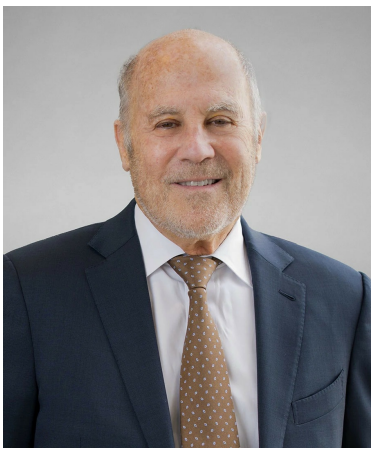

# Hon. Stephen Kaus (Ret.)

Mediator Arbitrator

Court-Appointed Neutral (Referee/Special Master)


**Case Manager**

**Jessica Llamas**

1255 Treat Blvd. Suite 700
Walnut Creek, CA 94597
T: 925-975-5725


**Hon. Stephen Kaus (Ret.)** brings more than 50 years of legal experience—including 12 years on the Alameda County Superior Court—to his JAMS practice. As a direct calendar judge managing 600–800 active cases, he presided over complex multiparty disputes, bench and jury trials, and numerous settlement conferences. His broad experience as both judge and advocate enables him to efficiently analyze legal issues and facilitate pragmatic resolutions.

Before his judicial appointment, Judge Kaus practiced extensively in civil litigation, representing professionals, including engineers, attorneys and judges, handling construction, insurance and commercial disputes, and representing both plaintiffs and defendants in multiple complex cases.

For twenty years, Judge Kaus was a partner at a midsize San Francisco law firm, where he represented media, cable TV and telecom clients in employment, contract and franchising disputes. Among his litigation matters were construction cases involving major public buildings such as concert halls and hospitals. He chaired the firm's litigation department and served on the Executive Committee. He also was a member of the First District Court of Appeal mediation panel.

A dedicated leader in the Bar Association of San Francisco (BASF), Judge Kaus served on its board of directors and received its Award of Merit along with a special award from the San Francisco Public Defender for his work as chair of its Special Committee on Conflicts Counsel in 1995.

## Representative Matters

- **Anti-SLAPP Motions**
  - Decided multiple anti-SLAPP special motions to strike challenging complaints, including:
    - Student disciplined in high school sued former classmates, alleging that they defamed him in letters and online, intentionally

harming his reputation and college prospects; *Doe v. Ledor* (2023) 97 Cal.App.5th 731 (affirmed)
    - Patron of comedy club sued over offensive and allegedly homophobic remarks by entertainer
    - Dispute among medical partners
- Successfully litigated anti-SLAPP motion in Oregon federal court to defamation, etc., complaint brought by "enlightenment" provider against publisher of negative information; *Higher Balance, LLC v. Quantum Future Group, Inc.* et al. (2008 D. Oregon) 2008 WL 5281487; 37 Media L. Rep. 1181

- **Antitrust & Competition**
    - Oversaw Cartwright Act and analogous state statute litigation over whether generic drug settlement was collusive. Decided demurrer and pretrial dispositive motion; Humana Inc. v. Bausch Health Companies Inc. (2023) 2023 WL 4552005

- **Banking**
    - Presided over numerous actions involving banks, including foreclosure and fraud cases in wake of 2008 financial crisis
    - Represented an in-house attorney in the Lincoln Savings civil fraud case in Arizona federal court; negotiated and arbitrated disputes with directors' and officers' insurer
    - Litigated cases involving bank service charges and handling of dormant accounts; Perdue v. Crocker Nat. Bank (1983) 141 Cal.App.3d 200 (unconscionability of bank service charge); *Bank of America v. Cory* (1985) 164 Cal.App.3d 66 (failure of controller to enforce Unclaimed Property Act)
    - Led team that successfully foreclosed on collateral for loan to Taiwanese furniture company, including judicial sale in San Bernardino Superior Court of national furniture retailer, for approximately $65 million
    - Defended bank officer charged with improper loan practices. Obtained insurance coverage for civil and criminal defense

- **Bankruptcy**
    - Led team that obtained ruling that United States courts need not recognize stay order from Taiwanese reorganization court; In re *Master Home Furniture Company Ltd*. (2001) 261 B.R. 671
    - Successfully litigated bankruptcy judge's sanctions against attorney for allegedly violating automatic stay

- **Business Commercial**
    - Presided over dispute between exchange-listed life sciences companies over the validity in California of noncompete clauses signed elsewhere
    - Presided over $40 million-plus compensation dispute between terminated CEO and NASDAQ-listed public corporation
    - Decided court trial over dissolution of corporate dental practice
    - Decided court trial over alleged fraud by developer that induced investor to commit millions of dollars
    - Presided over litigation involving compensation and competition issues between founder and construction system design and fabrication company
    - Decided numerous motions concerning entitlement to and amount of attorneys' fees
    - Litigated multiple substantial law partnership disputes, including successful JAMS arbitration over dissolution of substantial asbestos and product liability practice

- **Civil Rights**
    - Litigated dispute over church governance involving factual issues as well as jurisdiction of civil courts over activities of religious corporations; *Singh v. Singh* (2004) 114 Cal.App.4th 1264
    - Presided over clergy and teacher sexual abuse cases

- **Class Action & Mass Tort**
    - Presided over numerous class action matters involving discovery issues, class certification, notice, settlement approval and attorneys' fees, including:
        - Class of borrowers alleged that mortgage brokers were rewarded for providing loans with higher interest rate than other loans for which class members were qualified
        - Occupants of private student housing sued lessor corporation alleging unfair practices during closure of university during pandemic
        - Numerous wage and hour class actions

- **Construction Defect**
    - Presided over multiple cases alleging defective residential construction, including motions, discovery issues and reaching resolution
    - Represented design professionals, principally engineers, including a sizeable international engineering firm, in multiple construction defect matters involving large public structures, such as hospitals, university buildings, performing arts centers and sports stadiums

participation in litigation, arbitration at JAMS and multiparty mediations

- Successful representation of geotechnical engineer in litigation brought by numerous Foster City homeowners involving alleged foundation cracking and adequacy of builder's proposed repair
- Representation of landowners and homeowners in multiple disputes with contractors, adjoining property owners, governmental entities and insurers over earth movement and water damage

- **Employment**
  - Presided over numerous employment-related matters, including wage and hour, wrongful termination and discrimination
  - Decided pretrial matters and conducted jury trial in whistleblower case alleging employee was terminated in retaliation for identifying and reporting serious safety issues with experimental medical implant product.
  - Presided over numerous Private Attorneys General Act (PAGA) cases including issues of arbitrability, application of United States Supreme Court and California Supreme Court decisions, discovery issues, summary judgment and settlement approval
  - Presided over age discrimination jury trial concerning termination of longtime scouts by local NFL football team.
  - Presided over jury trial by nurse alleging age discrimination by medical provider
  - Presided over case alleging disability and racial discrimination by hospital against morgue attendant
  - Presided over disability discrimination and retaliation case brought by fire district employee
  - Ruled on preliminary injunction request and subsequent motion to enforce settlement in litigation between union and national airline regarding state and municipal sick leave and family leave laws
  - Ruled on a dispute brought by a union over the proper overtime classification of two categories of California Department of Forestry and Fire Protection employees
  - Presided over a class action against a national airline over the federal Airline Deregulation Act and California labor law regarding the accrual of meal periods and rest breaks during required work before and after actual flights.
  - Determined whether an employee could enforce a provision of a collective bargaining agreement after the CBA's expiration.

- **Environmental Law**
  - Determined jurisdictional issues under Public Resources Code section 25531 in dispute over California Energy Commission thermal powerplant siting decision; *Communities for a Better Environment v. Energy Resources Conservation and Development Commission* (2020) 57 Cal.App.5th 786 (affirmed)
  - Presided over numerous California Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986) cases

- **Governmental & Public Agency**
  - Presided over numerous cases involving governmental entities, including claim requirements, discovery and liability
  - Presided over California attorney general and Los Angeles district attorney's suit against leading vape manufacturer alleging improper marketing to juveniles; heard and decided dispositive motions and substantial discovery disputes prior to resolution as part of $462 million multistate settlement
  - Heard and decided substantial taxpayer writ petition alleging improper contracting by city police commission and failure of Oakland Mayor's Office to comply with Public Records Law
  - Presided over suit by county elected official alleging that she had been provided an inadequate and conflicted defense by the county in highly publicized tort trial
  - Presided over multiple suits involving permitting issues or code violations
  - Presided over attorneys' fees issues in reversal of Employment Development Department's (EDD) decision in unemployment law claim; Land v. Unemployment Insurance Appeals Board (2023) 97 Cal.App.5th 286 (affirmed)
  - Successfully defended city in suit by registered sex offender alleging map issued by police department infringed his privacy
  - Represented newspapers and television stations on access and Brown Act issues
  - Represented major cable company in multiple disputes with franchising authorities in state and federal courts
  - Successfully litigated case in Alameda County Superior Court to change ballot description of local proposition

- **Health Care**
  - Presided over disputes regarding adequacy of insurance payments to provider
  - After seven-week court trial, decided qui tam case alleging substantial overcharges by major hospital system for anesthesia and surgical recovery
  - Presided over pretrial motions and jury trial concerning payments under the Knox-Keane Act to hospitals for emergency care of members of insurer/managed health plan patients

- **Insurance**
  - Presided over first- and third-party insurance coverage disputes
  - Determined whether insurer had done an adequate investigation before denial in serious injury case.
  - Oversaw litigation concerning an insured's right to independent counsel because of a conflict of interest with insurer

- Litigated and negotiated numerous matters involving coverage disputes and bad faith allegations.

- **Personal Injury**
  - Presided over multiple personal injury matters, including pretrial motions, discovery disputes and jury trials; issues included liability, damages, appropriate Howell charges and medical liens
  - Managed a portion of court's asbestos caseload, including discovery disputes, dispositive motions, general case management, settlement and jury trials; subjects of jury trials included exposure to dust from factory employment, brake repair, pipe cutting, work on ships and talcum powder, as well as secondhand exposure issues
  - Represented San Francisco and college newspapers and television stations on defamation issues

- **Professional Liability**
  - Presided over suits alleging medical or legal malpractice
  - Successfully defended legal malpractice matter in San Francisco jury trial
  - Represented design professionals in construction disputes

- **Real Property**
  - Presided over cases asserting various property law issues, such as quiet title, property line location, easements and damage from water flow, involving private parties and governmental entities
  - Presided over multiple cases involving HOA disputes including maintenance, payment of dues and other CCR issues.
  - Presided over multiple real estate misrepresentation and contractual issues
  - Supervised Alameda County unlawful detainer actions, including settlement, law and motion, court trials and jury trials
  - Decided court trial involving alleged breach of a commercial lease and tenant cross-complaint alleging that building owner tried to take over business
  - Presided over cases involving Berkeley right to a view and tree-trimming ordinances
  - Interpreted Berkeley rent control statute in relation to remodeled housing; *NCR Properties, LLC v. City of Berkeley* (2023) 89 Cal.App.5th 39 (affirmed)
  - Successfully litigated multimillion-dollar real estate fraud case in federal court; *Hyde & Drath v. Baker* (1964) 24 F.3d 1162

# Honors, Memberships, and Professional Activities

### Selected Awards and Honors

- Trial Judge of the Year, Alameda Contra Costa Trial Lawyers Association, 2021
- Award of Merit, Bar Association of San Francisco, for work creating a conflicts-counsel program to enhance indigent defense representation, 1995
- Clarence Gideon Award for Public Service, presented by San Francisco Public Defender Jeff Adachi for work to improve representation of indigent defendants

### Selected Speaking Engagements

- Co-Presenter, "May it Please the Court: Effective Trial Practice," MyCLE, September 2025
- Panelist, California Trial Evidence, Practicing Law Institute, 2013
- Co-Instructor (with James Wagstaffe), Federal Civil Procedure, University of San Francisco School of Law, 1994–1995
- Panelist, Ethics, Rutter Group, 1995
- Co-Instructor (with David C. Coleman III), Criminal Trial Practice, UC Berkeley School of Law

(formerly Boalt Hall), 1980–1983

- Instructor of multiple California Continuing Education of the Bar courses, including Civil Pretrial Procedure and Law and Motion

**Selected Publications**

- “9th Circuit rejects broad public disclosure bar in whistleblower cases,” Daily Journal, October 2025
- Author, Continuing Education of the Bar, Prosecutorial Misconduct (annual supplement), 1978–1982

**Memberships**

- Member, Contra Costa County Bar Association, 2025
- Member, California State Bar Commission on Corrections, 1977–1980
- Member, Bar Association of San Francisco 1980–2012, 2025
    - Member, Board of Directors, 1999–2000
    - Chair, Special Committee on Conflicts Counsel, 1995–2012
    - Member, Judicial Evaluation Committee, 2000–2001
- Member, Alameda County Bar Association, 2012–2025
- Member, Los Angeles County Bar Association 2000–2025
- Admitted to bars of United States Supreme Court, California Supreme Court, Third and Ninth Federal Circuit Courts of Appeal, all four California Federal District Courts, Middle District of Pennsylvania, District of Oregon

# Background and Education

- Judge, Alameda County California Superior Court, 2012–2024
    - Civil Direct Calendar Judge, 2013–2015, 2017–2024
    - Juvenile Delinquency Court, 2016–2017
    - Unlawful Detainer (law and motion and court trials), 2012–2013
    - Co-Chair, Information and Technology Committee, 2015–2024
    - Member, Rules and Forms Committee, 2014–2024
- Partner; Cooper, White & Cooper LLP; 1992–2012
- Partner; Kaus, Kerr & Wagstaffe and Law Offices of Stephen Kaus; 1980–1992
- Deputy Public Defender, Contra Costa County, 1974–1980
- J.D., UC Berkeley School of Law (formerly Boalt Hall), 1973

- B.A., *cum laude*, Political Science, University of California, Los Angeles, 1970
- University of Sussex; Brighton, England; 1968–1969

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