

James M. Baratta, Founding Partner



After graduating in the top 5% of his class at Loyola Law School in 1972, Jim practiced in West Los Angeles and Century City until he decided to move his family and office to Orange County.

In 1999, after being a name and founding partner of the Los Angeles firm of Daniels, Baratta & Fine, Jim reconnected with his former law review board classmate, David C. Grant and with Michael J. Genovese formed Grant, Genovese & Baratta in Irvine. The partners of the firm always work collaboratively simplifying the complex. Personalized and attentive client service is synonymous with practicing law at the firm. No matter how large or complicated a matter may be, Jim's reputation for reaching out to clients continuously keeping their business and personal goals front of mind is a mainstay of his practice style.

Jim continues to serve as lead trial counsel on cases throughout California at both the state and federal level. He consults with the insurance industry, major corporate clients, policyholders and other attorneys in the insurance, bad faith and tort litigation arena. He often serves as an expert witness in these areas as well as in legal malpractice and fee disputes.

Jim has tried over 100 cases with over 40 cases tried to jury verdict. As a distinguished Fellow in the American College of Trial Lawyers, Litigation Counsel of America, and the American Board of Trial Advocates, Jim tackles each new matter with a passion for finding the details and nuances that typically make or break a solid resolve for clients. Opposing counsel come into new matters knowing full well that Jim is not the least bit shy about taking a case to trial, if necessary. His extensive trial experience and success is a definite factor guiding cases to the bargaining table for earlier resolution. Clients know full well that quick resolution is always a top priority.

Jim Baratta brings strength, savvy and experience when his clients need it most.

EDUCATION

J.D., cum laude, 1972, Loyola Law School, Los Angeles, California

Comment Editor, Loyola University Law Review, 1971-1972

St. Thomas More Law Honor Society

B.A., cum laude and with honors, 1969, University of California at Los Angeles. Pi Gamma Mu, National Social Science Honor Society

ADMISSIONS

State Bar of California

All California Federal District Courts

HONORS & MEMBERSHIPS

Fellow of the American College of Trial Lawyers (ACTL)
Martindale-Hubbell's Prestigious Bar Registry of Preeminent Lawyers
Fellow, Litigation Counsel of America (LCA)
California Super Lawyer, 2008-2014
American Board of Trial Advocates (ABOTA)
Defense Research Institute -Insurance Law Committee (DRI)
Association of Southern California Defense Counsel (ASCDC)
Association of Trial Lawyers of Orange County
Orange County Bar Association, Masters Division
Loyola Law School Advocacy Institute Advisory Board
Fellow, Litigation Counsel of America, The Trial Lawyer Honorary Society
Member, Diversity Law Institute
Member, Trial Law Institute
America's Most Honored Professionals (Top 1%) - American Registry

PUBLICATIONS

Associate Editor, Defense Dialogue (ASCDC 1975-1981)
California Construction Law Manual (1977-1981 Supplements)
Attorneys Guide to California Construction Disputes (1973-1981 Supplements)
Reliance v. Emerson, 5 Loyola Law Review, 426.

TRIALS

Kulkarni v. California Capital Insurance Company (OCSC Case No. 30-2011-00530644-CU-BC-CJC) Bad Faith/Insurance (2014)
California Capital Insurance Co. v. Scottsdale Indemnity (Stanislaus Superior Court Case No. 673872) Insurance Coverage/Equitable Indemnity (2013)
Wolf v. Matthew J. Harris et al. (LASC Case No. BC430691) Motor Vehicle (2012)
Leonidas Osegueda Solarzano v. Bimini Properties (LASC Case No. BC428385) Premises Liability/Brain Damage (2012)
Beaumont v. California Capital Insurance Co. (LASC Case No. BC415644) Bad Faith (2012)
Thomas McCaa v. MSTL, Inc., Alvaro Garcia, Manuel Tovar (LASC Case No. PC042872) Motor Vehicle/ Freeway Accident (2011)
California Capital Insurance Co. v. Safeco Insurance Co. (VCSC Case No. 56-2009-00356675 CU-MC-VTA) Equitable Subrogation/Lead Poisoning (2011)
Flanagan v. Schott (OCSC Case No. 30-2009-00325260) Personal Injury – Pedestrian/Bike (2011)
Jimenez v. Morbark (LASC Case No. BC416040) Products Liability/Wrongful Death Wood Chipper (2011)
Shaff v. Levitt (SBSC Case No. 1302883) automobile-bicycle accident (2010)

DeWitt v. Monterey Ins. Co. (SDSC Case No 37-2008-00079852-CU-BC-CTL) Insurance Bad Faith (2010)

Blythe v. Geisha House (LASC Case No. BC 392216) Assault and Battery (2009)

Chakalis v. Elevator Solutions, Inc. (LASC Case No. BC 340958) Elevator Accident (2009)

Marshall v. Schirmer (OCSC Case No. 06CC11855) Assault and Battery/Spousal Abuse (2008)

TRIALS (continued)

Kohn v. Medina/Erickson Towing (LASC Case No. GC 035293) Auto/Truck Accident (2007)

Beck v. USA/Emory (USDC Case No. CV 05-1643 DSF (JTLx) Motorcycle/ Auto Accident (2006)

State Farm General Ins. Co. v. Lam (LASC Case No. BC 334728) Insurance Coverage (2006)

Estep v. California Capital Insurance Company (Fresno Superior Court Case No. 02 CECG 04519) Insurance Bad Faith (2005)

Karven v. Lee (LASC Case No. SC 070820) Wrongful Death (2003)

Safeco v. California Insurance Group (Marin Superior Court Case No. CV 000932) Insurance Contribution/ Allocation (2003)

Fire Insurance Exchange v. Commercial Union (Orange Superior Court Case No. 01CC09073) Insurance Contribution/ Allocation (2002)

Harz v. California Insurance Group (Santa Barbara Superior Court Case No. 01044974) Insurance Bad Faith (2002)

The Doctor's Company v. State Farm Fire and Casualty Company (LASC Case No. SC 058721) Reimbursement/Contribution (2001)

Mennucci v. California Capital Insurance Company (Fresno Superior Court Case No. 605024-9) Insurance Bad Faith (2001)

APPELLATE CASES

DeWitt v. Monterey Ins. Co. (2012) DJDAR 3311; Katerina Chakalis v. Elevator Solutions (2012) 205 Cal.App.4th 1557

State Farm General Insurance Co. v. Mintarsih (2009) 175 Cal.App.4th 274

Pardee Constr. Co. v. Insurance Co. of the West (2000) 77 Cal.App.4th 1340

Eden v. VanTine, 83 Cal.App.3d 879 (1978); State Farm General Ins. Co. v. Majorino (2002) 99 Cal.App.4th 974

83 Cal.App.3d 879 (1978); Youngblood v. Board of Supervisors, 22 Cal.3d 644 (1978)

CEEED v. California Coastal Zone Conservation Com., 43 Cal.App.3d 306 (1974)

San Diego Bldg. Contractors Assn. V. City Council, 13 Cal.3d 205 (1974)

Baum Electric Co. v. City of Huntington Beach, 33 Cal.App.3d 573 (1973)

San Diego Coast Regional Com. V. See the Sea, Limited, 9 Cal.3d 888 (1973)

REPRESENTATIVE MATTERS

Defended ITT in a horrendous rape of a girl and wrongful death of her teenage boyfriend by ITT security guards who had encountered the couple parked in their car at an isolated testing site in *Molineux v ITT*. The legendary "King of Torts" Melvin Belli represented plaintiffs before a Van Nuys jury. Although early in Jim's trial career, he convinced the court there was insufficient evidence of negligent supervision or hiring causing Mr. Belli to accept an annuity costing ITT only \$100,000 in settlement during trial. (NWC 83703)

Defended Motley Crue Drummer Tommy Lee in a wrongful death action in *Karen v. Lee* (SC 070820), (selected by Verdict Search as one of the top twenty defense verdicts in the United States in 2003.) Jim was recognized for “overcoming great odds heightened by high profile parties, sympathetic plaintiffs, an unsympathetic defendant and skillful opposing counsel.” A four year old boy drowned in the swimming pool of Tommy Lee at his Malibu residence. Plaintiffs asked the jury for \$10 million. The verdict was for the defense. The case was carried in every major national and local publication and news program.

Represented a homeowners association in *Chakalis v. Elevator Solutions, Inc.* (BC 340958). Plaintiff, a thirty-six year old woman, was a passenger in an elevator that fell six stories crashing into the pit when the hydraulic line burst. She claimed orthopedic and neurological injuries, post-traumatic stress disorder and toxic poisoning from contaminated hydraulic fluid which ultimately was alleged to have been the cause of a liver transplant and over \$2 million in medical bills. She rejected a \$4million offer to settle before trial asking the jury for a \$10 million verdict. After a three week trial, Jim convinced a Los Angeles jury that plaintiff’s treating physician (who was not a party to the suit) had committed malpractice and caused her condition. The jury agreed and returned a net verdict against Jim’s client for only \$119,053.

In *Harz v. California Capital Insurance Company* (01044974), plaintiffs rejected a \$1.3 million offer to settle their bad faith claim. Instead they demanded \$14 million. After forty-two trial days, a Santa Barbara jury deliberated three days and returned a verdict of only \$41,000 despite the trial court’s instruction that Jim’s client had breached the insurance contract.

The Doctors Company claimed that State Farm was liable to reimburse it \$1.2 million incurred in the defense of their mutual insured in *State Farm Fire and Casualty v. The Doctors Company* (SC 058721). A Santa Monica court found not only in favor of Jim’s client, State Farm, but ordered The Doctors Company to reimburse State Farm \$225,000 in expenses it had incurred.

Represented an insurance company in a policyholder reimbursement suit reported by Mealey: *California Apartment Owner Reimburses Carrier \$1.7 million For First –Party Claims.* Jim’s client was awarded full reimbursement of first party benefits uninsured.

Prevailed in two coverage lawsuits both at trial and on appeal in *State Farm v. Mintarsih* and *Dewitt v. Monterey*. A domestic servant obtained a judgment against State Farm’s insured for over \$1.5 million for false imprisonment, negligent, fraud and labor violations. Jim persuaded the trial court that State Farm was responsible for only \$87,000 in damages. On appeal, the court affirmed. 175 Cal.App.4th 274. The appellate court also affirmed Jim’s bad faith defense verdict for Monterey Insurance in *Dewitt v. Monterey* (2012) 204 Cal.App.4th 233 setting forth new standards for insurer liability.

A tree trimmer tragically was pulled into a wood chipper in *Jimenez v. Morbark* (BC 416040). Jim defended the seller in a wrongful death suit brought by his widow and four children. The court found the product defective but still defended plaintiffs for lack of proof of causation between the defect and the accident. (Aff’d on appeal).

Resolved many high profile cases on behalf of celebrities such as Dino DeLaurentiis, Wes Craven, Tom Sizemore, Dr. Phil, Vin Diesel and others.

Obtained millions of dollars in settlements for policyholders against insurers such as Kelly-Moore Paints, quarterback Cade McNown, Hill Brothers, Sherwood Scuba and others.
