson HBOC, a San Francisco-headquartered public company, in litigation leading to a \$3-million refund of sales taxes.

Represented Westinghouse and numerous regional companies in connection with labor litigation and arbitration disputes.

Represented American Hospital Supply Corporation in the successful reversal on appeal of a \$2-million judgment.

Represented a New York-based investment firm in the successful reversal on appeal of a \$1.6-million judgment.

Represented officers and directors of a high-tech public company in a derivative action dispute arising out of hard-fought proxy litigation.

Represented a commercial brokerage firm in the successful reversal of a punitive damage award and other damages on appeal.

Represented brokerage firms and claimants in more than 30 arbitration hearings before the National Association of Securities Dealers, Inc.

Represented Parker Hannifin, a Fortune 500 manufacturer, in a successful reversal on

appeal of a \$6-million damages award.

## HONORS

- Best Lawyers in America, 2008, 2009, 2010, 2011, 2012
- Northern California Super Lawyers, *San Francisco Magazine*, 2007, 2008, 2009, 2010, 2011

## MEMBERSHIPS

- Member, California State Bar Appellate Law Advisory Commission
- Member and Membership Chair, Board of Governors, Association of Business Trial Lawyers
- Chair, Financial Institutions Committee of The State Bar of California
- Past President, San Francisco Bank Attorneys Association
- Former Chair, Appellate Practice Section, San Francisco Bar Association
- Mediator, First District Court of Appeal in San Francisco
- Fellow and Member, American and California Academies of Appellate Lawyers
- Practitioner Advisor, Appellate Advocacy Program at UC Berkeley School of Law
- Arbitrator, Financial Institution Regulatory Authority
- Pro Tempore Judge, San Francisco Superior Court
- Member, California Supreme Court Historical Society

## ARTICLES

- "Cross Examinations In Securities Arbitrations," Association of Business Trial Lawyers Report (December 2008)
- "Risk Analysis, Settlement and Mediation At the Appellate Level," *The Appellate Advocate* (May 2007)
- "Credit Managers Association of California v. Countrywide Home Loans, Inc." (November 2006)
- "Bank's Failure to Deposit InterPleader Funds With Court Waives Claim for Attorney's Fees" (January 2005)
- "Yield Spread Premium Irrelevant For Purposes of Predatory Lending Law" (December 2004)
- "Presentation Of Letter Of Credit Within Seven Days Not Necessarily "Reasonable"" (October 2004)
- "Bank Mergers: Dissenters - Do State Appraisal Statutes Apply?" (May 2004)
- "OK To List Over-Limit Credit Card Charges Separately From "Finance Charges"" (April 2004)
- "One-Year Statute Of Limitations Applies To Claims By Depositors For Payment of Forged Checks" (April 2004)
- "OK For Non-California Institution To Tape Telephone Calls With California Residents" (April 2004)
- "Contractual Jury Waiver Clauses Ruled Unenforceable" (February 2004)
- "Bank's Credit Card Solicitations Not Eligible for Anti-SLAPP Protection" (December 2003)
- "Newsflash - "One Year Limitation Under TILA (Usually) Starts Running When Loan Documents Are Signed" (June 2003)

- "Keeping Your Options Open," California Lawyer (June 2000)
- "Preserving The Record For Appeal: Top Ten Mistakes" (January 2000)
- "Timely Appeals," California Lawyer (September 1999)
- "Drafting Settlement Agreements: Five More Pitfalls," Association of Business Trial Lawyers Report (March 1996) (reprinted in ABTL Reports in Los Angeles and San Diego, and The Federal Lawyer, February 1999).
- "Good End-Drafting and Negotiating Settlement Agreements," California Law Business (October 1998).
- "Slipping On Appeal: Winning Without 'Prevailing,'" Association of Business Trial Lawyers Report (March 1998).
- "On Appeal: Two Bites at the Apple," The Recorder (December 13, 1993).
- "Drafting Settlement Agreements: Ten Pitfalls," Association of Business Trial Lawyers Report (March 1992).
- "Sharpening Cross-Examination Skills for the Forum of a Securities Arbitration," The Recorder (August 1992).

#### **Financial Institutions Law Blog Articles**

- "Bank Had No Duty To Advise Business Charge Card Owner That Bank Had Obtained Judgment Against A Person Who Was Authorized To Use The Card", December 2, 2010
- "No Private Right of Action for Violation of Statutes Extending Notice Period for Foreclosures", November 16, 2010
- "Mortgage Lender Not "Financial Institution" for Federal Criminal Bank Fraud Just Because It Was Owned By a Financial Institution", September 15, 2010
- "Lender's Representation That Borrower "Qualified" For Loan Not A Representation Borrower Could "Afford" A Loan", August 16, 2010
- "'Schumer Box' Disclosure Not 'Clear and Conspicuous' As a Matter of Law", August 4, 2010
- "Bank Not Liable In Nigerian-Style Email Scam", June 1, 2010
- "Credit Card Issuer Owes No Duty To Non-Obligor 'Cardholder'", May 21, 2010
- "Bank May Seek Attachment On Unsecured Guaranty Even If Principal Loan Is Secured", November 30, 2009
- "FCRA Completely Preempts California's CCRAA", January 6, 2009
- "Bank's Claim For Unjust Enrichment Barred By Three-Year Statute of Limitations", October 7, 2008
- "Depository Bank Not Liable When Checks Were Deposited Into The Account Of A Related But Different Legal Entity", September 12, 2008
- "Non-California Loan Company Could Not Enforce Nevada Choice Of Law Provision To Avoid California Finance Lenders Law", July 22, 2008
- "Operating Subsidiaries of National Banks Also Not Subject to State Law Licensing, Reporting, and Visitorial Regulations", April 17, 2007
- "Prepayment Penalty Claim Preempted By HOLA", January 30, 2007
- "Class Action Not Permitted To Assert Rescission Claim Under TILA", January 30, 2007
- "California Statute Governing Preferences in Assignments for Creditors Not Preempted", November 8, 2006

- "California Supreme Court Strikes Down Oakland's Predatory Lending Ordinance", February 1, 2005
- "Absent Actual Knowledge of an Inconsistency, Banks May Rely on Account Number Specified on an Incoming Wire Transfer", December 24, 2004
- "Yield Spread Premium Irrelevant For Purposes of Predatory Lending Law", December 14, 2004
- "\$1000 Cap On Damages For TILA Violations", December 3, 2004

**Class Action Defense Strategy Law Blog Articles**

- "The California Court Of Appeal Narrowly Interprets The Perata Mortgage Relief Act," June 22, 2010

**SPEECHES**

- Speaker, "Consumer Bank Litigation: A Fearsome Frolic from Fair to Faulty, Flawed to Fearsome," San Francisco Bank Attorneys Association (September 2009)
- Moderator, "Procedures and Pitfalls In the First District Court of Appeal," Bar Association of San Francisco (May 2009)
- Panelist, "Petitions For Review in the California Supreme Court" (with Associate Justice Ming Chin), State Bar of California (September 2008)
- Speaker, "Oral Argument: Lessons Learned," First District Court of Appeal Professionalism Series (February 2008)
- Panelist, "90 Days After Trial: The No Person's Land of Civil Litigation," (April 2007)
- Panelist, "How Not To Lose Your Appeal In The Trial Court," State Bar Litigation/Appellate Section (January 2007)
- Panelist, "Everything You've Always Wanted To Know About Petitions For Review In The California Supreme Court" (with Associate Justice Joyce Kennard), Bar Association of San Francisco (2002)
- Speaker, "Valuing Corporations Under Section 2000 of the Corporations Code," California Society of Certified Public Accountants, (2004)
- Moderator, Appellate Practice in the First District Court of Appeal (Bar Association of San Francisco) (1999, 2002, 2005)
- Co-Chair, ALI-ABA Professional Skills Course: "Litigating Damages in a Commercial Case: How to Argue and Win!" Presented by the American Law Institute/American Bar Association in San Francisco, California (2003)
- Panelist, "Appellate Review of Punitive Damages Awards," Bar Association of San Francisco (2004)