

Timothy M. Flaherty

Member

Tim Flaherty, Member-in-Charge of Clark Hill's San Francisco office, is an experienced trial lawyer who specializes in business, commercial and real estate litigation, as well as counseling to avoid litigation. He has represented clients ranging from Fortune 50 companies to individuals in a wide variety of disputes and forums. For example, he has represented developers, property owners, property managers, landlords, tenants, retailers, business owners and contractors in a diverse mix of actions including: claims involving purchase agreements, leasing, property management, premises liability, mechanics lien, condominium and tenancy in common (TIC) disputes, construction defect, environmental contamination/CERCLA, rent control, secured transactions, contracts, business torts and collections. Tim has tried to a court, jury or arbitrator, real estate, unlawful detainer, breach of lease, contract, fraud, ERISA, employment, distributorship, consumer class action, and collection matters.

On behalf of financial institutions, Tim has handled cases in the following areas: collection of secured (real and personal property collateral) and unsecured debt including bankruptcy; disputes re letters of credit; claims of lender liability where borrower asserted bank took "control" of the company through various loan work outs; claims arising from operational issues such as honoring checks with forged signatures or with less than required number of signatures; Truth in Lending claims; and claims against bank acting as escrow agent.

Tim also has substantial experience handling product liability matters for manufacturers, distributors and retailers. Tim's experience includes handling California class action and coordinated proceedings and federal multi-district litigation. For example, he recently and successfully represented a national retailer in multi district litigation involving eye drops by obtaining a dismissal and no liability or payment to plaintiffs. He currently is handling numerous Life Sciences matters in San Francisco and Alameda Superior Court involving pharmaceuticals. His experience also includes representation of manufacturers and distributors in product liability claims involving medical devices.

Tim has also had consistent success with mediation and is known for his ability to settle disputes quickly and efficiently. He has been named AV (Judicial Edition) and AV Preeminent®, the highest peer rating standard from Martindale-Hubbell.

Reported Decisions

- *Mitchell v. Bankfirst*, ___F.3d___ [27 Fed. Appx. 843] 2001 WL 1485854 (9th Cir, Nov. 21, 2001) – case held Bank not required to disclose membership organization's termination notice provision as a termination charge under the Truth in Lending Act.
- *Keimer v. Buena Vista*, 75 Cal. App. 4th 1220 (1999) – case of first impression established cause of action for unfair business practices against book publisher not barred by First Amendment.
- *Collins v. Bankfirst*, 1998 U.S. App. LEXIS 24555 (1998) – case held Bank did not violate Truth In Lending Act by omitting matters in initial disclosure to consumer.
- *3550 Stevens Creek Associates v. Barclays Bank of California*, 915 F.2d 1355 (9th Cir. 1989) – case of first impression held no cause of action exists under CERCLA for removal of asbestos building materials.
- *Building Service Employees Pension Trust v. American Bldg. Maintenance Co.*, 828 F.2d 576 (9th Cir. 1987) – case held settlement agreement may be subject to rescission due to opposing counsel's mathematical errors in calculating interest demand.

Publications/Presentations

- Presentation on "Handling Tenant Disputes Under San Francisco Control," to Vanguard Properties, September 17, 2018
- Presentation on "Understanding A Landlord's Rights and Responsibilities In San Francisco," to Vanguard Properties, August 8, 2018
- Presentation on "Modification of California's Mechanic's Lien and Stop Notice Law Commencing July 1, 2012 - A Guide for Enforcement of Mechanic's Liens, Stop Notices and Payment Bonds Pertaining to California's Modified Law," for general contractors, subcontractors, material and equipment suppliers, San Francisco (June 13, 2012)
- Presentation on "Cross Border Litigation and Enforcement of Arbitration Awards" at The Law Firm Network Regional Conference, Mexico City (January 22, 2005)



Office

San Francisco
One Embarcadero Center
Suite 400
San Francisco, CA 94111

(415) 984-8507 (phone)
tflaherty@clarkhill.com

Education

J.D., University of San Francisco
School of Law, San Francisco,
California, 1981

B.A., University of San Francisco,
San Francisco, California, 1978

State Bar Licenses

California

Court Admissions

U.S. Supreme Court
U.S. Court of Appeals, 9th Circuit
U.S. District Ct., C.D. of California
U.S. District Ct., E.D. of California
U.S. District Ct., N.D. of California
U.S. District Ct., S.D. of California
U.S. Court of International Trade

Practices, Industries & Services

Cannabis
Litigation
Pharmaceutical
Professional Ethics & Risk Management
Real Estate

Areas of Emphasis

Alternative Dispute Resolution
Business Litigation
Class Action Litigation
Commercial Litigation
Product Liability

Memberships

- Vice-Chair, Bar Association of San Francisco Fee Disputes Executive Committee
- Bar Association of San Francisco
- Los Angeles County Bar Association

Honors

- AV® Preeminent™ Peer Review Rated – Martindale-Hubbell
- Mayor, City of Pleasant Hill (2014, 2018)
- Councilmember, City of Pleasant Hill (2012-Present)
- Planning Commissioner, City of Pleasant Hill (2010-2012)
- Chair, City of Pleasant Hill Civic Action Commission (2001-2012)
- 2011 Citizen of the Year, City of Pleasant Hill
- 2010 Pleasant Hill Mayor's Award - for outstanding service to the city of Pleasant Hill
- Member of the Board of Editors, Northern California Real Estate Legal Review
- Faculty, USF Intensive Trial Advocacy Program
- Arbitrator/Mediator, Bar Association of San Francisco Fee Dispute Panel
- Northern California Super Lawyer (2004-2006)
- Clerked for the legendary Hon. Ira A. Brown, Jr. in the San Francisco Superior Court Law and Motion Department, and for the San Francisco Public Defender