

## Robert H. Bunzel



### Contact

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### Education

University of California, Hastings College of the Law, J.D., 1981

Harvard College, B.A. *Cum Laude* (English and American Literature and Language), 1978

### Professional Affiliations

Life Fellow of The American Bar Foundation (2021)

Bar Association of San Francisco  
American Bar Association, Committee on Environmental Litigation

San Francisco Lawyers' Club, American Inn of Court, President 2003-2004

Association of Business Trial Lawyers, Northern California (ABTL), Board of Directors, President (2011)

United States Supreme Court Historical Society

### Bar Admissions

State Bar of California

### Honors

Named as a "Super Lawyer" by Thomson Reuters

Recognized by "Best Lawyers," Commercial Litigation (2013-2021)

Recognized in the Wall Street Journal as Best Lawyers In Northern California

### Practice Areas

Business Litigation  
Class Action Litigation  
Environmental Law Litigation  
Financial Institution Litigation  
Intellectual Property Litigation  
Labor & Employment Litigation  
Privacy and Security Breach Litigation  
Professional Malpractice Litigation  
Real Estate Litigation  
Shareholder & Securities Disputes  
Trust and Estate Litigation  
White Collar Criminal Defense

### Experience

Rob Bunzel is a Principal of the firm. He represents both plaintiffs and defendants in civil, criminal and regulatory matters such as venture finance, business and shareholder disputes, environmental and employment law, class actions, data breach and professional malpractice.

His practice has involved significant international discovery and foreign court appearances, including examinations in Zurich and Lugano through pioneering requests for civil judicial assistance to Switzerland, as well as appearing as an expert witness in the U.K. High Court on the subject of breach of fiduciary duty under California law. He has traveled to Japan, China and Taiwan to obtain evidence for American civil and criminal proceedings and has represented foreign officials in U.S. legal matters, including heads of State of the Philippines, South Korea, and most recently Egypt.

Mr. Bunzel has represented both for-profit and nonprofit entities and their directors, officers and shareholders in state and federal litigation and governmental investigations concerning, among other things, antitrust, finance, sports, philanthropic, real estate, technology and medical issues, including matters involving the Securities and Exchange Commission. He also has achieved recoveries for defrauded parties in Ponzi schemes, including for Trustees in bankruptcy.

Mr. Bunzel represents landowners, businesses and agencies in regulatory challenges and has represented clients and law firms in professional malpractice claims, bar matters and fee disputes, as well as in litigation involving the severance of officers, partners and shareholders. He has handled matters involving the evolving area of privacy and security breaches. One of his trials was nationally televised.

Mr. Bunzel has testified as an expert witness regarding the standard of care in business litigation and has represented many entrepreneurs in business and intellectual property disputes.

## Speaking Engagements

Mr. Bunzel has lectured for the Practicing Law Institute and the Association of Business Trial Lawyers on the subject of internal corporate investigations and international discovery. He has presented on panels for the American Bar Association Litigation Committee on environmental litigation.

## Publications

### **Courtroom warrior: The combative career of William Travers Jerome**

San Francisco Daily Journal (May 2020)

### **The man to see was Edward Bennett Williams**

San Francisco Daily Journal (December 2019)

### **Lessons learned from 'The Trial of Jack Ruby'**

San Francisco Daily Journal (June 2019)

### **Sometimes It Pays to Opt for a Jury in Business Disputes**, *Litigation Magazine*, Vol. 45, No. 4 (Summer 2019), at 12

### **Lawyers: Put down the electronic legal menu for just a moment**

San Francisco Daily Journal (October 2018)

### **How to Win the "Bet Your Company" Antitrust Trial** (September 2010)

### **Defending "The Last Man Standing": Trench Lessons from the 2008 Criminal Antitrust Trial, *United States v. Swanson***, [www.antitrustsource.com](http://www.antitrustsource.com) (June 2008)

## Representative Cases

In 2022, Mr. Bunzel was co-lead counsel for a significant California healthcare system defendant in a 5-week antitrust class action jury trial in the Northern District of California, at the close of which the nine-member jury returned a unanimous defense verdict, finding that Mr. Bunzel's client did not tie its hospital services together, and did not force insurance companies to contract with the system on allegedly anticompetitive terms. The certified class of three million California residents and businesses had sought \$411 million in damages which would have been trebled under the antitrust laws. The jury never reached the issue of damages, however, instead finding no violation of law.

In 2021, Mr. Bunzel won dismissal of all claims against his client, a former Prime Minister of Egypt, in a high-profile Alien Tort Claim case, by proving up complex diplomatic immunity given the client's later status as a representative to the IMF in New York. Mr. Bunzel has deep experience in this area, having represented former heads of state of the Philippines and South Korea in such cases.

In 2021, on behalf of a global law firm client, Mr. Bunzel won a \$2 million award in arbitration against an insurance company, and succeeded in recovering interest and attorney's fees for his client.

In 2021, Mr. Bunzel tried a case on behalf of Trustees of a \$2 billion estate to a favorable interim result concerning claims asserted by a step-daughter seeking to share in the estate.

In 2015-2019, on behalf of one of San Francisco's leading antitrust lawyers, Mr. Bunzel successfully caused dismissal of a lawsuit seeking a multi-million dollar fee split after successfully challenging out-of-state arbitration over the claim and following related litigation in Maryland district court.

In 2019, Mr. Bunzel represented a larger Northern California healthcare system in an antitrust case brought by the California AG and a certified class, which settled after Mr. Bunzel over two days selected a San Francisco jury.

In 2017, Mr. Bunzel tried a case on behalf of the spouse of the founder of one of California's largest private foundations related to the direction of the foundation's mission, resulting in a negotiated settlement.

In July 2014, Mr. Bunzel obtained an extraordinary writ from the State Court of Appeal, dismissing with prejudice a suit with \$4 billion exposure in a data breach case in the healthcare industry. *Sutter Health v. Superior Court* (2014) 227 Cal.App.4th 1546, review denied Oct. 16, 2014.

In 2014, Mr. Bunzel finalized a settlement with six counties and the California District Attorneys Association concluding a 5-year investigation into his client's biomass (wood to energy) waste streams at three California facilities.

In 2011, Mr. Bunzel secured an \$18 million judgment for a major bank's former investment advisors and in 2015 he obtained a \$7.4 million award for financial advisors suing a different bank, both of which were plaintiff-side class actions.

In 2010, Mr. Bunzel won a \$2 million plaintiff's verdict in a municipal bond financing case.

Also in 2010, Mr. Bunzel achieved a defense verdict in a civil antitrust monopolization trial where the plaintiffs asked the jury for \$34 million.

## Representative Cases [Continued]

In 2008, Mr. Bunzel mounted a successful defense of a U.S. executive in a criminal antitrust trial where the government had obtained 17 guilty pleas for international price-fixing from other defendants. Defending “The Last Man Standing”: Trench Lessons from the 2008 Criminal Antitrust Trial, United States v. Swanson (June 2008), [www.antitrustsource.com](http://www.antitrustsource.com).

In 2007, Mr. Bunzel won a \$4.85 million verdict in a breach of contract case.

From 2002 to 2007, Mr. Bunzel represented an SEC Receiver and Bankruptcy Trustee in litigation concerning the San Diego PinnFund Ponzi scheme, which resulted in greater than \$100 million in recoveries for the injured investors and creditors.

Mr. Bunzel has successfully represented engineers employed by the nation’s largest hazardous waste facility and obtained a landmark ruling regarding recoverable costs in superfund litigation, which ruling was affirmed by the U.S. Supreme Court.

Mr. Bunzel represented the San Francisco 49ers in their 1999-2001 ownership dispute and in other player and team matters.