

Attorney Bio

Patrick Schoenburg has successfully represented clients at trial in state and federal court, in appeals, arbitration hearings and in the negotiation of contracts, license agreements and other transactions. He has particular expertise in defending mass tort, environmental, toxic tort and professional liability claims involving technical issues and has developed innovative strategies for attacking questionable scientific evidence. His practice includes defense and prosecution of commercial and employment claims and client counseling regarding contract and related business matters. Patrick's articles have been published by the ABA, Harris-Martin, CEB and Mealey's and he has been quoted on legal issues in the New York Times and leading industry publications. He is a co-author of CEB's guidebook for handling mold litigation in California. After graduating from the University of Southern California Gould School of Law, where he was a member of the Southern California Law Review, Patrick served as a law clerk to the Hon. A. Andrew Hauk of the United States District Court for the Central District of California.

Patrick is also a member of WSHB's Coronavirus National Response Team. He has a broad and deep background handling litigation and claims arising from infectious diseases caused by viruses, bacteria and fungi. This includes a defense verdict in a multi-plaintiff case in which a developer was accused of failing to warn of the risk of coccidioidomycosis (fungi) at a jobsite and serving as lead defense counsel in the Federal Multi-District Litigation that followed the 2012 Hantavirus outbreak at Yosemite National Park. Patrick currently represents a party in the multi-State litigation resulting from the 2018 E. coli (bacteria) cases associated with romaine lettuce.

Education

University of Southern California (J.D., 1992)

University of California, Santa Barbara (B.A., 1987)

Licensed to Practice in:

California

Practice Areas

Agricultural Law

- Defended growers, applicators and manufacturers at trial, mediation and in

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Partner



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non-litigated claims involving pesticide drift and overspray.

- Obtained defense judgment on behalf of cattle rancher following bench trial in multi-million dollar crop loss suit brought by adjacent land owner.
- Successful representation of farmers, ranchers and contractors against personal injury claims involving farming equipment, trucks, trailers and tractors on both private and public roads, counseling and litigation of claims resulting from ag crimes and products liability claims involving irrigation and packing systems.
- Negotiation of contracts and leases and business and employment counseling of produce packers, brokers and shippers.

Commercial and Business Litigation

- Prosecution and defense of claims on behalf of large- and medium-size businesses for breach of contract, employment matters, warranty issues, collections, business torts and fraud.
- Served as second chair in representation of major technology licensing company in a series of arbitration and lawsuits resulting in \$200 million settlement in favor of client.

Corporate

- Extensive experience in drafting, analyzing and advising clients regarding contracts, licenses, leases and other complex agreements.
- Retention as outside general counsel, including supervision and development of contract-management programs, review of employment matters and counseling regarding business formation, licensing and real-property issues.

Employment

- Defense of discrimination, wage and hour, wrongful termination and breach of employment contract claims in pre-litigation proceedings, arbitration and in litigated matters, including Statewide Private Attorney General Act complaints.
- Counseling of clients regarding wage and hour issues, workplace safety, trade secrets and employment contracts, termination issues and in response to agency complaints and investigations.

Environmental

- Defense and prosecution of claims for contribution and recovery of remediation costs arising under CERCLA, the federal Oil Pollution Act, and State common law.
- Representation of environmental consultants, property owners and developers in actions involving alleged misrepresentations and failures to disclose environmental conditions in Phase I, Phase II and other environmental reports and in transactional documents exchanged during the purchase and sale of real property.
- Defense of actions for property damage, clean-up costs and nuisance arising from soil and groundwater contamination.

Legionnaires'/Infectious Disease

- Obtained multiple dismissals and judgments, including unanimous defense verdict, in cases involving exposure to biological contaminants and infectious diseases, including Legionnaires' Disease and Valley Fever.

Mass Torts and Class-Action Defense

- Lead counsel for major oil companies and manufacturers in mass torts involving both single catastrophic accidents and multiple lawsuits arising from manufacture, distribution and sale of allegedly defective products.
- Successfully defeated class certification motions in both federal and state courts in products-liability, personal-injury, construction-defect and civil-rights cases.
- Developed management systems and specialized discovery procedures for handling mass torts involving thousands of plaintiffs, with ultimate goal of maximizing number of pre-trial dismissals.
- Lead counsel for defendants in multi-State food borne illness cases, including litigated and non-litigated claims, cost recovery actions and counseling on strategy and testing issues.

Professional Liability

- Representation of engineers, industrial designers, environmental consultants, geologists and other licensed professionals providing technical services in claims based on alleged improper design and testing, failure to disclose, inadequate reporting, mismanagement of engineering, construction and remediation projects, and related indemnity and subrogation claims.
- Defense of engineering firm against claims that inadequate design of industrial refrigeration system led to catastrophic ammonia release and subsequent personal injuries, property damage and evacuation of adjacent campus of leading biotech company. Claimed economic damages exceeded \$13 million—settled for \$1.8 million, with multiple insurance carriers participating, after extensive pre-litigation investigation of cause of release and recoverable damages.
- Representation at trial of licensed pesticide management company and consultant against claims of professional negligence in herbicide selection and application for golf course. Plaintiff claimed over \$2 million in lost profits at trial. Majority of claims were dismissed by Court order or resulted in defense verdicts. On remaining claims jury awarded \$109,000 in lost-profit damages.
- Defense of environmental consultant firm against claims that improper reporting and oversight of petroleum-hydrocarbon remediation impacted property. Plaintiff claimed \$4.5 million in damages, including settlement of related action. Matter settled for \$190,000, after extensive motion practice resulted in dismissal of majority of causes of action and damage claims.

Real Estate and Land Use

- Representation of landlords, developers and property owners in actions for breach of leasing agreements, commission disputes, habitability claims, landlord/tenant disputes and contract issues arising from the purchase and sale of real property.
- Successful handling of construction-defect claims, ranging from single-family custom homes to commercial and retail buildings and class actions against production-home builders.

Toxic Tort and Occupational Exposure

- Experienced in all phases of asbestos litigation on behalf of products and premises defendants, including insured and self-insured entities. Successfully defended mesothelioma and asbestosis claims in all major California venues (San Francisco, Alameda and Los Angeles). Managed multiple lawsuits and advised clients on case management issues.
- Successfully defended actions involving acute and chronic exposure to benzene, hydrogen sulfide, hydrofluoric acid, silica and asbestos and counseled clients on regulatory requirements involving occupational exposure to these substances.
- Extensive experience defending mold actions and advising clients on non-litigated matters, including abatement issues (particular emphasis on medical issues related to alleged fungal contamination, and law and motion practice seeking to limit admission of opponent's scientific evidence).
- Management of multiple mass-tort cases involving up to 15,000 plaintiffs allegedly exposed to emissions resulting from oil-refinery explosions, fires and emissions.

Transportation

- Defense of regional and national carriers in personal-injury, wrongful-death and property-damage cases, including claims of negligent hiring, training and supervision, regulatory violations and losses from spills involving hazardous substances.
- Successful representation of public entities in claims based on inadequate design and maintenance of roadways resulting in personal injuries and property damage.

Awards & Accomplishments

- AV Preeminent Lawyer by Martindale-Hubbell, 2005 - Present
- Super Lawyer, 2012

Publications

- *Avoiding A Toxic Situation: Lessons from Bard v. Monsanto*, Washington Schools Risk Management Pool (WSRMP) Member Matters Newsletter (Winter 2021)
- *The Return of Mold: Early Signs Point to a Potential New Wave of Lawsuits*, Construction Claims Magazine (Winter 2021)
- *A Roundup of Covid-19 Litigation*, CLM Magazine (December 2020)
- *Can Covid-19 Liability Be Waived?*, Risk Management Magazine (September 1, 2020)
- *Assessing Personal Injury Liability from Covid-19*, Risk Management Magazine (May 1, 2020)
- *Looking for Liability: Assessing COVID-19 Risks by Looking at Other Infectious Diseases*, CLM Magazine (April 2, 2020)

- *A Withering Assault*, CLM Magazine (June 2019)
- *A New Era in Toxic Torts?*, CLM Magazine (September 2018)
- *Sparring Over Spores: Apartment Management*, Vol. XLI, Number 10 (October 2010)
- *Air Testing For Mold Deemed Unreliable by Centers for Disease Control*, California Apartment Association News (July 2010)
- *Conflicting Appellate Decisions Create Uncertainty Regarding Defenses In California Toxic Tort Litigation*, Legal Insights: Claims Resources And Solutions, Issue Management (Fall/Winter 2009)
- *Handling Mold Litigation in California*, CEB Action Guide, Continuing Education of the Bar, 3rd, 4th & 5th Editions (2005, 2007 & 2009)
- *New Study Focuses on Benzene Biomarkers: Will Results Impact Litigation?*, Martin Litigation Watch: Benzene (October 2007)
- *Mold Litigation 2007: Current Trends In This Once Emerging Tort*, Claims Quarterly, Vol. 25, No. 2 (May 2007)
- *Evidence of Exposure: Evolving Standards of Proof in Benzene Litigation*, Mealey's Litigation Report: Benzene, Vol. 1, # 2 (July 2006)
- *Analyzing Mold Claims From A Scientific and Medical Perspective: What Real Property Owners, Managers, Developers and Their Attorneys Need To Know*, Continuing Education of the Bar – Real Property Law Reporter, Volume 29, Numbers 1 & 3 (January & May 2006)
- *The Return Of Privity As A Barrier To Warranty Claims In Welding Rod and Other Occupational Exposure Cases*, Harris Martin Litigation Watch: Welding Rods (2005)
- *Evaluating and Challenging Expert Witnesses in California Mold Exposure Litigation*, Continuing Education of the Bar – Real Property Law Reporter, Volume 27, Number 1 (January 2004)
- *Latest Developments in Mold Exposure Litigation*, American Bar Association Natural Resources & Environment Journal, Volume 17, Number 2 (Fall 2002)

Seminars, Events & Presentations

- Invited speaker, Mass Tort Litigation Tools For Paralegals Conference, Mealey's Publications & Conference Group, Los Angeles, California, November 13 - 14, 2003
- Invited speaker, Property Casualty Insurers Association of America (Presentations to Claims, Liability and Property Insurance Committees on Chinese Drywall Issues), 2009

Community Activities

- Central Valley Leukemia & Lymphoma Society, Light the Night Executive Committee — 2018 to present; Executive Challenge Fundraising winner — 2018.
- Former member of State Board of Governors, Local Advisory Committees (Los Angeles and Fresno) and Mentor of the Year — VIP Mentors, Inc.

- Member — Pro Bono Panel — United States District Court, Eastern District of California