



Michael G. Nardi

Shareholder

 nardi@scmv.com

 619.685.3085

 619.702.6818

Mr. Nardi is a shareholder of the firm. His practice focuses on complex civil/commercial litigation, in federal and state trial and appellate courts, and in alternative dispute resolution proceedings. Mr. Nardi has 30 years of experience representing individuals, governmental entities, and private businesses ranging in size from small “mom and pop” organizations to large multi-national corporations. He has particular expertise in insurance coverage, employment, environmental, intellectual property, and business disputes. He serves as Chair of the firm’s Appellate Law practice group and Co-Chair of its Insurance Law practice group.

Practice Groups

- Appellate Law
- Employment Law
- Insurance Law
- Intellectual Property
- Real Property Development & Litigation

Education

Mr. Nardi received his Bachelor of Science degree, *magna cum laude*, from Towson State University in 1981. He earned his law degree, with honors, from the University of Maryland School of Law in 1986, where he was named Order of the Coif. He was the recipient of the W. Calvin Chestnut Prize, Bridgewater M. Arnold Prize, and the American Jurisprudence Awards for Property, Criminal Procedure, Commercial Paper and Conflict of Law. Mr. Nardi was a member and the Notes and Comments Editor of the *Maryland Law Review*.

Employment Background

Prior to joining Seltzer Caplan McMahon Vitek, Mr. Nardi served as a law clerk for the Honorable Norman P. Ramsey, U.S. District Court, District of Maryland from 1986-1987.

Representative Matters

Representative *insurance* matters and cases:

- Represented insurer-client in insurance coverage/“bad-faith” action brought by underlying plaintiffs as assignees of D&O insureds. Case involved interpretation and application of policies’ related-claims and prior notice provisions. Summary judgment in favor of insurer-client and award of attorney’s fees and costs affirmed on appeal, with award of additional appellate attorney’s fees and costs.
- Represented insurer-client in insurance coverage/“bad-faith” action involving alleged failure to pay underlying class-action settlement. Case involved interpretation of policy provisions not previously interpreted in California. Summary judgment in favor of insurer-client and award of costs affirmed on appeal.
- Represented insurer client in insurance coverage/“bad-faith” action involving liability coverage for hydrocarbon contamination at a public facility. Summary judgment for insurer client and award of costs affirmed on appeal.

- Represented insurer-client in insurance coverage/"bad-faith" arbitration arising out of dispute regarding coverage for underlying wage-and-hour class-action suits. Three-member panel denied claimant's demands for tort/"bad-faith" damages (including reimbursement of an underlying settlement, attorney's fees and punitive damages), and prejudgment interest and ordered claimant to pay a substantial portion of insurer-client's arbitration costs.
- Represented insurer-client in multi-million-dollar contribution action to recover defense fees/costs and a settlement payment from a second insurer. Summary judgment favorable to insurer-client affirmed on appeal.
- Represented insurer-client as defendant in contribution/subrogation action. Summary judgment granted in favor of insurer-client, with award of costs to insurer-client.
- Represented holding company client in insurance coverage/"bad-faith" litigation. Motion to quash service of summons granted for lack of personal jurisdiction over holding company defendant.
- Represented insurer-client in insurance coverage/"bad-faith" action involving alleged property damage coverage. Matter successfully resolved after proving the claim was inflated and overstated and securing partial summary judgment for insurer-client.
- Represented insurer-client in insurance coverage/"bad-faith" action involving alleged property damage coverage. Matter successfully resolved after demurrer sustained for insurer-client.
- Represented insurer-client in insurance coverage/"bad-faith" suit regarding coverage for complaints made to insured homeowners' association. Case involved question whether pre-suit demand letters constituted a "Claim" for purposes of placing coverage in the appropriate claims-made policy period. Case successfully resolved after ruling on insurer's motion to dismiss.
- Represented insurer-client in insurance coverage/"bad-faith" litigation brought by City of Phoenix, Arizona. Matter successfully resolved while awaiting ruling on insurer's motion for summary judgment.
- Represented title insurer defendant in consumer class action. Matter successfully resolved while awaiting decision on insurer's motion to dismiss.
- Represented insurer-client in dispute regarding reimbursement of insured's independent counsel fees/costs. Matter involved complicated choice-of-law issues and conflict between statutory and common law rights/obligations pertaining to independent counsel. Matter successfully resolved.
- Represented insurer-client in insurance coverage/"bad-faith" litigation brought by California public entity insured. Matter involved claims exceeding \$100 million in alleged defense and indemnity expenses associated with long-term environmental pollution. Matter successfully resolved while insurer-client's motion for summary judgment pending.
- Represented insurer-client on petition for writ of certiorari to the United States Supreme Court. Case involved the rights of an insurer, as its insured's subrogee, to pursue cost-recovery action under CERCLA.
- Represented insurer-client in several insurance coverage/"bad-faith" suits arising out of underlying environmental litigation. Matters successfully resolved at various stages of the litigation.
- Represented and continue to represent and advise insurer-clients on variety of coverage-related issues, with objective of avoiding (or improving likelihood of success in) litigation.

Representative *appellate* matters and cases:

- Represented (in trial court and on appeal) defendant City of San Diego in a constructive discharge/age discrimination action brought by a former Deputy City Attorney. Action dismissed, and judgment affirmed on appeal. See *Monce v. City of San Diego*, 895 F.2d 560 (9th Cir. 1990).
- Represented, on appeal, defendant/appellant polybutylene plumbing fitting supplier seeking reversal of a judgment in favor of homeowner plaintiffs/respondents. Judgment reversed with directions to enter judgment for fitting supplier client. See *Gawara v. U.S. Brass Company* (1998) 63 Cal.App.4th 1341.
- Represented (in trial court and on appeal) insurer-client in insurance coverage/"bad-faith" action involving alleged failure to pay underlying class-action settlement. Summary judgment and award of costs in favor of insurer-client affirmed on appeal, with award of appellate costs to insurer-client. See *Screen Actors Guild, Inc. v. Federal Insurance Company*, 957 F.Supp.2d 1157 (C.D. Cal. 2013).

- Represented, on appeal, appellant seeking reversal of \$4,000,000-plus negligent misrepresentation judgment after jury verdict in favor of developer respondent. Judgment reversed, with directions to enter judgment for and award costs to client.
- Represented, on appeal, national retailer client seeking reversal of judgment in favor of developer plaintiff/respondent. Judgment reversed, with directions to enter judgment for (and award costs and attorney's fees to) retailer-client.
- Represented, on appeal, insurance company principal seeking to affirm summary judgment in his favor in an action alleging defamation and interference with prospective economic advantage in connection with the sale of an aerospace company. Judgment affirmed, with costs awarded to client.
- Represented (in trial court and on appeal) insurer-client in insurance coverage/"bad-faith" action involving liability coverage for hydrocarbon contamination at a public facility. Summary judgment and award of costs in favor of insurer-client affirmed on appeal, and appellate costs awarded to insurer-client.
- Represented (in the trial court and on appeal) independent television station and its owner in wrongful discharge/age discrimination action brought by former long-time station manager. The case involved significant and previously untested after-acquired evidence issues and was tried to a defense jury verdict on all causes of action. Judgment affirmed on appeal.
- Represented, on appeal, financial advisor employees who had been induced to accept employment, then wrongfully terminated. Former employer sought to reverse the judgment confirming an arbitration award in favor of terminated employees. Motion to dismiss appeal granted, with award of costs to employee clients.
- Represented insurer-client, as appellee, in the Arizona Court of Appeals, after securing summary judgment for client in the trial court on insured's breach of contract/"bad-faith" action. The Court of Appeals affirmed the judgment in favor of (and awarded appellate costs and attorney's fees to) insurer-client.
- Represented insurer-client on petition for writ of certiorari to the United States Supreme Court. Case involved the rights of an insurer, as its insured's subrogee, to pursue cost-recovery action under CERCLA.
- Represented, on appeal, homeowner clients seeking to affirm judgment in their favor arising from a dispute with their neighbor regarding installation and location of ground-mounted solar panels. The judgment was affirmed on appeal, with awards of appellate costs and attorney's fees to homeowner clients.

Representative *employment* matters and cases:

- Represented law firm and its partners in action brought by former associate attorney alleging discrimination and dismissal because of his medical condition (HIV/AIDS) and sexual orientation. The case presented unique challenges due to the simultaneous release of the Tom Hanks movie *Philadelphia*, significant adverse publicity and the emotionally-charged subject matter. The case was tried to a defense verdict on all causes of action.
- Represented defendant City of San Diego in a constructive discharge/age discrimination action brought by a former Deputy City Attorney. Action dismissed in trial court under little-known exception to the Age Discrimination in Employment Act applicable to members of the personal staff of an elected official. Judgment affirmed on appeal to the United States Court of Appeals for the Ninth Circuit. See *Monce v. City of San Diego*, 895 2d 560 (9th Cir. 1990).
- Represented independent television station and its owner in wrongful discharge/age discrimination action brought by former long-time station manager. The case involved significant and previously untested after-acquired evidence issues and was tried to a defense jury verdict on all causes of action. Judgment affirmed on appeal.

Representative *business/commercial* matters and cases:

- Represented sports arena concessionaire in breach of contract/breach of fiduciary duty/usurpation of corporate opportunity action and cross-action by and against high profile shareholder/director. The case was tried to a jury verdict and multi-million dollar judgment in favor of concessionaire client.

- Represented individual clients in arbitration proceeding against commercial real estate broker arising from a Section 1031 exchange in which the accommodator had failed to return the proceeds from the first leg of the exchange (clients' sale of multi-unit apartment project). Clients' real estate agent had recommended the accommodator without disclosing the lender/borrower relationship that existed between the accommodator and the agent. The arbitration panel awarded clients all lost sale proceeds, emotional distress damages and attorney's fees.
- Represented warehouse retailer and founder in action by founder's son for, among other claims, loss of filial consortium. Judgment of nonsuit entered upon conclusion of the plaintiff's case.
- Represented automobile dealership in administrative action by Department of Motor Vehicles seeking revocation of dealership's license and imposition of monetary penalties due to alleged sales of "used" automobiles as new and alleged registration improprieties. The case was tried to decision in favor of the dealership on all accusations.
- Represented international automotive products manufacturer in trademark infringement action, and secured (with co-counsel in Nashville, Tennessee) an order permanently enjoining infringing and related activities.
- Represented University professor's Limited Liability Company in litigation with University and second professor's corporation regarding ownership of biotech invention(s). Matter successfully resolved.
- Represented food service company as plaintiff in trademark infringement action against competing food service company. Matter promptly resolved in favor of plaintiff client after initial case evaluation conference.

Professional Affiliations & Admissions

- State Bar of California
- Admitted to practice in the United States Supreme Court, the United States Courts of Appeals for the Fourth and Ninth Circuits, the United States District Courts for the Southern, Central and Eastern Districts of California and the District of Maryland, and all California state courts
- Judge Pro Tempore, San Diego Superior Court, Small Claims Division

Professional Awards & Honors

- Peer Rated for Highest Level of Professional Excellence (Martindale-Hubbell: AV Preeminent)
- Listed among San Diego Magazine's Top Lawyers (2013-2016)