

Jay M. Ross

Member of the Executive Committee, Shareholder

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- **Services**

- Financial Institutions & Creditors' Rights
- Litigation
- Real Estate
- Business & Commercial Litigation

- **Industries**

- Banking & Financial Services
- Food & Beverage
- Industrial & Manufacturing
- Retail
- Technology

Overview

Jay Ross is on Hopkins & Carley's Executive Committee and a member of the Litigation Department, for which he previously served as Co-chair for five years. He handles contract, business, and payment disputes as well as real estate disputes, including construction, purchase and sale transactions, commercial landlord-tenant disputes, easements, and land use.

A wide variety of businesses associated with the real estate industry rely on Jay to apply his years of business litigation experience and a practical approach to solve their problems. These include:

- Commercial general contractors and construction managers
- Community banks
- High net worth individuals
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Commercial real estate brokerage firms

- REITs

Jay has extensive experience litigating in State and Federal courts, regularly handling cases in courts throughout the Bay Area and beyond. Among other distinctions, Jay holds Martindale-Hubbell's AV® Preeminent peer ranking, its highest ranking, and was recently recognized in *US News Best Lawyers in America*® for his work on real estate litigation. In addition to his trial and binding arbitration experience, Jay has mediated numerous cases to successful resolution for his clients.

In addition, Jay represents businesses in creditor-side bankruptcy proceedings, which frequently involve courts outside of California. His experience in this area includes:

- Preparation and defense of Proofs of Claim
- Negotiation and litigation of Plans of Reorganization, including Disclosure Statement and Plan Confirmation issues
- Preference claim analysis and defense
- Investigation of debtor assets, including Rule 2004 examinations
- Negotiation of the purchase of assets from bankruptcy estates outside of a Plan of Reorganization
- Analysis and litigation of relief from the automatic stay
- Preparation and litigation of objections to Chapter 13 Plans

Experience

- Represented homeowners in a claim for defective construction against a contractor. Matter ended in a successful settlement enabling the clients to fix their house.
- Represented landlord of a data center after the tenant declared bankruptcy in Delaware and tried to recover damages associated with the construction of the data center. Was successful removing the action to San Jose, a more favorable litigation venue, resulting in savings to his client and significantly improved negotiating leverage leading to a successful settlement.
- Successfully represented in binding arbitration the seller of a gas station business and the underlying real estate.
- Represented a supermarket in a claim against their landlord for a breach of the lease. By proving the landlord had interfered with subleasing efforts and that no failure in maintenance occurred, our client received a favorable settlement.
- Represented subcontractor in a claim against a general contractor on a large hospital project. By exposing the failings of the general contractor, our client received a favorable settlement at mediation.
- Represented homeowners who were denied a permit to move artifacts from a property they sold to their new home. Following an appeal to City Council and a trial, we were successful not only in reversing the denial of the permit, but invalidating the local ordinance that had been used against the homeowners. In addition, the client was able to recover a

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portion of the fees and costs incurred in the legal battle.

Insights

Speaking Engagements

Jay has provided seminars for many years regarding:

- Enforcing Judgments
- Chasing Judgment Debtors Who File Bankruptcy
- Statutory Remedies – Mechanic's Liens and Stop Notices
- Mechanic's Lien Law – A Practical Perspective for the Real Estate Lawyer
- Construction Contract Clauses, Advanced Zoning and Land Use in California
- Home Improvement Contracts
- Special Masters and Referees

Professional Activities

- Santa Clara County Superior Court Non-Binding Judicial Arbitration Panel, Arbitrator
- Santa Clara County Superior Court, Judge Pro Tem
- Santa Clara County Bar Association
- Baseball San Jose, Board of Directors
- Rotary Club of San Jose, Board of Directors
- Rotary Club of San Jose, President
- San Jose Planning Commission, Two-Term Chair
- Rotary Club of San Jose Foundation, Board of Trustees
- San Jose Repertory Theater, Former Board of Directors and Board Counsel

Bar Admissions

- State Bar of California

Court Admissions

- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Central District of California

Education

- J.D., University of California, Hastings
- B.A., Political Science, University of California, Santa Barbara