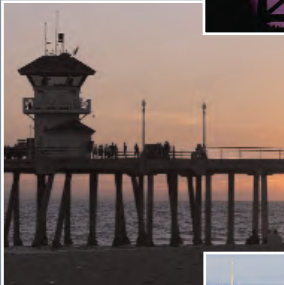
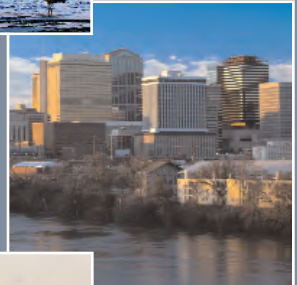


# CLINTON CLINTON

ATTORNEYS AT LAW



YOUR ONLY CHOICE  
FOR  
LEGAL REPRESENTATION



## ABOUT THE FIRM

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Clinton & Clinton is an AV rated law firm with years of documented success illustrated through our outstanding trial and settlement record. The firm utilizes an aggressive and comprehensive approach in the litigation of cases to achieve its clients' goals. Specifically, we are committed to achieving results through the use of a detailed and innovative evaluation of each individual case and a practical assessment of how to most beneficially resolve each matter. Our attorneys possess the requisite experience, common sense and personal initiative to effectively manage all cases through settlement, trial and appeal and have the ability to adapt to evolving client expectations as litigation progresses.



Throughout the life of each case, Clinton & Clinton emphasizes the importance of consistent contact with our clients to allow them to be informed regarding the litigation process and to allow them to be flexible in their case resolution goals. We recognize that litigation costs are an important factor in the successful resolution of cases and Clinton & Clinton was founded with the goal of providing the highest quality legal representation in a cost-efficient and service-oriented manner to insurance companies and self-insured corporations throughout the country.

We are experienced civil litigators skilled in advocacy and dedicated to providing our clients with the highest quality legal representation. Our formula of common sense litigation combined with a zeal to win creates results.

### OUR PHILOSOPHY

Clinton & Clinton provides its clients with a team adapted to the particular needs of each case. Upon review of the issues of each new case, a team of attorneys and paralegals with specialized knowledge and experience with those issues are assigned to the case. This approach allows the firm to commit the necessary resources to protect the interests of the client while maintaining a direct line of accountability for the conduct of the case. Through this case assignment structure, we are able to provide the necessary knowledge, skill, and experience to achieve the best possible results at a reasonable cost.

We appreciate and understand that recent changes in the legal profession require the use of modern technology. The firm has made a substantial financial commitment to installation of state-of-the-art computer systems so it can communicate with clients and counsel electronically, generate necessary legal documents quickly, and organize files efficiently. This use of modern technology is particularly important in mass tort cases involving multiple plaintiffs with different backgrounds and claimed injuries, as well as in commercial cases that require the review and evaluation of numerous business records.

Our primary and most compelling duty is to present and advocate the position of the client before the court, jury, or administrative body in a manner consistent with the bounds of the adversary process and professional ethics. We direct our efforts toward achieving favorable judgments or reasonable settlements by preparing each case according to the client's instructions and cost analyses. We understand that the client is the principal and that our primary duty is to provide accurate, ethical, and professional advice so the client can make reasoned decisions about the ultimate resolution of the case. We also recognize our duty to the community at large to develop legal precedent consistent with the higher standards and principles.

#### OUR CLIENTS

Since its inception in October of 1995, Clinton & Clinton has been fortunate to represent numerous clients who are members of the Fortune 100 and Fortune 500 list of multinational corporations. The firm represents these companies on both a local and regional basis. Our client base covers Insurance Carriers, Third Party Administrators, Food Manufacturers, Retail Establishments, Transportation Companies, Automobile Manufacturers, Professional Service Providers, Medical Institutions, Computer Manufacturers, Electrical Equipment Manufacturers, Health Care Providers, Consumer Goods Manufacturers, Financial Institutions, Steel Producers, Medical Products Manufacturers and Chemical Manufacturers.

Clinton & Clinton attorneys have the experience and skill necessary to represent the interests of a wide variety of clients in both simple and complex litigation in virtually every field of trial law. The success of the firm is reflected by the confidence of its clients. The firm represents a majority of its clients on a regular and continuous basis, developing close and professional relationships that help facilitate better results. At Clinton & Clinton, we have long believed that the better you understand your client, the better you are able to provide them with the best possible defense. By understanding the nuances of our clients' businesses, we are able to vigorously advocate on behalf of our client.

# PRACTICE AREAS

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Clinton & Clinton's lawyers handle virtually every area of civil law from the beginning of the case through the appellate process. The areas of law include:

## ALTERNATIVE DISPUTE RESOLUTION

Many larger companies are resorting more and more to Alternative Dispute Resolution (ADR). Clinton & Clinton recognizes that arbitration and mediation are often a better approach for a client than the traditional litigation process. The firm believes that to achieve the financial goals and case objectives of our clients, it is necessary to discuss the various ADR options with each client prior to embarking on the usual litigation path of discovery and trial. The firm has represented numerous clients in more than 250 arbitration and mediation hearings, and such extensive experience has made us highly capable advocates for our clients regardless of the chosen ADR process.

## APPEALS & WRITS

Our clients' need for expertise and experience does not end at the conclusion of trial. The firm is committed to the representation of clients, not only during trial, but also through the appellate process when necessary. Proven researchers and highly skilled writers, our appellate counsel not only assert persuasive arguments of established law, but they also advance novel theories to effectuate change in the industry. In this regard, we are never afraid to challenge the lower courts for the misapplication of the law, and we are willing to assert ideas that are "outside the box" for the protection of our clients' interests. We have enjoyed many favorable writs and successful appeals in both the State and Federal courts.

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***"Our primary and most compelling duty is to present and advocate the position of the client before the court in a manner consistent with the bounds of the adversary process and professional ethics."***

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Clinton & Clinton's appellate practice is predicated upon the theory that strong litigators make strong advocates. Although all of our attorneys remain updated on the law, our appellate attorneys are also our law and motion attorneys for litigated cases, which ensures that the nuances of the law and recent opinions are addressed. Additionally, our appeals lawyers review cases with our litigators to provide insight during the drafting of discovery to ensure that the necessary facts, which will be used in support of various motions, are elicited during the discovery stage of litigation. Finally, the appellate team assists our trial counsel in making certain that the proper record is developed during trial so as to preserve the right to appeal the decision at the conclusion of trial.

## AVIATION LAW

As a pilot, David A. Clinton, Esq. has both the personal and professional knowledge and experience to best prepare our clients' defense from the moment an incident takes place. We clearly understand the aviation industry, including its technical and regulatory requirements, and are able to successfully navigate the regulatory and court systems for our clients. Aviation cases involve many areas of law. From personal injury and property damage suits, including products liability matters, to insurance coverage disputes, to representation before regulatory boards, Clinton & Clinton has the experience required to reach a favorable outcome.

## CIVIL RIGHTS, PUBLIC ENTITY AND MUNICIPALITY LAW

Clinton & Clinton has represented cities and public officials against claims involving allegations of civil rights violations under both federal and state law, including major cases involving allegations of police misconduct and municipality liability. The cases also generally include claims under state tort law. The law continues to change as the courts develop the boundaries of government liability, and the firm recognizes the need to follow and shape that development.

The firm is skilled in the defense against police misconduct and other civil rights violations. Clinton & Clinton is knowledgeable regarding the defense of Fourth Amendment issues and excessive force, qualified immunity and high profile cases. The firm has experience working with law enforcement and understands the legal and factual evidentiary issues that must be utilized to combat allegations in misconduct litigation. We also have experience in such areas as dangerous conditions to public property, redevelopment, environmental and toxic tort claims, inverse condemnation, land use, public finance law, zoning, school representation, water and sewer issues, and police liability for civil rights violation.

## COMMERCIAL DISPUTES

Clinton & Clinton defends and pursues breach of contract and business tort claims on behalf of many of our clients. These disputes often involve complex factual and legal issues arising out of contracts and transactions based on many different facets of the business world. The attorneys at Clinton & Clinton are skilled in various specialties and are well versed in basic business, corporate and real estate matters. The firm represents a wide range of industrial, financial and commercial enterprises, from small entrepreneurial businesses to international conglomerates. The firm often works with other professional organizations, including other law firms, accounting firms, consulting firms, financial institutions, insurance companies, lobbyists and governments, in resolving specialized legal questions for our clients.

Courts have expanded the rights of businesses and consumers to recover damages in a commercial setting, resulting in a significant increase in commercial litigation, particularly in the area of business torts. The firm has prosecuted and defended cases involving the Uniform Commercial Code, breach of contract, antitrust law, tortious interference with contract, unfair competition, theft of trade secrets, bank fraud, and the Deceptive Trade Practices Act.

Commercial disputes tend to involve complex and lengthy discovery. The firm uses the latest developments in technology to organize this extensive discovery in an efficient manner. By integrating technology into our practice, we are able to process voluminous records and present such to the jury in a comprehensible fashion. As such, the firm is ready and eager to present these cases at trial, yet we are always mindful of the business and industry considerations that must be evaluated with the merits of the case.

#### CONSTRUCTION DEFECT CLAIMS & LITIGATION

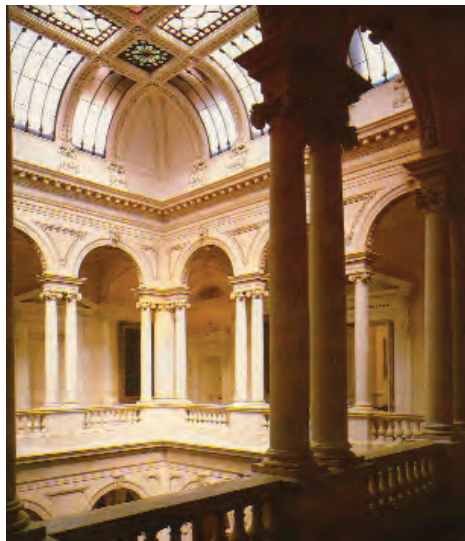
The attorneys at Clinton & Clinton are extremely skilled in defending developers, general contractors and subcontractors in actions arising out of construction defect claims, including structural and architectural deficiencies. We also defend against personal injury and property damage claims arising out of construction projects.

To date, the firm has represented clients in several aspects of construction defect claims, from single family homes to apartment buildings and large condominium projects to public works projects. Our construction litigation practice has been called upon to provide representation in the negotiation of construction contracts and we have represented a number of clients in construction fee dispute matters as well.

#### EMPLOYMENT LAW & PRACTICES

Attorneys at Clinton & Clinton vigorously litigate labor and employment cases. Employees and past employees are suing their companies at an escalating rate. These lawsuits and claims are filed in state and federal court as well as within the structure of binding arbitration.

Our practice experience is extremely broad and ranges across the entire spectrum of labor and employment law, including: State and Federal Wage and Hour Disputes (FLSA); Family Medical Leave Act and the California Family Rights Act (FMLA and CFRA); Americans with Disabilities Act (ADA); Age Discrimination in Employment Act (ADEA); Employee Benefits and the Employee Retirement and Income Security Act (ERISA); Workers' Compensation; Unemployment/Social Security; Occupational Safety and Health Administration (OSHA); Wrongful Termination and Retaliatory Discharge; Noncompete Covenants and Trade Secrets; Privacy, Defamation and Tortious Interference; and Affirmative Action Compliance.



## FOOD MANUFACTURING LITIGATION

Clinton & Clinton has extensive experience in representing manufacturers, distributors and retailers in all facets of food preparation, distribution and use. Clinton & Clinton often represents food manufacturers in actions arising from foreign objects allegedly contained within the product, product contamination, and product-borne illnesses. We have been successful in extricating many of our clients from litigation through pretrial motion based on the recent development in law regarding natural and foreign objects in food. With regards to distributors and retailers, we begin our representation with a review of any Hold Harmless Agreements to determine if a tender of defense to the manufacturer or other entity in the chain of commerce is appropriate.

Our approach to food manufacturing litigation includes understanding our clients' business, which leads to better advocacy on our clients' behalf. Through an intimate knowledge of our clients and their businesses, we can work with them to develop a litigation management plan that achieves a meaningful win. In some cases, a win means a favorable jury verdict. For others, a win means the right settlement at the right time. Sometimes, a win just means advice that keeps a lawsuit or negative publicity from ever occurring.

## FRAUDULENT & SUSPECT CLAIMS

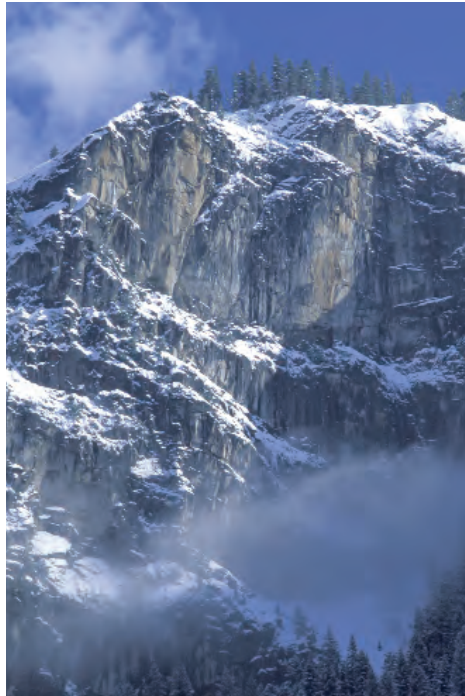
The defense of staged accidents and fraudulent claims has become a specialty of Clinton & Clinton. Our experience in this area allows us to quickly identify those incidents and/or alleged injuries which merit special attention. We aggressively defend such cases, which frequently results in dismissal of the fraudulent claim well before trial.

The firm has substantial experience representing insurance carriers and self-insured clients in defending fraudulent and exaggerated claims in the areas of general liability, arson, automobile accidents, and theft. In addition, the firm is experienced in accessing information systems on fraudulent claims, and the appropriate law enforcement and prosecutorial agencies to facilitate early and successful resolution of meritless actions.

## GENERAL LIABILITY NEGLIGENCE/PREMISES LIABILITY PRACTICE

Whether the client be self-insured or commercially-insured, Clinton & Clinton has a vast amount of experience in representing a wide range of general liability concerns for, among others, government entities, landowners, management companies, manufacturers, national retailers, and supermarkets in lawsuits alleging general negligence claims. This area includes cases involving automobile liability, products liability, premises liability, construction defects, professional liability, personal injury, insurance coverage and other general torts. Over the years, the courts have expanded the rights of plaintiffs in these claims. These cases also tend to proceed to trial more often than those in many other areas. Therefore, we recognize that the growing number of cases involving large damage awards require a trial team to be effective and creative in its defense of these cases.

We have considerable experience in defending against claims of unsafe conditions, failure to exercise reasonable care, and other claims of general negligence. Through our knowledge of the rules of litigation and our understanding of the applicable affirmative defenses, we are able to discover and exploit the weaknesses in our adversaries' case so as to achieve the best possible results for our clients. With regard to general premises liability, our belief is that many of such cases that involve injuries arising not only from the condition of the property itself, but also from dangerous or nearby criminal activity can and should be won at the law and motion stage of litigation, preferably a motion for summary judgment. Clinton & Clinton has a glowing track record and a fast growing reputation in the legal community for developing successful motion work, focusing on such defenses as waiver and release, assumption of the risk, lack of causation and lack of duty of care.



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The attorneys at Clinton & Clinton have extensive experience in defense of property and casualty claims, for both insured and self-insured clients, with emphasis on major injury and complex litigation, including catastrophic losses. The firm handles general liability matters for both business and individuals. While we have substantial trial experience, we are problem solvers, who assist our clients balance the competing interests of cost efficiency and the desire to avoid settlement precedent.

## INSURANCE COVERAGE

Clinton & Clinton has extensive experience with matters relating to the business of insurance, and we provide our clients with comprehensive opinions concerning coverage for claims made under commercial and personal primary, excess and surplus lines policies. Additionally, we monitor revisions and additions to California's extensive Insurance Code so as to provide regular seminars to our out-of-state clients to ensure compliance with statutory, regulatory, industry and common law standards for the fair handling of insurance claims. We aggressively advocate the interests of our clients in the litigation of insurance coverage disputes between policyholders and insurers involving claims of bad faith, punitive damages and unfair competition, and disputes amongst insurers relating to contribution and subrogation.

## INSURANCE DEFENSE

Clinton & Clinton has a strong tradition in insurance defense, with many of its attorneys having worked for large insurance defense firms. Clinton & Clinton represents multiple insurance companies for all areas needed by its insureds. Such areas of defense have included motor vehicle accidents, medical and legal malpractice, product liability, premises liability, agricultural/farming accidents, trucking accidents, wrongful death actions, wrongful termination, medical device litigation, toxic tort and environmental litigation, sexual molestation defense and sexual harassment defense.

## MEDICAL & PHARMACEUTICAL DEVICES LITIGATION

Clinton & Clinton has been active in the defense of major manufacturers and suppliers of pharmaceutical and medical devices, including manufacturers and distributors of latex gloves, DES, fenflouramine and phentermine, medical equipment and appliances. Realizing that these matters are often more complex than the handling of general tort litigation, the firm's approach involves working closely with the client and insurer to develop an efficient, cost-effective defense strategy that minimizes the possibility of public alarm.

## PRO BONO WORK

Clinton & Clinton sets aside a portion of its practice to perform pro bono work for charitable organizations. These activities include the drafting of documents necessary to establish and maintain nonprofit organizations, as well as fund-raising endeavors.

## PRODUCTS LIABILITY

Clinton & Clinton represents manufacturers, distributors and retailers in actions involving allegations of defective design, defective manufacture, lack of adequate warnings and breach of warranty. The firm is an acknowledged leader in the handling of product defense litigation. Over the years, we have defended product defect and negligent maintenance actions concerning a wide range of products from grinding wheels to auto transmission/braking systems to elevators and escalators to medical devices, in both individual cases and in class actions.

The diversity of our products liability practice is reflected in our clients, which range from individuals, partnerships and closely held corporations to multi-national companies. Clients for whom we provide products liability representation include both foreign and domestic manufacturing companies as well as foreign and domestic insurance carriers.



The attorneys at Clinton & Clinton recognize that product liability cases present a significant financial risk for business. These cases not only require litigation skills, but also require technical knowledge and an understanding of the product itself. We draw on our pool of highly educated and experienced expert witnesses to work with us to prepare for trial and present the product or line of products to the jury in an understandable manner. Attorneys from the firm have handled the leading cases in California dealing with the doctrine of strict products liability in the areas of design, manufacture and marketing and are sensitive to the national implications and potential financial consequences of such cases.

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#### PROFESSIONAL LIABILITY -- ERRORS & OMISSIONS

Clinton & Clinton defends a wide variety of professionals in cases which allege professional negligence. The defense of such claims requires not only the abilities of experienced litigators, but also the knowledge of specialized areas of professional practice. The firm has the experience and ability to handle the complex issues unique to these cases.

Either through direct representation, or through the engagement by the professional's insurance carrier, the firm has represented architects, engineers, financial planners, health-care providers, professional fiduciaries, Notary Publics, real estate brokers and agents, and securities brokers in defending claims arising from their professional duties. We have an extensive medical library and access to doctors and nurses who provide the necessary support for the defense of medical malpractice cases.

#### BENZENE, SILICA, WELDING ROD & ASBESTOS LITIGATION

Clinton & Clinton has been involved in the defense and resolution of more than fifty claims alleging injuries or property damage from exposure to benzene, silica, aluminum oxide or asbestos. Throughout the state of California, the firm has represented the interests of premises owners, product manufacturers, distributors and contractors.

Clinton & Clinton defends these cases with a very aggressive posture and has special expertise in the medical aspects of these cases, developing a distinguished panel of defense experts. David A. Clinton has personally interviewed over 100 defense experts across the country to create an exceptional pool of expert witnesses to choose from for the firm's clients in these types of cases.

The firm recognizes the inherent economic realities of defending mass tort litigation and makes special effort to control the cost of defense at all stages of litigation. It is through clear and frequent communication with our clients and their carriers that this goal is achieved. The firm routinely operates within a budget for this type of litigation and has engineered cost-sharing and shared defense agreements to accomplish the economic goals of our clients.

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#### SPORTS AND RECREATIONAL INJURY LITIGATION

With the background of David A. Clinton firmly rooted in college and professional sports, the firm has long enjoyed an expertise in recreational sports liability that is unparalleled. An inevitable hazard of sporting events is the possibility of injury. Participants in or spectators at sporting events may sue their fellow players, coaches and trainers, or the sponsoring institution for faulty equipment, improper conditions, or negligent failure to supervise. Many of our clients are self-insured or have large self-insured retentions and have, therefore, developed a close relationship with the firm. This relationship has given rise to the firm's active participation in the client's risk management, safety protocol and procedures, signage, and general operations.



Through our representation of clients such as professional sports teams, health and fitness clubs, churches, carnivals, family fun centers, amusement parks, schools, equestrian centers and rodeos, circuses, and nonprofit associations, Clinton & Clinton has acquired special expertise in some of the unique issues which arise in this area. The firm has enjoyed considerable success in handling sports related torts cases, including law and motion practice, trials, and appellate work.

## SUBROGATION

Clinton & Clinton has aggressively represented the subrogation interests of national insurance companies across the US, recovering damages in excess of their clients' demands. From automobile related claims to third party workers' compensation actions, the professional staff of Clinton & Clinton exhausts all available resources to recover damages previously paid by its subrogation clients to or on behalf of their insured.

Due to our extensive experience in insurance defense litigation, the firm is familiar with the strategies employed by our adversaries in this area of the law. This unique advantage enables us to successfully recover substantial damages in the high volume of subrogation claims we are asked to advance on behalf of our clients.

## TOXIC TORT & ENVIRONMENTAL LITIGATION

In the evolving field of toxic tort and environmental litigation, Clinton & Clinton has achieved extensive success in the defense of its clients against toxic tort claims of serious personal injury and damage allegedly caused by exposure to chemicals, abrasives, microbial organisms and other particulate matter, including mold, asbestos, silica, benzene and welding fumes. We have successfully defended manufacturers and distributors of abrasive materials against toxic tort claims of significant occupational injuries allegedly caused by exposure to chemicals and abrasives during the course of employment. These cases include allegations of manufacturing and design defects, negligence, fraudulent concealment and battery and involve diverse legal and factual issues requiring extensive knowledge of abrasive and chemical products, analysis of the alleged disease in relation to the alleged exposure, pulmonology and pulmonary pathology analysis of biological evidence to negate causation, and industrial hygiene analysis for exposure assessment. We have developed expertise in defending clients against allegations of defective manufacturer warnings in an occupational context.



In those cases involving allegations of toxic mold infestation and exposure, we have successfully defended owners and lessors of land, contractors involved in habitational construction, and homeowner associations against significant claims of personal injury and property damage. Through aggressive litigation and the retention of qualified experts, we attack the requisite element of causation, often times resulting in the exclusion of scientific evidence necessary for proof of personal injury caused by exposure to toxic mold. Our defense of clients against toxic torts has resulted in dismissals, summary judgments and successful settlements primarily because of our fusion of legal expertise and education in the environmental sciences.

The firm's access to medical and scientific experts is invaluable in the defense of claims in this developing area of law. Our commitment to state of art computer technology also allows the firm to use databases to keep track of claims and evidence in mass tort cases involving thousands of plaintiffs.

#### TRUCKING ACCIDENT & TRANSPORTATION

Clinton & Clinton defends interstate and intrastate trucking companies in all aspects of litigation. We have represented these companies in all levels of lawsuits from minor accidents to wrongful death actions.

The firm has clients in virtually every aspect of the transportation industry and has represented those clients in a wide variety of both civil and regulatory matters. The firm's clients include airlines, steamship companies, trucking companies, freight forwarders, consolidators, customs brokers and warehousing companies. The firm has extensive experience in all of the legal aspects of the intermodal transportation of freight, and offers its clients legal services to insure safe movement of cargo, as well as the disposition of claims in the event of damage or loss to cargo.

#### WORKERS' COMPENSATION

Workers' compensation laws have changed drastically in California and many companies have opted out of carrying traditional forms of compensation insurance. The firm has extensive experience defending against workers' compensation claims and has represented non-subscribing companies in this challenging area of law.

It is important for companies defending workers' compensation claims to be represented by experienced trial counsel who are familiar with the legal problems that are often presented in these cases. Problems such as, soaring costs of medical treatment, excessively extended periods of temporary total disability, or the liberal awarding of permanent disability, which are unique to workers' compensations claims must be proactively managed and litigated. Our workers' compensation practice has been designed to address the need for proactive and aggressive defense litigation. Lawyers at the firm are in a position to assist the client in both the administrative and judicial aspects of the claim.

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