



## Edward P. Garson

Senior Counsel

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Ed Garson is a trial lawyer with experience in large, complex, high-exposure civil matters involving a wide range of issues, from professional liability and financial fraud to construction accidents and property damage.

A primary focus of Ed's practice involves the defense of construction liability and defect matters, with particular experience representing steel erectors and crane companies in personal injury, property damage and impact claims. Ed also has a significant practice defending insurance brokers and agents, architects and engineers, financial advisors, lawyers, and real estate brokers and agents in professional malpractice litigation.

Ed's litigation approach emphasizes early, cost-effective claims resolution, with the ability to go to trial if that strategy best serves the interests of the client. He has taken many cases to verdict, including trials lasting more than six months. He has appeared before California federal and state courts and argued appeals in the California Court of Appeals, California Supreme Court and Ninth Circuit Court of Appeals. He also has been admitted *pro hac vice* in the Territory of Guam and the State of Washington in order to try major cases on behalf of clients.

Prior to joining Wilson Elser in 1987, Ed was a deputy attorney general for the Office of the Attorney General for the State of California, Torts and Condemnation Division.

### Construction

Ed has handled all types of construction-related legal matters, from dispute resolution to contract negotiation. He has defended contractors, subcontractors, architects, engineers and material suppliers in construction liability and defect cases. He has developed extensive experience defending construction matters involving injuries to ironworkers, as well as equipment suppliers such as cranes, scissor and aerial lifts. He also has handled environmental exposure cases involving silica, asbestos, ground and water pollution, and

### Services

- Appellate
- Design Professionals
- e-Discovery
- Complex Tort & General Casualty
- Insurance Agents & Brokers
- Municipal/Local Government
- Product Liability, Prevention & Government Compliance
- Securities
- Securities Industry Professionals
- Construction
- Transportation
- Canada

construction-related toxic releases. His knowledge extends to issues of construction contract terms and conditions, additional insured coverage, and contractual indemnity.

### **Professional Liability**

In the professional liability area, Ed has defended insurance brokers and agents, architects and engineers, financial advisors, lawyers, and real estate brokers and agents in both trials and appeals. He is the co-coordinator of the firm's insurance professionals group within the Specialty Professional Risks practice. The group is focused on the representation of insurance brokers and agents, as well as other types of insurance professionals such as MGAs, TPAs, actuaries, investigators, program administrators and loss control/risk management consultants, in the defense of errors and omissions claims.

### **Education**

- Golden Gate University School of Law (J.D., *with highest honors*, 1980)
  - Golden Gate Law Review, editor
- State University of New York at Buffalo (M.A., 1976)
- Cornell University (B.S., 1975)

### **Bar Admissions**

- California

### **Court Admissions**

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California

### **Professional Affiliations**

- State Bar of California, Litigation Section

### **Awards & Honors**

- Selected for inclusion in Northern California *Super Lawyers*, 2018-2019

## **Representative Matters**

### **Professional Liability – Insurance Broker**

Defended insurance broker against allegations of professional negligence. Plaintiff shipping company sued its broker and insurance carrier following the denial of a claim for more than \$10 million in property damage to its pavement and wharf caused by an earthquake. The policy was placed weeks before the earthquake but was delivered following the earthquake and contained an exclusion for "wharves, docks, piers, pilings

and pavement.” A trial that lasted more than 100 days resulted in a defense verdict for the broker, but a general verdict against the insurance carrier for \$12 million in compensatory and \$11.25 million in punitive damages. Affirmed on appeal.

Plaintiff, a cable television operator on the island of Guam that suffered extensive property damage following a severe typhoon, sued its broker and London underwriters for breach of contract, bad faith and negligence following the denial of a portion of the claim. We represented the London broker. After a trial before the district court in Guam that spanned more than eight months, the court issued a directed verdict in favor of Lloyds and the London broker.

#### **Professional Liability – Broker-Dealer**

Defended broker-dealer in a financial fraud case involving broker’s selling away of fraudulent bonds to approximately 65 plaintiffs. Matter settled with most of the plaintiffs prior to an eight-week trial, with the remaining plaintiffs settling favorably just following verdict.

#### **Slip and Fall**

Plaintiff slipped on a downhill cart path at the Lake Course of the Olympic Club, injuring her knee. She alleged the cart path constituted a dangerous condition. Jury awarded a defense verdict after a two-week trial.

#### **Construction Liability**

Defended a steel erection company against allegations of negligence arising when a 23-foot steel column fell onto a construction worker rendering him a quadriplegic. We were able to enforce the contractual indemnity and additional insured provisions of the contract, and the case settled on the first day of trial.

#### **Product Liability**

Plaintiff, a cardiologist, fell over his handlebars when his rear brakes allegedly failed. He suffered bilateral wrist fractures and claimed he would eventually develop traumatic arthritis, rendering him incapable of performing his job. Settlement demand was in excess of \$3 million. We represented the designer and manufacturer of a specialty brake. After a three week trial, the jury returned a defense verdict.

#### **General Negligence**

Defended driver that rear-ended plaintiffs’ car in a multi-vehicle accident. Plaintiffs were awarded \$150,000 at arbitration, but sought a trial *de novo*. In a 9-3 verdict, jury found liability but awarded only \$2,500 to both plaintiffs. The court later reduced the award to \$0 on motion based upon plaintiffs’ failure to do better than the arbitration award at trial.

## **Client Wins**

#### **\$74 Million Cliffhanger Ends with Affirmance on Appeal**

Edward Garson (Partner-San Francisco), William Cook (Partner-Detroit), and Francis Torrance (Of Counsel-San Francisco) brought to a satisfactory conclusion the hugely

contentious case, *TransMart, Inc. v. San Francisco Bay Area Rapid Transit System* (BART). In the underlying case, defended by Ed Garson, Francis Torrence and other members of the San Francisco team in 2019, TransMart entered into an option contract with BART, giving TransMart the opportunity to lease space in BART's train stations for retail space. When the deal fell apart and BART rejected TransMart's effort to exercise the option, TransMart sought \$90+ million in damages. The jury unanimously ruled against the plaintiff's breach of contract action and 9–3 against their breach of covenant of good faith claim. On April 28, 2022, Ed argued the appeal and Bill was the chief author of the appellate briefs. The Court of Appeal of the State of California, First Appellate District wasted no time in agreeing with Ed and Bill in all respects. Another great win for BART, a long-standing client of the firm.