Steven A. Block, Esq.

Mediator, Arbitrator, Special Master, Referee

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Steven A. Block, Esq. is a highly experienced mediator, arbitrator, special master, and referee. Since 2003, he has handled hundreds of disputes as a neutral spanning the full spectrum of civil litigation, including business, partition matters, employment law, family law, products liability, personal injury, medical malpractice, real estate, partnership dissolutions, premises liability, and uninsured motorist claims. In addition to his private ADR practice, Mr. Block previously served as a Settlement Conference Judge for the Sacramento County Superior Court and as a Certified Mediator for the California Court of Appeal, Third Appellate District.

Prior to joining ADR Services, Inc., Mr. Block spent 43 years as a trial lawyer and civil litigator, handling a wide variety of complex litigation, including products liability, medical malpractice, fire (cause and origin), personal injury (assault and battery, catastrophic injury, and wrongful death), employment, and a variety of business and construction disputes. He has tried numerous cases to verdict and has argued before the California Courts of Appeal and the California Supreme Court.

Through his extensive trial and dispute resolution experience, Mr. Block has developed a broad working knowledge of the complex issues that often present in ADR proceedings. He draws upon his intimate understanding of the challenges, risks, and benefits associated with trial in order to present the parties at mediation with realistic and cost-effective alternatives. His down-to-earth demeanor and legal acumen have earned him the respect of counsel and clients alike, leading to the resolution of numerous disputes.

Mr. Block was admitted to the American Board of Trial Advocates in 2000, and in 2009, he received the Sacramento Valley Chapter's Civility Award, bestowed upon attorneys who "elevate the standards of integrity, honor, and courtesy in the legal profession." He served as a Master of the Bench for the Anthony M. Kennedy American Inn of Court from 2001 through 2018, and has served as a visiting lecturer at Stanford University School of Law, the University of San Francisco School of Law, and McGeorge School of Law. He received his B.A. from U.C. Davis in 1975 and obtained his J.D. With Distinction from University of the Pacific, McGeorge School of Law in 1978.

AREAS OF SPECIALIZATION

- Business/Commercial Contract
- Elder Abuse
- Employment
- Medical & Dental Malpractice
- Partnership Dissolution
- Personal Injury
- Product Liability
- Real Estate

EDUCATION

- University of the Pacific, McGeorge School of Law
  Juris Doctor with Distinction (graduated top 7% of class), 1978
  Dean's Counsel; Roger J. Traynor Scholastic Honor Society
  American Jurisprudence Awards: Constitutional Law; Decedents, Estates & Trusts; 1977

- University of California at Davis
  Bachelor of Arts, Political Science, 1975

PROFESSIONAL EMPLOYMENT

Demler, Armstrong & Rowland, LLP, 2017-2021

- General litigation practice and counsel involving professional negligence, products liability, personal injury, business, employment, real estate, construction, and general civil trials. Concurrently served as a mediator, arbitrator, and referee.

California Department of Justice, Office of the Attorney General, 2014-2017

- Served as Deputy Attorney General for the Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA). Investigated and prosecuted claims of physical and financial elder abuse, and whistleblower claims brought by qui tam plaintiffs alleging fraud based on overbilling for prescribed medications, off-label use of drugs or medical products, and illegal kickback schemes for Medi-Cal patient referrals.

Law Office of Steven A. Block, 1982-2014

- From 2003 to 2014, served exclusively as a mediator, arbitrator, special master, and discovery referee. Regularly volunteered as a settlement judge pro tem for the Sacramento County Superior Court and as a court-appointed referee in Sacramento, Sutter, Solano, and Placer Counties. From 1982-2002, practiced litigation in the areas of professional negligence, products liability, personal injury, business, employment, real estate and construction, and general civil trials.

Porter, Scott, Weiberg & Delehant, 1978-1982

- Insurance defense practice including general liability, products liability, dental malpractice, and public entity defense.

HONORS AND AWARDS

- Civility Award, American Board of Trial Advocates, Sacramento Valley Chapter, 2009
- Voice of Conscience Award, Anthony M. Kennedy American Inn of Court, 2008-2009
- Rated AV by Martindale Hubble
- University of the Pacific Commission Member, National Commission for the Next Level of Excellence, 2000-2001

PROFESSIONAL ACTIVITIES AND ORGANIZATIONS

- American Board of Trial Advocates (ABOTA), Member
- Anthony M. Kennedy American Inn of Court, Master of the Bench, Past Member Emeritus
- California Court of Appeal, Third Appellate District, Certified Mediator
- McGeorge School of Law Alumni Board, Member and Past President
- McGeorge School of Law, Competition Trial Advocacy Team, Coach/Advisor
- Sacramento County Bar Association, Member
- Sacramento County Superior Court, Pro Tem Settlement Conference Judge
- Special Master and Referee, the Superior Court of California, Counties of Sacramento, Placer, Solano, and Yuba
- Pacific-McGeorge Ethics National Trial Competition, Trial and Scoring Judge, 2008-2010
- National Multiple Sclerosis Society, Past Member of Board of Directors
- The State Bar of California, Member

REPRESENTATIVE CASES

Personal Injury

- **Construction Accident**
  Plaintiff, a cement mason, was working on the post-concrete deck of a parking garage under construction when his 24-foot aluminum bull-floating pole contacted a 20 KV overhead electrical line. The bull-floating pole was designed to clean swimming pools. Plaintiff was electrocuted and fell three stories. The electricity blew entry holes through both wrists and an exit hole through the top of his foot. Plaintiff's injuries required multiple surgeries to save his hands and range of motion, and to reconstruct significant deformities that resulted when muscle tissue from his back had to be grafted to his wrists.

- **Wrongful Death/Elder Abuse**
  Served as a court-appointed referee in this wrongful death/elder abuse action brought by the heirs of an elderly patient who was hospitalized with an orthopedic injury requiring knee surgery. The patient's post-surgical skin assessment on admission to the hospital recovery unit confirmed no evidence of skin breakdown, pressure ulcers, or other skin-related problems. Approximately a week after admission, nursing staff discovered large full thickness pressure ulcers that penetrated through the soft tissues to the bone, and involved necrotic tissue with eschar. Plaintiffs requested discovery regarding Defendant's financial assets under Civil Code section 3295.

- **Catastrophic Auto Accident**
  Defendant caused a motor vehicle accident in a construction zone by striking a cement "K" rail, lost control of her vehicle and struck a van, causing it to overturn. As approaching traffic slowed, Plaintiffs' decedent, an off-duty Deputy Sheriff, was unable to stop and struck the rear of a semi-tractor trailer. He died at the scene. The primary Defendants, a large construction company and the State of California, controlled the design and management of the construction zone. Both claimed the roadway was safe, and argued the driver was solely responsible for the accident.

Products Liability

- **In Flight Engine Failure-Fatal Crash of Cessna 182**
  This action was based on the failure of the connecting rod bolt in a Cessna 180 aircraft resulting from a manufacturing defect. Plaintiffs were a deceased pilot's family. The parties retained numerous experts to reconstruct the failure and assess the pilot's reaction to the "engine out" condition. The primary experts included a private flight instructor, a nationally known metallurgist, and an Ohio State University professor/expert, who evaluated the piloting issues. The case was filed in the federal District Court in Oregon. The case was resolved by settlement two weeks before the commencement of trial.

- **Defective Spa Drain/Drowning**
  This case arose out of the drowning of a twelve-year-old girl whose ponytail was sucked into the drain of a spa. Plaintiffs, the deceased girl's parents, sued the

manufacturer of a drain cover that did not have anti-entanglement properties. There were a number of peripheral defendants but the ultimate settlement of the case was achieved with the drain cover manufacturer.

- **Main Seal Failure/Catastrophic Contamination**
  Served as the special master and mediator in this case arising out of the failure of a main seal on an effluent pump station in South Lake Tahoe. The failure caused effluent to be discharged onto residential property, contaminating the entire parcel and resulting in possible well contamination. The case involved forensic failure analysis of the pump station and remediation of Plaintiff's property. Several parties engaged engineering experts to discuss the material failure issue, and the means and methods to correct the problem. The case settled for a monetary sum, with agreements to remediate the property and pump station.

Medical Malpractice

- **Birth Defect/Negligent Prescription**
  Plaintiff sued a physician who prescribed Provera as a pregnancy test when the Plaintiff was 16 years old. She gave birth to a child with a unilateral withered arm just below the elbow. Plaintiff contended that the Provera acted as a teratogen, causing the birth defect. The case was tried for 25 days before a Sacramento jury. The case required testimony from numerous experts, including teratologists, obstetrics and gynecology physicians, epidemiologists, and a veterinary scientist from U.C. Davis.

- **Failure to Diagnose**
  Plaintiff widow and her son brought a medical negligence case arising out of medical provider's failure to diagnose an aortic dissection that resulted in the death of Plaintiff's husband. The decedent presented in the emergency room with the classic signs of a myocardial infarction (heart attack due to coronary artery disease) and was admitted to the telemetry unit for observation. As part of the work-up, medical staff took a portable anterior/posterior chest x-ray that revealed a widened mediastinum.

- **Six-Level Vertebrae Fusion/Negligence**
  Plaintiff was an emergency room nurse who had multiple-level cervical disc problems that required surgery. Defendant surgeon performed a six-level fusion of her vertebrae from C-2 through C-7 using cadaver bone and a titanium plate. Plaintiff alleged that multiple x-rays demonstrated that the Defendant screwed the upper portion of the hardware directly into the soft tissue of the C-2/C-3 disc instead of obtaining a "purchase" into bone. Over a six-week period, the entire apparatus became dislodged and ultimately prevented the Plaintiff from swallowing.

- **Latex Allergy**
  Served as the mediator in this case brought on behalf of an 11-year-old boy with spina bifida. Plaintiff was admitted to the hospital for surgical placement of Harrington rods. Although Plaintiff's medical chart clearly documented his allergy

to latex, Defendant surgeon used latex products during the surgery, causing catastrophic injury. The case settled for a significant cash sum.

Business / Commercial Contract

- **Fraudulent Inducement**
  Served as Discovery Referee in a significant case between, among others, the City of Oakland and the Oakland Raiders concerning allegations that the City induced the Raiders to relocate from Los Angeles to Oakland and sign a long-term lease with the Oakland Coliseum Complex by misrepresenting the magnitude of season ticket sales. At the court's suggestion, the parties stipulated to my appointment to review hundreds of documents that Defendants had withheld based on attorney-client and attorney work product privileges. The parties waived any limitation on my ability to review, *in camera*, documents claimed to be covered by the attorney-client privilege.

- **Partition and Sale of Family Business**
  Served as a Partition Referee, under C.C.P. section 639, in the sale of a well-known family retail business that was formed in the 1940s. The family members were emotional, angry and did not agree to much. The case was further complicated by the discovery of contaminated underground tanks on the property that needed to be removed followed by a remediation plan for contamination of ground water. A geo-technical engineer performed the evaluation and secured the clearance from the city. The property was successfully sold.

- **Licensing Agreement Dispute**
  Served as the arbitrator in this case involving a reseller's agreement between two entities. Defendant was a licensed reseller of software. Over a period of ten years, Defendant relicensed the software to Plaintiff in a series of contracts that included pricing criteria. When the last relicensing agreement lapsed, the parties continued to do business month-to-month. When Defendant raised the price of the relicensing arrangement, Plaintiff sued, claiming the parties were operating under the previous contract. The dispute required a detailed evaluation of contract terms and a determination of whether the final contract remained in effect or terminated by its terms.

- **Withdrawal of Joint Ownership**
  Served as binding arbitrator in this action wherein a joint owner of an office building announced an intention to engage an appraiser and withdraw from his ownership in the building. The owners' agreement contained detailed rights and obligations in the event of withdrawal. Plaintiff claimed that the LLC's rejection of the appraisal and failure to obtain its own appraisal breached the letter and spirit of the agreement and served as a waiver by the non-withdrawing owners.

- **Commercial Winery Partition**
  Mediated this case which involved the partition of a well-known and successful winery in El Dorado County. Two couples owned the winery; the husbands were brothers. For several years, the parties attempted to negotiate various options regarding who would buy/sell the enterprise but had arrived at a complete impasse.

The entire family was involved in the business, and all had reached their breaking points. Through successful mediation, the parties crafted a sale whereby one of the brothers purchased the interest of the other.

Real Estate

- **Complex Tenant-in-Common Dispute**
  Served as an arbitrator and partition referee in litigation among six parties/entities who owned a historical home in San Francisco as tenants-in-common under a Tenant-in-Common Agreement, each occupying a residential space within the building proportional to their fractional interests. Hearings, rulings and negotiations were conducted over several years ultimately resulting in the forced sale of one of the parties' interest and resolution of the remaining issues through a negotiated amended TIC agreement.

- **Toxic Mold**
  Plaintiff, a 42-year-old widow was forced to retire due to a progressive form of Lupus. Shortly after purchasing her first home, a leak developed in the house, resulting in high mold concentrations which exacerbated her pulmonary hypertension and lung problems. The parties negotiated a rescission/buy back of the home whereby title was transferred back to the home builder, and plaintiff secured significant compensatory damages for the cost of the move, loss of personal possessions, and pain and suffering.

- **Fraud in the Inception/Breach of Contract**
  Served as a court-appointed Special Master in this matter. The case was filed on behalf of 100+ homeowners based on alleged fraudulent sale of homes to the Plaintiffs, including fraud in the inception and breach of contract. I handled multiple law and motion matters, and submitted findings and recommendations to the court for several years on this matter.

- **Negligent Water Diversion/Agricultural Lands**
  Served as a court-appointed Discovery Referee in this action involving a dispute between adjoining landowners of agricultural parcels in Sutter County. Plaintiff had farmed hay since the 1950s and Defendants purchased the adjoining parcel and farmed rice. Plaintiff claimed that Defendants negligently graded their 150-acre parcel such that excessive water was diverted onto Plaintiff's parcel causing land damage and decreased hay crop yields. Plaintiff alleged multiple causes of action, including public and private nuisance, strict liability, negligence, intentional tort, fraud, breach of contract, and trespass to lands under cultivation.

Construction Defect

- **New Home Construction Defects**
  Served as a court-appointed Special Master in this contentious case involving the construction of a new home in Placer County. Plaintiffs alleged significant structural and cosmetic defects. Resolution of the case was made extremely difficult due to the multiple issues and subcontractors and the fact that the general

contractor had a "burning limits" policy. I submitted numerous case management orders to the court and eventually successfully mediated the case.

- **Custom Build – Cosmetic/Structural Issues**
  Served as Special Master under California Rules of Court, Rule 3.750 in this case involving a dispute between homeowners and a general contractor retained to build a home for approximately $1 million. Plaintiffs alleged there were numerous defects in the means and methods of construction, including cosmetic and structural problems that required $600,000 to $800,000 to repair and complete the project. The general contractor filed a cross-complaint against most of the subcontractors and sought damages from the homeowners for completed phases of the construction.

- **Catastrophic Construction Failure**
  Served as the special master and mediator in this case arising out of the catastrophic failure of all siding on the new Placer County jail facility in Auburn. The jail was constructed at a cost of $11 million, and the County's estimates for repairing the siding (which had separated from the building) was approximately $2 million. The case was ultimately resolved.

Eminent Domain

- **Inverse Condemnation/Nuisance**
  Successfully mediated this case involving two properties adjacent to the Sacramento County Landfill. The action sounded in inverse condemnation and nuisance arising out of a significant delay in scheduled closing of the Landfill. The ten-acre parcels were prime acreage for ranch-style living. Plaintiffs A had lived on their property for years and Plaintiff B had planned to build in anticipation of the Landfill closure, which would have resulted in a large greenbelt behind Plaintiffs' properties.

- **Eminent Domain**
  Mediated several eminent domain cases in the Central Valley for the California High-Speed Rail Authority and landowners whose properties were identified by the State to be condemned. As the program expanded, I was later approved as a panel mediator for the High Speed Rail program.