



Professional Profile - Dahlberg, John D. - Partner (AV-Rated)

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General Civil Litigation

Mr. Dahlberg litigates a wide array of matters, including embezzlement and misappropriation recovery and prosecution, insurance coverage, disability access defense, construction defect, real estate disclosure, personal injury, professional liability, civil rights, false arrest, and other intentional tort litigation.

He also actively counsels California owners and managers of private property and litigates for them issues concerning the alleged rights of political campaigns and others to use private commercial property, and often can persuade these campaigns and their associates to leave client premises before trespass litigation is commenced. Retailers and security firms often ask Mr. Dahlberg to litigate the propriety of subpoenas addressed to them calling for private and confidential commercial information, requiring on occasion that these demands be narrowed or quashed.



I am a general trial lawyer with over 32 years' experience. Here is a sample of three recent big cases I won for my clients which show the mixture of cases I handle:

In *Evon v Mickell*, we represented a southern California attorney accused in a federal class action of violating the FDCPA by allegedly communicating deceptively with Plaintiff. We demonstrated to the Court that the case was not appropriate for class action status and that nothing the client said or did was deceptive under federal law. In motion practice following the defendant attorney's agreement to pay the Plaintiff \$1,000.00 to save the time and expense of trial as to a remaining claim, Dillingham Murphy successfully limited a request by Plaintiff for almost \$100,000.00 in attorney fees and costs to less than \$1,700.00.

In *Ruiz v Morse*, I represented a retailer client sued by the parents of a deceased adult child who was killed in a motor vehicle collision at the hands of a drunk driver. The parents alleged that the retailer client sold an alcoholic beverage to the drunk driver 27 minutes before the collision. We demonstrated in a motion for summary judgment that the retailer had no potential liability under California Business and Professions Code Section 25602.1, because it sold the beverage to a friend of the driver who appeared to be sober at the time of the purchase, meaning that the client never furnished anything to the drunk driver. Retailers are not liable for what sober-seeming customers do with merchandise after they leave the store.

In *La Rosa v Klamm*, I obtained summary judgment on behalf of a veteran and well-respected trust and estates lawyer accused by a non-client trustee of not properly advising his client trustors about how to convey property into their trusts before their deaths. We proved that the attorney met all of his professional duties, and could have no potential liability.

We then turned the tables and negotiated a settlement of our client's claims of malicious prosecution against the trustee, resulting in a large payment back to our client.

PREVENTING TRESPASS IN FRONT OF RETAIL STORES

Customers should be free to shop without distraction, harassment and insults from storefront trespassers who demand their attention, their signatures and their money.

Retailers should be able to control their storefront sidewalks and provide customers with a serene and pleasant place to shop, free of distraction and unwanted interruptions.

We help California retailers stop trespassing offensive to customers and harmful to business. Contrary to what trespassers are programmed to say, the law strongly favors the retailer's rights to stop trespassing in front of stores. We persuade trespassers and their managers to leave client stores voluntarily most of the time based upon case law and common sense.

When we can't, we get court orders barring them permanently from storefronts.

Trespassers frequently solicit money for obscure local charities that claim to fight poverty. In reality, most are just organized panhandlers serving themselves. The day's take from well-meaning customers is typically divided between the trespasser and those who manage him. Some of these groups will appear daily until restrained by a Judge. We have obtained and enforced statewide injunctions against them. Courts typically ignore their various excuses that they have a right to be present. They don't under California law.

Once a few local trespassers learn that a retailer consistently enforces its property rights, they tell their associates. Trespass by all diminishes after the retailer enforces its rights against a few.

EMBEZZLEMENT RECOVERY

I also enjoy helping employers get their money back from embezzling employees, because these cases are usually over quickly, and advantageously. Our clients want to get back everything the embezzler stole from them plus interest and the cost of investigation and litigation. We have been successful on a number of occasions in doing just that.

Employers usually become suspicious of a few transactions they can link to the embezzling employee. We advise clients about how to conduct a fast, efficient and fair investigation, how to confront the employee and how to present evidence to the police or the FBI immediately.

A key challenge for us and our clients is to identify the full extent and methods of the thefts, because embezzlers usually take more than is suspected, and they often use many ingenious methods to steal and cover their tracks.

Once there is probable cause to believe the employee has stolen property, we ordinarily file suit within one day in state or federal court, and seek judicial orders the same day freezing the embezzler's real and personal property. These orders ensure that the embezzler will not transfer property that should be available to pay our clients to others or to offshore accounts instead.

Every civil embezzlement case we have filed settled advantageously where the embezzler had assets (or had relatives with assets) because the embezzlers and their attorneys know that courts may be more lenient where restitution was quickly made to the victim.

We also help the employer make insurance claims based upon employee dishonesty coverage and recover damages from third parties who knowingly received stolen funds and property.

Education

J.D. 1978 Yale University Law School.

A.B. 1975 University of California, Berkeley.

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