Hon. Wynne S. Carvill

(Ret.)

Mediator, Arbitrator, Referee/Special Master

Case Manager

Patricia Usak

Two Embarcadero Center, Suite 1500
San Francisco, CA 94111

T: 415-774-2616

*For arbitration matters, please contact **Giana Dittmar** at GDittmar@jamsadr.com. For mediations and court reference matters, please contact **Patricia Usak** at PUsak@jamsadr.com.*

Hon. Wynne Carvill (Ret.) joins JAMS with a rich legal background and experience in a wide range of practice areas, including employment, class action, business/commercial, personal injury/torts, intellectual property, insurance, antitrust, professional liability and construction.

On the bench, Judge Carvill handled a variety of cases, including civil, criminal and family law. Before his appointment to the bench in 2003, Judge Carvill was a civil litigator for more than 25 years and served as his firm's general counsel for 12 years.
Judge Carvill moves complex disagreements toward resolution in an efficient manner. Described as humble and analytical, he is praised by attorneys for his professionalism and the high value he places on integrity and candor. Immersing himself in each matter that comes before him, Judge Carvill enjoys engaging attorneys in discourse to understand fully the issues and arguments at hand and values providing transparency in detailed decisions.

ADR Experience and Qualifications

- Settled numerous matters in his 16 years as a superior court judge in Alameda (Calif.) County, including two years as a full-time settlement judge handling an average of 10 settlement conferences per week
- Presided over complex litigation, civil direct, family law, civil bench trials and criminal calendars

- Served four years in one of Alameda County's two complex litigation departments managing class actions, Private Attorneys General Act (PAGA), antitrust, construction, environmental cases and major commercial disputes

Representative Matters

- **Antitrust & Competition**
    - Series of cases alleging violations of the California Unfair Practices Act and Cartwright Act in grocery store chain providing discount coupons for gas purchasers
    - False advertising and unfair competition case against an internet retailer
    - Antitrust case in which bank charged with conspiracy to monopolize and monopolization in violation of Sherman Antitrust Act §§1 and 2
    - Antitrust challenge to vertical acquisition of a steel tubing company involving alleged violation of Clayton Antitrust Act § 7 and predatory pricing in violation of Sherman Antitrust Act § 2
    - Disputes involving newspaper and food processor clients in actions alleging below-cost sales in violation of California Unfair Practices Act and other state antitrust statutes
    - Matters involving an ambulance company that was charged with conspiring to monopolize the market for emergency medical services and that filed similar claims against competitors
    - Price-fixing conspiracies in the beer, cellular phone, cement, credit card, semiconductor, hotel, cosmetics, and other industries
    - Suit against credit card company for clauses restricting merchant surcharging
- **Business Commercial**
    - Post-acquisition disputes arising out of sales of pharmacies, bank branches, loan portfolios, and other businesses
    - Contract disputes concerning beer, wine and other kinds of distribution and warehousing agreements
    - Franchise termination disputes in restaurant, automobile, and other industries
    - Disputes regarding alleged violations of Rees-Levering Motor Vehicle Sales and Finance Act
    - Major software development and software/system integration disputes
    - Shareholder disputes in the context of a corporate dissolution
    - Dispute arising from change of control provisions in joint venture agreement
    - Dispute between equal partners as to management and possible dissolution of large real estate partnership
    - Putative class action alleging bank wrongfully assessed overdraft fees
    - Investor suit against investment advisors and related elder abuse claims
    - Dispute involving public-private partnerships on a state highway construction project
    - Song-Beverly Consumer Warranty Act class action challenge to store practices
    - Dispute between company and founding shareholder regarding stock options
    - Dispute involving county’s denial of application for site development
    - Extensive experience in various kinds of unfair competition complaints under California Business & Professions Code § 17200
    - Suits under Rosenthal Fair Debt Collection Practices Act
    - Various commercial lease and mortgage/foreclosure disputes
    - Multiple attorney fee disputes with legal malpractice cross-complaints
- **Construction**
    - Suits by homeowners’ association against developer concerning multiple construction defects in large condominium projects and residential subdivisions

- Suit by owner of mixed commercial and residential building against general contractor and various subcontractors based on variety of water intrusion issues
- Dispute between homeowner and builder regarding plumbing leaks and landscaping/drainage issues
- Suit by owner/builder against various contractors on home remodel
- Suit against paving contractor on major resurfacing project
- Construction delay claims against utilities due to alleged delays relocating lines or providing service

- **Employment Law**
  - Numerous cases challenging meal and rest break policies and practices and other alleged wage and hour violations
  - Putative class actions and PAGA cases arising out of misclassification of sales personnel and other alleged wage and hour violations
  - Wrongful termination and retaliation cases by employees who allegedly were whistleblowers
  - Disputes involving unpaid commissions by former employees
  - Suits alleging wrongful termination due to race, gender and/or age discrimination
  - Cases arising out of alleged violations of California's Family Rights Act
  - Harassment and discrimination due to physical disability and age discrimination
  - Case involving failure to accommodate claimant as victim of domestic violence
  - Alleged breach of non-disparagement clause in executive separation agreement
  - Class of store managers seeking overtime for off-the-clock work
  - Union suit against officers for breach of fiduciary duty based on their organizing competing union
  - Former law partner's claims arising out of allegedly improper expulsion
  - Numerous appeals for trial de novo after a Berman hearing (Labor Code § 98.2 et seq.) before the labor commissioner
  - Various employee trade secret cases, including matters involving software and computer technology
- **Environmental Law**
  - Suits against major chain stores for allegedly mishandling hazardous and pharmaceutical waste
  - Action against paint manufacturer for alleged contamination of soil and groundwater along waterway
- **Family Law**
  - Dissolution cases where major asset is a community property business
  - Cases with other complex community property division issues
  - Dissolution cases in which prenuptial agreement challenged
  - Cases in which one spouse alleged hidden assets and other breaches of fiduciary duty
  - Complex spousal support cases raising issues of income available for support
- **Governmental & Public Agency**
  - School district dispute with a charter school regarding Prop 39 pro-rata share payments
  - School district dispute with charter schools regarding allocation of classroom and other space and proper cost sharing
  - Suit to enjoin public-private partnership ("P3") for completion of major highway project
  - Community college dispute with employee claiming wrongful discharge and retaliation
  - Termination of fire fighter for perceived disability
  - Suit to enjoin funding cut to Stage 3 CalWORKS child care services
- **Health Care**
  - Dispute over removal of hospital's medical director
  - Termination of nurse and retaliation claim for whistleblowing on quality of care

    - Dispute over whether health plan violated Mental Health Parity Act by refusing coverage for certain mental illnesses
    - Change of ownership of ambulatory surgery centers
    - Termination of physician staff privileges and retaliation claim
    - Various Wage & Hour disputes regarding medical and hospital personnel
    - Disability discrimination claim by medical staffer
    - Disputes regarding ambulance company's performance
    - Quality of care at nursing home
    - Dispute over whether removal of excess skin after surgery required under California Reconstructive Surgery Law
    - Alleged violation of California's Confidentiality of Medical Information Act
- **Insurance**
    - Carrier's denial of coverage for certain allegedly "cosmetic" surgical procedures
    - Dispute involving carrier's denial of coverage for certain mental health services
    - Numerous cases in which underlying disputes involved insurance coverage and/or bad faith claims
    - Insurance coverage litigation regarding environmental impairment liability policies
    - Numerous claims against third-party administrators for failure to submit to excess carrier and other mismanagement allegations
- **Intellectual Property**
    - Several cases where employer sued competitors and former employees for alleged trade secrets theft, including customer list cases, copying software code, internal cost/margin data
    - Trademark infringement cases for major credit card company
- **Personal Injury**
    - Multiple asbestos and talc cases
    - Disputes involving negligent undertaking
    - Numerous premises liability cases
    - Numerous cases arising out of automobile accidents, termination/discrimination scenarios, medical procedures, tenant evictions, etc.
    - Suits based on off-label use of pharmaceutical product
- **Professional Liability**
    - Multiple professional negligence claims against lawyers and medical and dental professionals

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Selected Memberships and Affiliations

- Member, California Judges Association, 2004–present
- Member, Alameda County Bar Association, 2004–present
- Member, San Francisco Bar Association, 1978–2003; 2019–present
- Member, Antitrust and Litigation Sections, American Bar Association, 1978–2003
- Member, Antitrust Section, California Lawyers Association (formerly California State Bar), 1978–2003
- Member, Earl Warren Chapter, American Inns of Court, 2008–2010
- Lawyers Committee for Civil Rights, 1986–2003
    - Co-Chair, 1993–1995

- Mediator, Early Settlement Program, San Francisco Superior Court, 2000–2003
- Member, Judiciary Committee, San Francisco Bar Association, 1997–1999
- Admitted to California Bar, 1977
- Admitted to Massachusetts Bar, 1974

Selected Awards and Honors

- Trial Judge of the Year, Alameda-Contra Costa County Trial Lawyers' Association, 2015
- Robert G. Sproul, Jr. Award for Pro Bono Work, San Francisco Lawyers' Committee, 1991

Selected Teaching and Speaking Engagements

- Speaker, Practising Law Institute, 1988–2003
  - Microsoft Antitrust Litigation, 2002–2003
  - Intellectual Property/Antitrust, 1992–1995, 1997–2001
  - Patent Antitrust, 1989
  - Deposition Skills Training Program, 1988
- Member, Litigation Section Panel, Trade Secrets, American Bar Association, 1987
- Instructor, University of California, Hastings, Federal Trial Practice Program, 1986–1988
- Instructor, University of California, Hastings, College of Trial Advocacy, 1984–1985, 1989

Selected Professional Activities

- Editor, *The Journal of Proprietary Rights*, 1989–1991
- Editor-in-Chief, San Francisco Bar Association's *Northern District of California Digest*, 1982–1984

Background and Education

- Alameda County Superior Court, 2003–2019
  - Presiding Judge, 2018–2019
  - Assistant Presiding Judge and Settlement Judge, 2016–2017
  - Supervising Judge, Civil, 2012–2015
  - Complex Litigation, 2012–2015
  - Civil Direct Calendar, 2010–2011
  - Family Law, 2007–2009
  - Civil Non-Jury Trials, 2006
  - Criminal, 2004–2005
- Thelen Reid & Priest (and predecessor Thelen, Marrin, Johnson & Bridges), 1977–2003
  - Partner, 1982–2003
  - National Co-Chair, Commercial Litigation Department, 1999–2003
  - Chair, Risk Management Committee, 1993–2003
  - General Counsel, 1993–2003
  - Associate, 1977–1981
- Law Clerk, The Honorable Gerald Bard Tjoflat, United States Court of Appeals for the Fifth Circuit, 1976–1977
- Law Clerk, Superior Court of Massachusetts, 1975
- Teaching Fellow, Boston College School of Law, 1974–1975
- J.D., *cum laude*, Harvard Law School, 1974
- B.A., *summa cum laude*, Williams College, 1971

Disclaimer

This page is for general information purposes. JAMS makes no representations or warranties regarding its accuracy or completeness. Interested persons should conduct their own research regarding information on this website before deciding to use JAMS, including investigation and research of JAMS neutrals. See More