

Kate Stimeling

Partner

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With more than 20 years of litigation experience, Kate Stimeling is an accomplished, confident strategist and trial attorney focused on defending businesses and organizations in product and premises liability and catastrophic personal injury cases. In particular, she has deep experience in handling serious brain injury claims.

Kate's clients include major sports organizations, most notably the National Collegiate Athletic Association (NCAA). Kate has more than ten years of experience handling serious brain injury claims and has in-depth knowledge of the science behind the causes of brain injuries.

She also represents chemical and equipment manufacturers, food distributors, transportation providers, and consumer product companies in a range of matters, including toxic and mass tort claims as well as employment related disputes, litigation around commercial contracts, and insurance coverage disputes. Kate is routinely called on to handle high-risk matters in the transportation and trucking industry. She is retained to prepare corporate witnesses to withstand deposition cross-examination on critical optics like fatigue and hours of service, safety policies and procedures, and the "reptile" attack.

Kate has tried multiple cases to verdict in various areas of law. Clients value her skill at crafting relatable themes and narratives for the development of a trial story that captures a jury's interest.

She has served as outside counsel for a national food distribution company in 17 jurisdictions and has handled cases involving food poisoning, personal injury, breach of contract claims, trucking-related litigation, and insurance coverage issues. Kate has also litigated California class actions relating to "no injury" consumer product class allegations and price fixing class allegations. In all her work, Kate takes a pragmatic, no-nonsense approach, maintaining a keen awareness of her clients' business constraints and overall risk management strategy. Kate litigates all aspects of her cases with a vision toward potential trial, and she develops fact and expert witnesses and the evidence with this long view in mind, identifying resources and crafting motions that are designed to increase efficiency and minimize risk.

EXPERIENCE

Representative Engagements

- First chaired jury trial to verdict in mild traumatic brain injury case. Assumed lead trial counsel role three months before trial in an admitted liability case. Kate successfully prepared a defense narrative to attack damages in the commercial auto liability matter with a confirmed brain injury, bringing home a jury verdict that was \$15 million below the request to the jury and far below the reserve.
- First chaired jury trial to verdict in serious traumatic brain injury case involving a 12-year-old girl who was hit after darting into traffic to catch her school bus. Assumed lead trial counsel role shortly before trial



and successfully allocated fault to the girl's parents in a highly emotional catastrophic injury matter. The case resolved successfully on appeal.

- Briefed, argued, and won summary judgment in catastrophic burn injury litigation involving premises liability allegations. Successfully litigated through targeted discovery under California's *Privette* doctrine.
- On the eve of trial, a national food distribution company brought Kate in to take over a paraplegic case to finalize fact and expert discovery. Kate crafted a new defense focused on a reverse extrapolation of blood alcohol content to establish that plaintiff, driving under the influence, was the primary cause of interstate accident that rendered him a paraplegic. Kate conducted multi-day mock jury exercise, finalized expert discovery, and successfully resolved the matter at mediation.
- Defended a Southern California school district against claims arising from catastrophic burn injuries and wrongful death following electrocution event that occurred on school grounds after a contractor came on sight to perform work. Obtained a dismissal for waiver of costs.
- Retained by a national organization to assist in the months before trial in trucking matter to evaluate risks presented by soft-tissue injury and multimillion-dollar demand. Participated in focus group to test witness credibility, theories of defense, and attack on damages in soft tissue case that involved surgical procedure. Case successfully resolved at mediation.
- Successfully resolved catastrophic injury claims (mild traumatic brain injury and significant orthopedic injuries) resulting from chemical explosion on client's premises. Kate was brought in to lead a trial team in the months before trial, and she coordinated expert testimony and trial theme development under the *Privette* doctrine before case resolved at mediation.
- Successfully resolved federal class action lawsuit through voluntary dismissal (during pendency of motion to dismiss) in case against national grocery chain that alleged unfair competition and unlawful price gauging during the pandemic.
- Defended glass manufacturing company on wrongful death suit following murder-suicide that occurred on manufacturing premises. Kate was on a team that navigated questions of sufficient workplace security involving an employee's murder of a co-worker on plant premises along with questions of notice of potential criminal acts and workers' compensation exclusive remedy defenses.
- Represented public entity consortium in real estate and relocation dispute to successfully negotiate terms of lease extension with options for relocation being underwritten by landlord.
- Effectively defended and litigated numerous traumatic brain injury matters by understanding the science behind concussion and post-concussion syndrome allegations, developing a strong record of pre-existing conditions and comorbidities along with effective cross-examination of plaintiff and their experts.
- Defended, litigated, and successfully resolved hundreds of personal injury claims and lawsuits stemming from trucking, commercial vehicle, buses, agricultural, and other vehicle incidents in nationwide docket for multiple national clients.
- Retained by national philanthropic organization to defend it and its leadership team against claims of unlawful business practices and breach of contract relating to organizational processes.
- Served in national and regional counsel roles to help clients manage national risks stemming from fleet safety and operational issues.
- Briefed, argued, and resolved on summary judgment negligence claims pertaining to sexual assault and other negligence allegations. The highly emotional and contested lawsuit stemmed from alleged events at a well-known Bay Area restaurant and hotel chain.
- Litigated and prosecuted breach of contract claims in multimillion-dollar aerospace dispute arising from supply contracts for airplane parts.

CREREDENTIALS

Education

University of San Francisco School of Law, J.D., 2000
Managing Editor, *University of San Francisco Law Review*
Member, University of San Francisco National Moot Court Team
Washington and Lee University, B.A., English and Religious Studies, 1994

Bar Admissions

California
Oregon
Washington
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Central District of California
U.S. District Court for the Eastern District of California
U.S. District Court for the Northern District of California
U.S. District Court for the Southern District of California

Professional Memberships

Bar Association of San Francisco
Litigation Section, Executive Committee
Defense Research Institute (DRI)
Trucking Law Committee
Federation of Defense and Corporate Counsel
International Association of Defense Counsel
Transportation Lawyers Association, Member by Invitation

PUBLICATIONS & PRESENTATIONS

“Zooming Your Way to Deposition Success,” (co-speaker) San Mateo County Trial Lawyers Association (SMCTLA) Continuing Legal Education Webinar (September 30, 2022)
“Civil Discovery, Expanding Court Access and Reducing Costs of Discovery,” (co-moderator) Bar Association of San Francisco (BASF) Continuing Legal Education Webinar (August 16, 2022)
“Three Ways Law Firms Can Guard Against Burnout,” (co-author) *Of Counsel* (January 2021)
“Sponsors, Influencers & Career Engineering for Legal Counsel,” (panelist) Women, Diversity & Change, The Women in Law Summit Series, San Francisco, CA (June 11, 2019)
“Succeeding in Male Dominant Environments,” (roundtable discussions moderator) The Women Diversity and Change Summit, San Francisco, CA (November 7, 2018)
“Defending Mild Traumatic Brain Injury Claims: Attacking Claims of Cognitive and Psychosocial Deficits,” In-House Presentation, Columbus, OH (September 2017)
“Defending Mild Traumatic Brain Injury Claims,” In-House Presentation, Denver, CO (August 2016)
“Trial Practice Nuts and Bolts: Procuring and Managing the Company Witness,” American Bar Association, TIPS Section Conference, Philadelphia, PA (April 2015)



“Using Surveillance Materials in Discovery: How, When, and Why,” Network of Trial Law Firms
Litigation Management CLE Super Course, San Diego, CA (October 2014)

“After the Ballots Are Counted — How Will the Focus of the CPCS Change?,” DRI Product Liability
National Conference, National Harbor, MD (April 2013)

COMMUNITY SERVICE

Equal Rights Advocates, Steering Committee (2018-2019)

Lawyers Committee for Civil Rights, Panel Counsel

Legal Services for Children, Pro Bono Panel Attorney