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John A. Koepfel's litigation practice includes commercial litigation, catastrophic injury, product liability, earth movement and construction defect along with general casualty matters. He has tried cases throughout California and is certified in civil trial practice by the National Board of Trial Advocacy.

Mr. Koepfel was born in Jersey City, New Jersey. He graduated with honors from the University of Notre Dame in 1969, and the following year, received a Masters degree from the Fletcher School at Tufts University where he studied International Trade. Before attending law school, he worked as a Program Analyst for a special drug abuse prevention task force in the Executive Office of the President in Washington, D.C. In 1976, Mr. Koepfel received his law degree from Hastings College of Law.

Mr. Koepfel has been an Instructor at the Hastings College of Advocacy and has been a guest lecturer at Hastings College of Law. He has taught law and related topics at San Francisco elementary, middle and high schools. He is admitted to the State Bar of California, District of Columbia Bar, and the United States Supreme Court Bar. He has heard cases as an appointed Arbitrator on the San Francisco Superior Court Panel since 1979 and has served as a mediator with the court since 1993. He has also been certified as a mediator by the District Court for the Northern District of California. In 2004 through 2008, 2013, 2016-2018 he has been named by the *Northern California Super Lawyer*® magazine in the area of general litigation.

From 1992 through 1999 and from 2003 to the present, Mr. Koepfel served on the firm's Board of Directors, and was Managing Director of its San Francisco office from 1992 through 1995 and from 1997 through 1999.

Outside the Firm, Mr. Koepfel has served as legal counsel and a Board member for a number of local organizations, including the San Francisco Food Bank, the San Francisco Junior Chamber of Commerce, San Francisco Amigos de Los Americas, the San Francisco School, the St. Francis Homes Association, and Or Shalom. He has coached elementary and middle school basketball and soccer teams and rows with the Open Water Rowing Center in Sausalito. During his spare time, he also runs marathons.

Since admission to the Bar, Mr. Koepfel has been involved in pro bono legal work through the

Volunteer Legal Services Program of the San Francisco Bar Association. In 2004, 2005, 2006, and 2008, the Program designated him an "Outstanding Volunteer in Public Service". He has also been recognized by the State Bar of California for these efforts.

## Practice Areas

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- ❖ Business And Commercial Litigation
- ❖ Catastrophic/Personal Injury
- ❖ Healthcare
- ❖ Product Liability
- ❖ Professional Liability

## Education

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- ❖ University of Notre Dame, 1969 B.A.  
cum laude
- ❖ The Fletcher School of Law and Diplomacy, Tufts University, 1970 M.A.
- ❖ University of California, Hastings College of the Law, 1976 J.D.

## Court Admissions

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- ❖ California
- ❖ Supreme Court of the United States
- ❖ USDC: Central District of California
- ❖ USDC: Eastern District of California
- ❖ USDC: Northern District of California

## Memberships & Associations

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- ❖ Bar Association of San Francisco (BASF)
- ❖ National Board of Trial Advocacy (NBTA)
- ❖ OR Shalom Jewish Community, Board of Directors
- ❖ State Bar of California

## Representative Experience

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**Practice Area:** Construction

**Key Issues:** Construction Defect

**Venue:** California Superior Court for the County of Sacramento

**Client Type:** Cross-Defendant Cabinet and Counter Company

**Description:** Thirty homeowners brought an action against the general contractor that constructed the development in which their tract homes were located alleging numerous defects in the construction of various components of the homes, including but not limited to the roof, foundation, windows, and cabinetry. The general contractor filed a cross-complaint naming numerous subcontractors including our client, a subcontractor, who installed the kitchen and bathroom cabinets in the homes.

**Result:** This matter settled on very favorable terms for our client.

**Practice Area:** Intellectual Property, Unfair Competition

**Key Issues:** LSAT; Copyright

**Venue:** Los Angeles County Superior Court

**Client Type:** Defendant Test Preparation Company

**Description:** Defended our client in a case involving a copyright and defamation action between two test preparation companies which provided instructional services for the Law School Admissions Test ("LSAT"). The plaintiff accused the defendants, former employees who started a competing company, of copying its course materials and defaming the defendant on internet discussion boards using pseudonyms to disguise their identities. Summary judgment was granted in favor of defendants on the plaintiff's unfair competition claim that the defendants helped students cheat on the LSAT. The plaintiff expended more than \$8 million in fees and costs to litigate the case.

**Result:** The plaintiff demanded \$5 Million and a permanent injunction that would force the defendants out of business. The plaintiff rejected a large settlement offer and after a 25 day trial, the jury denied the plaintiff's request for \$18.5 Million and instead awarded \$256,000. The plaintiff's claims for trade libel and intentional interference with prospective economic advantage were dismissed on non-suit and directed verdict. The court denied the plaintiff's request for a permanent injunction and stated that the course materials separately developed by defendants added significant originality to the to the test prep industry. Two articles about the trial were published in IP Law 360. A number of pre-trial issues are on appeal.

**Practice Area:** Catastrophic/Personal Injury, Coverage, Product Liability, Professional Liability

**Key Issues:** Breach of Contract

**Venue:** Judicial Arbitration & Mediation Services

**Client Type:** Defendant Provider of Telephone, Cable Television and High Speed Internet Service

**Description:** Defended a provider of telephone, cable television and high speed internet services in a commercial litigation action involving an alleged breach of contract that provided for the construction of a broad band telecommunications network in the Bay Area. Counsel for the parties met to agree on mediation issues, and then participated in extended negotiations during mediation. Upon failure to resolve the case at mediation, counsel negotiated strict limits to discovery, briefing and arbitration time. This action went to binding arbitration over a two week period.

**Result:** The award was 80% less than the contractor's last settlement demand.

**Practice Area:** Premises Liability

**Key Issues:** Premises Liability; Wrongful Eviction

**Venue:** San Francisco County Superior Court

**Client Type:** Defendant Landlord

**Description:** Defended a landlord in a premises liability action involving an alleged wrongful eviction that was tried in a jury trial. The plaintiff claimed wrongful eviction based on a conspiracy involving family member owners.

**Result:** This case settled favorably after three plus weeks of trial.

**Practice Area:** Healthcare, Product Liability

**Key Issues:** Product Liability

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Plastic Container Manufacturer

**Description:** Defended a plastic container manufacturer in a product liability action involving a disabling brain injury and serious physical injuries to a 42-year old father of three. The plaintiffs alleged that our client's grape transport bin could not be safely trucked due to an alleged failure to warn. The bin separated from the vehicle in which it had been loaded, falling onto the highway where the plaintiff struck it at a high rate of speed on his motorcycle. Experts on both sides ranged from safety engineers to accident reconstructionists to physical medicine specialists.

**Result:** The case was tried after the plaintiffs made an eight figure demand, and settled favorably after four weeks.

**Practice Area:** Toxic Tort

**Key Issues:** Negligence

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Electric Utility Provider

**Description:** Defended an electric utility provider in a negligence action involving the alleged exposure to carbon monoxide. The plaintiff, an office worker, claimed exposure on the job resulting in injury to herself and her fetus.

**Result:** After a two-week jury trial, the case settled to our client's satisfaction.

**Practice Area:** Product Liability

**Key Issues:** Product Liability

**Venue:** San Francisco County Superior Court

**Client Type:** Defendant Portable Pump System Manufacturer

**Description:** Defended a portable pump system manufacturer in a product liability action involving the sinking of a two-mast sailboat in the South Seas. The plaintiff sued our client claiming that defects in the pump caused the sinking of the vessel after its internal, primary pumping system failed. The issues included the plaintiff's comparative fault in allowing the hull of the vessel to be breached, efforts to save the vessel once it began to take on water and the plaintiff's possible surreptitious salvage of the vehicle after the accident.

**Result:** The jury returned a verdict in our client's favor.

**Practice Area:** Business And Commercial Litigation, Product Liability

**Key Issues:** Product Liability; Breach of Contract

**Venue:** Federal Court in San Jose

**Client Type:** Defendant Corporation

**Description:** Defended a corporation in a commercial litigation action involving a combined breach of contract and product liability claim that was tried in a jury trial. The plaintiff, a multinational computer technology and IT consulting corporation, claimed that the defendant provided defective fans for their data storage devices sold to its mainframe customers.

**Result:** This case settled favorably before the final argument after the plaintiff made a \$70 million claim.

**Practice Area:** Construction

**Key Issues:** Construction Defect

**Venue:** California Superior Court for the County of Sacramento

**Client Type:** Cross-Defendant Alarm Installation Company

**Description:** Twelve homeowners brought an action against the general contractor that constructed the development in which their tract homes were located, alleging numerous defects in the construction of various components of the homes, including but not limited to the roof, foundation, electrical, cabinetry and windows. The general contractor filed a cross-complaint naming numerous subcontractors including our client, the subcontractor that pre-wired the homes for and/or installed alarm systems. Our client's work was alleged to have contributed to water damage in several homes.

**Result:** This matter settled on very favorable terms for our client.

**Practice Area:** Construction, Professional Liability, Real Estate

**Key Issues:** Construction Defect; Real Estate; Fraud; Conspiracy; Professional Liability; Architects

**Venue:** Sonoma County Superior Court

**Client Type:** Defendant Architect Consultant

**Description:** A real estate developer developed a 108 unit apartment complex and sold it to a real estate investment company, Company A. The real estate investment company hired our architectural consultant client to perform a due diligence inspection and report. Within two years, real estate investment Company A sold the apartment complex to real estate investment Company B. Plaintiff, real estate investment Company B sued the developer, the original general contractor and subcontractors, real estate investment Company A as seller and our architectural consultant client for construction defects, negligence, breach of contract and fraud and conspiracy.

**Result:** The case was settled for a fraction of the plaintiff's original demand.

**Practice Area:** Catastrophic/Personal Injury, Construction, Contract/UCC, Professional Liability

**Key Issues:** Personal Injury; Construction

**Venue:** Santa Clara County Superior Court; Unlimited Jurisdiction

**Client Type:** Defendant Manufacturer

**Description:** Defended a manufacturer in a case involving a permanent brain injury to a 40-year old chemical engineer who was working on site, at our client's plant, to install a new food processing line. The plaintiff fell approximately 10 feet to a concrete floor, striking his head. The plaintiffs included the victim, his employer and the employer's workers compensation carrier. The plaintiff also sued the steel fabricator responsible for the

construction of the platform. To prepare for the trial, safety, economic and medical experts were retained. In addition, a mediator began to meet with the defendants at regular intervals to monitor the process of discovery, analyze prospective settlement negotiations and ensure the proper scheduling of a trial.

**Result:** Our client paid 20% of a multi-million settlement.

**Practice Area:** Healthcare, Premises Liability

**Key Issues:** Catastrophic Injury

**Venue:** Santa Clara County Superior Court

**Client Type:** Defendant Manufacturer

**Description:** Defended a manufacturer in a suit in which the plaintiff was a business invitee who claimed total disability resulting from back, shoulder and arm injuries when he was struck by a falling pallet of empty 50 gallon drums. The plaintiff sought compensatory and punitive damages based on earlier incidents under similar circumstances. Surveillance footage of the plaintiff indicated that his injuries were considerably less serious than alleged.

**Result:** The case settled favorably after two plus weeks of evidence were presented to a jury.

**Practice Area:** Catastrophic/Personal Injury, Healthcare

**Key Issues:** Personal Injury; Wrongful Death

**Venue:** San Francisco County Superior Court

**Client Type:** Defendant Ground Transportation Service

**Description:** Defended a ground transportation service in an action involving a high speed auto accident involving two pedestrians in inclement weather. The case included a wrongful death action and a personal injury action for an individual who suffered a brain injury and disabling, crushing injuries to his legs. Our firm was retained six weeks before trial, after expert disclosure. Review of medical records indicated both pedestrians were under the influence. Working with an accident reconstruction expert and photographic reconstruction expert, the defense visually recreated the scene of the accident under comparable rain conditions. We also unilaterally disclosed and deposed a toxicologist regarding the intoxication issue. The plaintiffs' demand totaled \$10,000,000, representing our primary and excess limits. At mediation, our experts narrated the film reconstructing the accident and we highlighted the deposition testimony of our toxicologist.

**Result:** The action eventually settled for approximately 20% of the original demand.

## News

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- ❖ Ropers, Majeski, Kohn, Bentley, PC Named One of California's Top Ranked Law Firms by LexisNexis® Martindale-Hubbell®, *Martindale-Hubbell*®, August, 2015