



## Madonna Herman

Partner

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San Francisco, CA – 415.625.9248

Madonna Herman defends California employers against claims in a variety of employment law litigation matters, including class actions, discrimination and harassment, wrongful termination, wage and hour disputes, and retaliation. In addition, Madonna defends licensed California professionals in civil lawsuits and administrative claims, including real estate brokers, appraisers, lawyers, insurance agents, accountants, engineers, architects, contractors and subcontractors.

Madonna is an experienced trial lawyer and practices before state and federal tribunals as well as administrative bodies, including the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment & Housing. She handles litigated matters from inception to verdict and has jury and bench trial experience. When claims arise, Madonna acts decisively, as demonstrated by her record of dismissals, targeted settlements and trial victories.

Madonna joined Wilson Elser from the U.S. Department of the Interior, Office of the Solicitor Attorney, where she served as a trial attorney and legal adviser handling federal sector employment litigation, policy and counseling matters, including human resources, employment discrimination and labor relations issues.

### Education

- Santa Clara University School of Law (J.D., 2002)
  - International Study Abroad in Cuernavaca, Mexico
- Rockhurst University (B.A., 1998)
  - International Study Abroad in Xalapa, Mexico

### Services

- Accountants
- Employment & Labor
- Employment Practices Liability
- Fair Housing & Discrimination Claims
- Insurance Agents & Brokers
- Lawyers' Liability
- Professional Liability & Services
- Real Estate Professionals
- Specialty Professional Risks

## **Bar Admissions**

- California

## **Court Admissions**

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

## **Awards & Honors**

- Selected for inclusion in Super Lawyers Rising Stars, 2009–2015

## **Languages**

- Spanish

# **Client Wins**

## **Catalanotti, Herman, Pham, Nytochka & Sackman Obtain Summary Judgment in a Highly Contested Insurance Broker Case**

San Francisco partners Peter Catalanotti and Madonna Herman joined forces with associates Quincy Pham, Inna Nytochka, and Mara Sackman to obtain dismissal of claims of professional negligence and misrepresentation against our broker client by a winery based in Napa, California. Our client had assisted the winery in procuring and renewing a series of insurance policies for several years. Following the Napa Valley wildfires in October 2017, testing of the winery's grapes showed evidence of a defect called "smoke taint." The winery waited until early Summer 2019 to reach out to the client regarding the possibility of filing a claim with the carrier, and until March 2020 to file a claim through their new broker. In granting the team's motion, the Napa County Superior Court found that the client did not breach the heightened duty of care owed by an expert in insuring the winery industry, and the client did not make any of the false representations alleged. This decision was particularly crucial because the client's insurance agent passed away early in our representation. The most recent demand before the Order was issued was \$1.75 million.