



## Carl P. Blaine

### PARTNER

State Bar No. 65229

J.D.

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### General Information

Carl Blaine is a partner in the law firm of Wagner Kirkman Blaine Klomprens & Youmans LLP with 35 years of federal and state litigation experience in the areas of business, partnership, corporate, real estate, fiduciary, probate and trust, elder and dependent adult abuse, employment, and tax. He is also experienced in complex litigation including prosecution and defense of class actions including products, commercial and consumer actions. Mr. Blaine has successfully brought numerous jury and court trials to verdict.

Prior to entering private practice, Mr. Blaine served as the law clerk to Presiding Justice George A. Brown of the California Court of Appeal, 1975 - 1976. He subsequently served as Deputy District Attorney for the County of San Luis Obispo, 1976 - 1980.

### Practice Areas

#### General Civil Litigation

#### Trust and Probate Litigation

- Mr. Blaine has a unique depth of knowledge in representing clients in trust and will contests. He has successfully prosecuted and defended challenges based upon undue influence and lack of capacity many of which have brought into play elder abuse and/or dependent adult abuse. Employing the use of consultants in the areas of general medicine and psychiatry, Mr. Blaine has achieved excellent results. Most recently, Mr. Blaine, on behalf of the siblings of a dependent adult victim, prevailed in obtaining a multimillion dollar recovery for his clients based upon the theory that the victim's physical and mental condition (long term AIDS patient with prolonged use of AIDS medication) rendered him a dependent adult with limited capacity, who was seduced by his young lover into changing his trust and leaving his entire multimillion dollar estate to the victimizer after a three-month seduction. This argument prevailed even though there was technically a valid trust amendment prepared by counsel who testified that his client had capacity.

#### Elder and Dependent Adult Abuse (Physical and Financial)

- Mr. Blaine represented a client who owned many nursing home facilities in California and adjoining states that had been targeted for millions of dollars by the Plaintiffs Bar based upon elder abuse actions. Mr. Blaine assumed the role of general counsel in connection with defending and ultimately negotiating favorable resolutions for the client, thereby ending what was a continuing financial nightmare for the client.
- Recently Mr. Blaine successfully negotiated a settlement with a national hospice provider, without the

need to file an action, based upon intentional/negligent infliction of emotional distress to the parents of the hospice patient who was living his last days with his parents in their home and who witnessed their son suffer horrific pain and suffering which could have been avoided had the care provider performed their duties.

- Mr. Blaine has prosecuted actions for financial elder abuse and is presently pursuing a case against financial advisors who improperly sold over \$1,000,000 worth of annuities to his client's parents when they were 90 years of age and of questionable capacity and susceptible to undue influence by a fiduciary.

#### **Real Estate Litigation**

- Representing companies and individuals in fraud, negligence, contract transactions, broker-agent relationships, bond issues, options, easements, landlord-tenant disputes, foreclosures, HOA, condemnation, CERCLA actions, and construction defects.

#### **Business Litigation**

- Mr. Blaine recently represented a client in a complex and protracted business dissolution with tens of millions of dollars at issue and which called into play foreclosures, judgment enforcement, contempt of court proceedings, state regulatory agencies, arbitration, and state court actions. At the conclusion of this representation, the client recovered, in full, on its damage claims and all of its attorney fees and costs.

#### **FINRA Litigation**

- Mr. Blaine represents defrauded investors in matters subject to the Financial Industry Regulatory Authority ("FINRA") and has obtained recovery for their lost investments.

#### **Tax Litigation**

- Successfully representing clients in tax, district, and bankruptcy courts with IRS disputes including refund cases as high as \$100,000,000.

#### **Complex Litigation**

- Mr. Blaine represented almond growers from Bakersfield to Chico in a plaintiffs' class action against Tenneco-West, a Texas based conglomerate, which had contracted with the farmers to process and purchase their crops. Mr. Blaine relied upon a very old agricultural law that required such contracts to be in writing and provide the amount to be paid per pound for the crop. Violations of this statute resulted in damages equal to two times the fair market value of the crop. Mr. Blaine's farmer clients recovered millions of dollars as a result of this action.
- Mr. Blaine, on behalf of a California-based roofing shingle manufacturer, orchestrated a defense team to defend a multi-state class action which was venued in Washington state and negotiated a favorable settlement before the action was certified.

#### **Mediation/Arbitration**

- Mr. Blaine has been schooled by Harvard Law School Negotiation Institute on Mediating Disputes. As a result, Mr. Blaine's approach to dispute resolution is unique among the traditional community of mediators as it is primarily based upon "understanding" rather than the power of "coercion." Under this approach, the parties themselves take primary responsibility for whether and how the dispute will be resolved. Further, under this approach, conflicts can best be resolved by uncovering what lies under the level at which the parties experience the problem.
- Mr. Blaine has been successful in getting conflicting parties to consider and engage in mediation prior to filing of formal lawsuits at which point extraordinary attorney fees have not yet been incurred and thus do not present an obstacle to early resolution.

#### ▪ Education

University of California at Santa Barbara (B.A., with High Honors, 1971)  
McGeorge School of Law, University of the Pacific (J.D., 1975)  
Law Review: Articles Editor, Pacific Law Journal, 1974-1975  
Harvard Law School Negotiation Institute (Certificate of Completion, Mediating Disputes, 2014)

#### ▪ Affiliations

Traynor Honor Society  
McGeorge School of Law Alumni Association, President, 1990-1991  
Sacramento County Bar Association  
State Bar of California  
AV® Preeminent™ 5.0 Peer Review Rated™ by Martindale-Hubbell®

#### ▪ Admissions

California State Bar, 1975  
U.S. District Court, Eastern, Northern and Central Districts of California  
U.S. Tax Court, 1981  
U.S. Court of Appeals, 9th Circuit, 1988  
U.S. Bankruptcy Court, Eastern and Central Districts of California

#### ▪ Representative Publications and Presentations

“Comment,” Pacific Law Journal, Vol. 5, No. 2, July, 1974  
“Review of Selected California Legislation,” Pacific Law Journal, 1972  
Soon to be Released: “Addressing the Thorny Issue of Members Competing With the LLC in Light of Fiduciary Duties Imposed Under the New LLC Act”