



**Terry Anastassiou**  
**201 Spear Street, Suite 1000**  
**San Francisco, CA 94105**  
**Direct: (415) 972-6341**  
**Office: (415) 543-4800**  
**Fax: (415) 972-6301**  
**Email: [tanastassiou@rmkb.com](mailto:tanastassiou@rmkb.com)**  
**Web: [www.rmkb.com](http://www.rmkb.com)**

Mr. Anastassiou is certified as an appellate specialist by the State Bar of California's Board of Legal Specialization, and his work is focused in appeals and writs in State and Federal courts. He has elicited published decisions in the areas of statutory and regulatory interpretation, evidentiary privileges, and professional responsibility in the context of toxic torts. His practice also includes civil rights, partnership dissolution, public entity liability, employer liability for employee torts, insurance law, intellectual property, and transactional and employment law and litigation. In addition to admission to all California courts, he is admitted to practice before the United States Supreme Court and Federal Circuit Court of Appeals.

Mr. Anastassiou is a contributing author to Continuing Education of the Bar's treatises on Civil Writs and Insurance Litigation and has published articles on appellate procedure, contractual arbitration, the use of special masters in complex litigation, and enforceable arbitration agreements in the context of consumer and business liability coverage. In addition to being a regular faculty member for Continuing Education of the Bar's annual seminar on developments in California tort law, he has also presented seminars on writ procedure, legal writing and pretrial motion practice, and taught legal writing at Hastings College of the Law.

A native of New York, Mr. Anastassiou received his undergraduate degree from George Washington University and his law degree from Santa Clara University School of Law. Prior to joining Ropers, he worked as a researcher for Judicial Arbitration and Mediation Systems, Inc. and as a legal research attorney for the San Mateo County Superior Court.

## Practice Areas

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- Appellate

## Education

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- George Washington University, 1983 B.A.
- Santa Clara University School of Law, 1991 J.D.

## Court Admissions

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- California
- Supreme Court of the United States
- US Court of Appeals for the Federal Circuit
- US Court of Appeals for the Ninth Circuit
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California

- USDC: Southern District of California

## Memberships & Associations

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- Bar Association of San Francisco
- State Bar of California

## Representative Experience

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**Practice Area:** Appellate, Healthcare

**Key Issues:** Evidence

**Venue:** Court of Appeal; California Supreme Court

**Client Type:** Defendant Physician

Represented defendant physician in the appellate courts (Court of Appeal and Supreme Court) to successfully establish an important aspect of evidence law, i.e. non-admissibility of Department of Health Services' materials that had been prepared using confidential hospital peer review committee records.

**Result:**

[\*Fox v. Kramer\*, 22 Cal. 4th 531 \(Cal. 2000\)](#)

**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

Case involved 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. Plaintiff fell approximately 10 feet to a concrete floor, striking his head. Plaintiffs included the victim, his employer, and the employer's workers compensation carrier. In addition to our client, defendants included the steel fabricator responsible for construction of the platform from which plaintiff fell. Case work-up included our independent retention of safety experts and the joint use of medical experts and economics with co-defendant. At our request, the parties retained a mediator early in the case, who met at regular intervals to monitor the progress of discovery, determined issues that required resolution before productive settlement negotiations could occur, and kept in touch with the Court to insure that phased discovery would occur before scheduling of trial.

**Result:**

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

**Practice Area:** Appellate, Toxic Tort

**Key Issues:** Negligence, Contamination

**Venue:** 154 Cal. App. 4th 659

**Client Type:** Public Water Districts

Represented respondent public water districts in appeal of dismissal of negligence claims brought by water consumers over claims about contamination.

**Result:**

Judgment for clients affirmed in published decision applying *Hartwell Corp. v. Superior Court* (2002) 27 Cal.4th

256 to new situation.

**Practice Area:** Appellate

**Key Issues:** Wrongful Death

**Venue:** Santa Clara County Superior Court California Court of Appeal, Sixth Appellate District 64 Cal.App.4th 85

**Client Type:** Defendant Non-profit Athletic Association

Defended non-profit athletic association in appeal of judgment on jury defense verdict in suit by family of man who drowned in health club hot tub.

**Result:**

Published decision affirming judgment addressed detailed statutory and regulatory issues as well as causation in context of stipulated negligence per se.

**Practice Area:** Appellate

**Key Issues:** Appeal; Judgment Notwithstanding the Verdict

**Venue:** San Mateo County Superior Court

**Client Type:** Defendants- Employer

Hired by defendants after jury awarded former employee of client more than a million dollars for breaching a \$75,000 i.o.u. for back commissions. Beginning with post-trial motions to amend judgment, for new trial and for judgment notwithstanding the verdict, elicited rulings from trial court that eliminated two-thirds of the damages awarded. This forced the plaintiff to appeal, freeing client to cross-appeal without having to post security for judgment pending appeal.

**Result:**

Unpublished decision from Court of Appeal affirmed trial court's reductions in damages and (on protective cross-appeal for client) struck additional damages from judgment, essentially resulting in judgment for the amount of the i.o.u., which is all that it should have been to begin with.

**Practice Area:** Appellate, Intellectual Property, Trade Secret Protection and Litigation

**Key Issues:** Trade Secret

**Venue:** Santa Clara County Superior Court

**Client Type:** Internet Based Stock Trading Company

In this trade secret case the court of appeal reversed the trial court's grant of defendant's, an internet based stock trading company, motion for nonsuit on damages for misappropriation of a trade secret.

**Result:**

The court remanded the case for trial on the damages issue.

**Practice Area:** Appellate

**Key Issues:** Malpractice Action

**Venue:** 92 Cal. App. 4th 355

**Client Type:** Property Owner

Successful appeal of trial court dismissal of client's malpractice action against civil engineers.

**Result:**

Dismissal for purported failure to satisfy statutory requirement of certificate of merit was reversed in decision

that confirmed plaintiff's right to cure purported default.

**Practice Area:** Appellate

**Key Issues:** First Amendment

**Venue:** 159 Cal. App. 4th 262.

**Client Type:** Defendant National Food Chain

Defended appeal by national food chain of trial court's granting of special motion to strike lawsuit against client filed in response to client's Prop. 65 notice.

**Result:**

Published decision affirming judgment for client held that, for anti-SLAPP purposes, preemptive declaratory relief action chilled the client's exercise of First Amendment right to petition.

**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

Real estate developer developed 108 unit apartment complex and sold it to a real estate investment 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, fraud and conspiracy.

**Result:**

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

## Publications

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- Author, At Writs End, *Daily Journal*, 04/07/08
- Author, You know it is a tax scam when ..., *Silicom Valley/San Jose Business Journal*, April 15, 2005
- Author, Binding Arbitration of Coverage and Bad Faith Disputes: A Way Out Of the Thicket for the American Insurance Industry, January 1, 2001