

**TOM LALLAS MEDIATION RESUME**  
February 2024

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## 1. EDUCATION

### STANFORD UNIVERSITY [Undergraduate, 1968 – 1972]

Bachelor of Arts in Economics with Honors, 1972

Phi Beta Kappa

Theta Delta Chi, 1969-1972

Stanford in Italy XIX, 1969-1970

Stanford in Washington, Summer 1970, Speechwriter for Senator Mark O. Hatfield

Radio Show Host and Sports Broadcaster, KZSU 90.1 FM

### STANFORD LAW SCHOOL [1972 – 1975]

JD 1975

Stanford Law Review (Member, Board of Editors, and Published Note), 1974-1975

Marion Rice Kirkwood Moot Court Champion (Best Brief and Best Oral Advocate), 1974

Sergeants at Law Trial Advocacy, 1975

Prosecutor, Campus Judicial Panel, 1974-1975

## 2. LEGAL HONORS, AWARDS AND ORGANIZATIONS

Southern California Super Lawyers, 2011 through 2023, inclusive

Managing Partners Roundtable, 2000-2023

Provisors, CC7, 2012-2023

## 3. EMPLOYMENT

1976-Present      Levy, Small & Lallas, A Partnership Including Professional Corporations (“LSL”): Partner, 1980-Present, Associate, 1976-1980

**Practice Expertise:** Trial lawyer. Diverse business litigation practice includes: (i) commercial, (ii) real estate, (iii) securities fraud, (iv) technology, (v) internet, (vi) lender, (vii) employment and wrongful termination, (viii) bankruptcy, (ix) business torts (including unfair competition), (x) intellectual property, including patent, antitrust and trademark, and (xi) other commercial, litigation.

**Experience:** Lead trial lawyer in numerous jury and non-jury trials and arbitrations in California and elsewhere. Achieved substantial favorable results for clients based upon jury verdicts, court trial judgments, arbitration awards, pre-trial motions, prejudgment remedies, alternate dispute resolution proceedings, and negotiated settlements.

**Litigation Matters:** (i) securities fraud class actions, (ii) real estate class actions, (iii) dating service class actions, (iv) lender liability litigation, (v) factoring accounting class actions and litigation, (vi) false financial statement litigation, (vii) other accountant liability litigation, (viii) closely held corporation disputes, (ix) business valuation disputes, (x) alter ego and oral guarantee claims, (xi) construction defect litigation, (xii) indemnity and fidelity bond litigation, (xiii) fraudulent conveyances, (xiv) patent infringement, trademark and antitrust, (xv) contempt proceedings, (xvi) malicious prosecution actions, (xvii) real estate litigation, (xviii) construction and real estate development litigation, (xix) negotiable instruments, (xx) medical partnerships and corporations, and (xxi) cash collateral, relief from stay, nondischargeability, debtor in possession financing, and plan confirmation proceedings in bankruptcy court.

**Representative Clients:** (i) international, national, and regional banks, commercial lenders, accounting firms, and technology companies, (ii) regional real estate brokerage and construction companies, (iii) law firms and attorneys, (iv) real estate developers, entrepreneurs and investors, (v) apparel designers and manufacturers, (vi) software and hardware technology companies, (vii) internet companies, and (viii) doctors and medical groups.

1975-1976

Gibson Dunn & Crutcher, Associate

#### **4. PROFESSIONAL MEMBERSHIPS**

State Bar of California; American Bar Association, Intellectual Property and Litigation Sections; Los Angeles County Bar Association; Financial Lawyers Conference; Bankruptcy Forum; Managing Partners Roundtable; Admitted to practice before, among other courts, United States Supreme Court, Ninth Circuit, Eleventh Circuit, and United States District Court for Northern, Central and Southern Districts of California; Admitted pro hac vice for out of state litigation in New York, Illinois, Hawaii, Arizona, and elsewhere.

## **5. MEDIATION TRAINING AND RESOURCES**

### **ABA CLE WEBINARS**

Avoiding Ethical Pitfalls in ADR, Judge Elizabeth Bonina and Andrea Bonina, March 31, 2021

The Good, The Bad, and The Ugly: Virtual Mediation, May 11, 2021

The Ethics and Art of Settlement at Mediation, Bob Worden, June 7, 2021

Using the Mediation Guide to Create and Implement an Efficient and Successful Dispute Resolution Process, Aaron Gothelf, Esq. and Dr. Ralph Steele, September 29, 2021

How to Prepare for Successful Virtual and Hybrid Mediations, Selina Molina, Danny Newman, Linda Scher, and Ken Raynor, October 3, 2022

Co-Mediation – Are 2 Heads Better Than One? Rachel Gupta, Mushegh Manukyan, Michael Lewis, Vivien Shelanski, March 8, 2023

How to Succeed in Mediation from Selecting a Mediator to Impasse, Raymond Panneton and Stewart Edelstein, March 21, 2023

Stepping Into the Future: Ethical Implementation & Best Practices of ChatGPT in Mediation, September 13, 2023

### **OTHER WEBINARS**

The Magic of Mediation, Lee Jay Berman and Judge Ralph Ochoa, January 18, 2024

### **MEDIATION ARTICLES**

1. Mediator Skills  
TMG – The Mediation Group
2. Summary of “The Mediation Process: Practical Strategies for Resolving Conflict”  
Christopher Moore, Summary by Tanya Glaser
3. Mediation Techniques for Managing Emotions  
by Chuck Doran and Daniele Natali Goldberg
4. Mediation Skills  
Skills You Need
5. Key Communications Skills for the Mediator  
by John Ford
6. Three Styles of Mediation

7. Assertive Mediator – Techniques Produce More Agreements and Greater Satisfaction –  
A Mediation Study  
Donald Swanson – American Bank. Institute
8. Communication Skills in Mediation: Best Practices  
National Association of Realtors
9. How to “Win” Every Mediation  
Trey Bergman – ADR Group
10. Mediator Orientations, Strategies and Techniques  
Leonard Riskin – September 1994
11. Go Graphic in Mediation – Not Just in Trial  
Morgan Smith – June 2011
12. The Five Steps of Mediation and Negotiation  
Alex Polsky – September 2012
13. Kluwer Mediation Blog – Practical Steps for Mediators  
Charles Irvine – April 12, 2013
14. Mediation – Three Ways of Getting to “Yes”  
Doug de Vries – September 2013
15. Mediating the Class Action Case  
Dave Rudy -January 2015
16. Psychogeography and Mediation  
Nancy Neal Yeend – September 2015
17. Reading Between the Lines – Non-Verbal Communication  
Nancy Neal Yeend – August 2017
18. Traits of a ‘Mediator’  
Mediate.com  
Samuel Imperati – October 2017
19. 5 Tips for Winning in Mediation  
American Bar Association – April 2018
20. The Magic of Mediation  
Randy Wallace – April 2019
21. “What I Learned at Harvard”  
Debra Bogaards – August 2019

22. Crafting Effective Mediation Briefs  
Doug deVries – August 2019
23. Herding Cats – Successful Multi-Party Mediations  
Louise LaMothe, Lee Jay Berman – September 2021
24. What are Mediator Skills? Definition and Examples  
Indeed Editorial Team - August 2022
25. 9 Most Important Skills for Professional Mediators  
Kompas Professional Development – January 2023
26. Qualities of a Good Listener and How to Be one in 6 Steps  
Jennifer Herrity – February 2023
27. Mediating Landlord-Tenant Disputes  
Steve Sepassi – July 2023
28. Mediation Techniques: Tools for Effective Conflict Resolution  
RapidRuling - September 2023

### **The Third Side: Strategies and Tactics of Mediation**

1. Ripeness-Promoting Strategies: I William Zartman, September 2003
2. Convening Processes: Brad Spangler, October 2003
3. Conflict Assessment: Deborah Shmueli, October 2003
4. Ground Rules: Michelle Maiese, September 2004
5. Codes of Conduct for Intervenors: Michelle Maiese, September 2004
6. Sequencing Strategies and Tactics: Joshua N. Weiss, Sarah Rosenberg, September 2003
7. Creating Safe Spaces for Communication: Julia Chaitin, July 2003
8. Reframing: Brad Spangler, November 2003
9. Option Identification: Brad Spangler, January 2004
10. Focusing on Commonalities: Charles (Chip) Hauss, June 2003
11. Caucus: Brad Spangler, June 2003
12. Shuttle Diplomacy: Eric Brahm, Heidi Burgess, November 2003
13. Reality Testing: Brad Spangler, November 2003

14. Costing: Brad Spangler, June 2003
15. Action-Forcing Mechanisms: Brad Spanger, June 2003
16. Establishing Trust in Mediation: Richard Salem, July 2003

### **MEDIATION LITERATURE RESOURCES**

Beer, Jennifer E. and Caroline C. Packard, The Mediators Handbook, Revised & Expanded Fourth Edition, 2012

Fisher, Roger and William Ury and Bruce Patton, Getting to Yes, 2011

Lenski, Making Mediation Your Day Job, 2014

Moore, Christopher, The Mediation Process, Fourth Edition, 2014

O'Sullivan, Gerry, The Mediator's Toolkit, 2018

Sadgrove, Kit, Become A Mediator in Just 30 Days, 2024

Ury, William, Getting Past No, 1993

Voss, Chris, Never Split the Difference, 2016



## 6. MEDIATION LITIGATION EXPERIENCE

Fewer than five percent (5%) of the civil actions that are filed are concluded by a bench trial or trial by jury. A few end with dispositive motions, whether motions for summary judgment, motions for judgment on the pleadings, or otherwise. Other cases reach resolution after definitive provisional remedies are granted, whether restraining orders, injunctions, writs of attachment, writs of possession, or otherwise.

The simple truth is substantially all civil actions are resolved by settlement, and of those cases, the vast preponderance are settled at, or as a result of, mediation. For these reasons, among others, the breadth of the litigation practice and business litigation experience of a trial lawyer provide a roadmap for the historical mediation experience of a successful mediator.

## BREADTH OF LITIGATION PRACTICE

As **Trial Lawyers**, LMS has represented institutional clients, entrepreneurs, real estate investors, tech companies, professionals, and commercial lenders in trials, arbitrations, and disputes involving:

### COMMERCIAL LITIGATION

- real estate
- class actions
- securities fraud
- accountancy
- employment
- intellectual property
- business torts
- closely held businesses
- insurance
- international transactions
- entertainment
- franchise relationships
- investment funds

### LENDER LITIGATION

- provisional remedies
- collateral liquidation
- debt enforcement
- receiverships
- foreclosures
- alter ego
- guarantors
- letters of credit
- factoring accounting
- lender liability
- false financial statements
- priority disputes

### BANKRUPTCY

- fraudulent transfers
- cash collateral
- relief from stay
- voidable preferences
- disclosure statements
- plan confirmation
- DIP financing

### OTHER LITIGATION

- personal torts
- professional malpractice
- probate litigation
- litigation abuse
- appeals
- writs of mandate

## BUSINESS LITIGATION EXPERTISE

LMS has substantial experience representing clients in significant business litigation matters in a wide range of business disputes, including:

- **class actions** involving securities frauds, real estate syndications and investments, lender accounting practices, dating service statutes, and other statutory class actions;
- **real estate** disputes including construction and construction defects, subrogation, condominium and single-family home tract development projects, partnership and investment properties, purchase and sale transactions, leases, residential homes and apartment buildings, hotels and commercial buildings, shopping centers, mobile home parks, and brokerage transactions;

- **lender related** matters including lender liability, floor plan financing, factoring accounting, enforcement of loan obligations against debtors and guarantors, letters of credit, negotiable instruments, conversion and embezzlement, fraudulent conveyances, alter ego, foreclosure of collateral, false financial statements, collateral priority disputes, accountings, and check kiting and forgeries;
- **accountancy** litigation including audited and unaudited financial statement matters, public offering transactions, and defense of accountant malpractice claims;
- **employment** related actions including wrongful termination, constructive discharge, discrimination claims (whether racial, sexual, age based or otherwise), hostile work environment, wages and hours, and other employment related matters;
- **intellectual property** including patents, trademark and copyright infringement, antitrust, and trademark and intangible property valuation;
- **business torts** including fraud, breach of fiduciary duty, misappropriation of trade secrets, misappropriation of corporate opportunities, and unfair competition;
- **closely held** partnership and company disputes (whether medical, veterinary, legal, accounting, real estate, or otherwise) involving dissolution, liquidation, and employment claims;
- **insurance** litigation including indemnity, fidelity bond, errors and omissions, comprehensive general liability, and bad faith litigation;
- **international transactions** including disputes concerning country of origin, tariffs and duties, letters of credit, and shipping documents;
- **debt enforcement** actions for lenders, law firms, accountants, general contractors, and other business entities;
- **business** disputes regarding garment designers and manufacturers, textile manufacturers and importers, auctioneers and liquidators, appraisers, retail chain stores, electronics wholesalers, inventors, and agricultural property and businesses;
- **entertainment** matters relating to film producers, television writers, television and film actors, media celebrities, professional athletes, and singers and songwriters;
- **personal torts** including slander, libel, trade libel, other defamation claims, infliction of emotional distress, and palimony claims;
- **probate litigation** involving will contests and validity, fiduciary and other obligations of trustees, and removal of trustees whether for breach of fiduciary duty, conversion, misappropriation of trust opportunities, or otherwise;

- **franchise disputes** involving contractual, antitrust, breach of fiduciary duty, fraud, statutory, and accounting claims;
- **litigation abuse** proceedings including malicious prosecution, sanctions, contempt orders to show cause and trials, and anti-slapp proceedings.

## 7. STANFORD ACTIVITIES

### STANFORD UNIVERSITY [AFTER GRADUATION]

| <b>Date</b>    | <b>Event</b>  |
|----------------|---|
| 2012           | Class of '72 40 <sup>th</sup> Reunion Committee, Mini Reunion Chair   |
| 2012 – Present | Member Stanford Associates, Stanford's Alumni Service Organization  |
| 2011 – 2012    | Stanford Club of Los Angeles County Board   |
| 2016 – 2018    | Hosting Stanford Faculty and Administrators, including but not Limited to Richard Saller, Ramon Saldivar, Dave Kennedy, Judy Heller, Curtistine Waldon-Hoes, and Ann Marie Henderson, and others, for Lunches and Breakfasts at Luxe Hotel on Sunset in Brentwood   |
| 12-30-12       | Hosted Stanford Rose Bowl Party at Beverly Hills Home   |
| 12-31-13       | Hosted Stanford Rose Bowl Party at Beverly Hills Home   |
| September 2015 | Stanford Parent, Son Jackson Milo Lallas enrolled at Stanford, Class of 2019  |
| 12-31-15       | Hosted Stanford Rose Bowl Party at Beverly Hills Home   |
| 09-10-16       | Created Concept for, Organized (with Support from Stanford and Stanford Westside Club) and Hosted Stanford Professional Athletes Class Panel, Featuring a Panel of Glyn Milburn, Jackie Frank DeLuca, Vanessa Nygaard, Jarron Collins, Mark Davis, Jason Collins, and Alexa Binns, for 175 Stanford Alums, Students, Faculty and Administrators at Beverly Hills Home |
| 2017           | Class of '72 45 <sup>th</sup> Reunion Co-Chair, Stanford Fund Campaign, Raised \$20MM   |
| September 2017 | Stanford Parent, Daughter Taylor Aleksandra Lallas enrolled at Stanford, Class of 2021  |

|                |  |
|----------------|--|
| 11-04-17       | Hosted Big Fat Greek Stanford Party at Beverly Hills Home for 100 Stanford Alums, Students, Faculty and Guests   |
| 2017           | Five Year Pledge, Stanford Fund, Stanford Law School, and Buck Cardinal Club   |
| August 3, 2018 | Hosted Senior Vice Provost Harry Elam and his wife Michele, and Matthew Tiews and Chris Lorway, for Dinner and Concert at Hollywood Bowl to help develop ideas for Frost Revival   |
| September 2018 | Offered to Host at Beverly Hills Home a Stanford Associates Gold Spike Panel including, for example, Peter and Helen Bing, Rocky Barber, Wendy Munger, and Bill Barnum: “Ask not what Stanford can do for you, but what you can do for Stanford” |
| November 2018  | Offered to Host another Stanford neighborhood gathering at our home modeled on the Big Fat Greek Stanford Party event that we hosted in November 2017  |

#### **STANFORD LAW SCHOOL [AFTER GRADUATION]**

| <b>Date</b> | <b>Event</b>                                       |
|-------------|--|
| 1997 – 2023 | SLS Class of ‘75 Class Correspondent               |
| 2015        | SLS Class of ‘75 40 Year Class Reunion Chairperson |
| 2015        | Five Year Pledge for Stanford Law School           |

## 8. LEGAL COMMENTATING

|            |  |  |
|------------|--|--|
| 2022-07-20 | Claire Best & Assoc.   | Title IX   |
| 2022-05-09 | People Magazine  | Johnny Depp and Amber Heard Trial  |
| 2022-04-22 | People Magazine  | Johnny Depp and Amber Heard Trial  |
| 2022-03-21 | Fox News   | Academy Awards / Oscars  |
| 2022-10-11 | Fox News   | Disney's 'Black Widow' settlement with Scarlett Johansson protected a 'seismic shift' in Hollywood: expert     |
| 2021-09-28 | Fox News   | Experts weigh in on Nirvana's "Nevermind" album cover lawsuit: Dead on Arrival                                 |
| 2021-09-24 | KSDN Radio   | Elizabeth Holmes and Theranos Trial  |
| 2021-09-22 | Podcast – Politics & Life Sciences with Dean L. Fanelli, Ph.D. | What to expect in the trial of ex-Theranos CEO Elizabeth Holmes  |
| 2021-08-16 | People Magazine  | Scarlett Johansson's Bombshell Lawsuit Against Disney  |
| 2021-07-12 | People Magazine  | The Fight Over Britney's Future  |
| 2021-06-24 | People Magazine  | Can Britney Spears Really Terminate Her Conservatorship? Experts Weigh In After Bombshell Hearing              |
| 2021-05-22 | Fox News   | Will Armie Hammer's scandal have an effect on his upcoming movies? Experts weigh in.                           |
| 2020-07-29 | Fox News   | Prince Harry, Meghan Markle privacy lawsuit a "fishing expedition" to "discourage" paparazzi, tabloids: expert |
| 2020-05-11 | People Magazine  | Relative of Kobe Bryant's Pilot Blames Passengers of Fatal Crash in Response to Vanessa Bryant's Lawsuit       |
| 2018-06-13 | Variety  | LAPD Investigating Claim That Stan Lee Is Victim of Elder Abuse  |
| 2018-04-10 | Hollywood Reporter   | Stan Lee Needs a Hero: Elder Abuse Claims and a Battle Over the Aging Marvel Creator                           |

**9. CHARITABLE ACTIVITIES**

Brentwood School Eagles President, Vice-President, and Homecoming Chairperson; Member (Ex Officio) Brentwood School Board of Directors; Marymount Junior School Father's Club Vice-President; Mountain Community Hospital (Lake Arrowhead) Summit Club; Stanford Club of Los Angeles County Board

**10. CLUB MEMBERSHIPS**

Mountain Gate Country Club, Los Angeles, California  
1995-2022

Lake Arrowhead Country Club, Lake Arrowhead, California  
2008-2021

Monarch Beach Golf Links  
2023-2024

**11. CONTACT INFORMATION**

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