

## Edward W. Racek

### Counsel

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#### education

University of San Diego School of Law (LL.M. in Health Care Law), *cum laude*, 2005; Award for Highest Cumulative GPA in General Master of Laws Program; University of San Diego Mental Health Advocacy Clinic  
University of California, Hastings College of the Law (J.D.), 2004; *Communications and Entertainment Law Review*, Senior Executive Editor; American Constitution Society for Law and Policy, President; Civil Harassment Temporary Restraining Order Clinic  
University of California, San Diego (B.A.), *Provost Honors*, 2000

#### services

Business Litigation  
Real Estate  
Labor & Employment  
Insurance  
Health Care  
Food, Cosmetics & Dietary  
Supplements

Edward Racek concentrates his practice on civil litigation in the areas of employment, real property, business disputes, professional liability, insurance coverage, and healthcare law.

His experience in representing both plaintiffs and defendants is invaluable to clients in assessing cases and developing strategies to obtain the most favorable results.

Edward has overseen the day-to-day management of high-exposure cases, including breach of contract, insurance bad faith, negligence, fraud, and employment matters. He has been responsible for all aspects of litigation, including initial case analysis, discovery, depositions, mediation, law and motion, witness preparation, hearings, and trial.

Edward has represented both individuals and companies in business, real estate, employment, insurance, and healthcare-related matters, working with clients to achieve their litigation goals through strategic planning, clear writing, and oral advocacy – and dignified yet aggressive pursuit of their interests.

In law school, Edward externed for the Honorable Phyllis J. Hamilton of the United States District Court for the Northern District of California, where he honed his legal writing skills and gained valuable insight into how the courts make decisions that affect our society and lives. While earning his LL.M. in healthcare law, Edward represented mental health patients in statutorily mandated hearings to review involuntary psychiatric holds as part of the University of San Diego

Patient Advocacy Clinic, giving him a unique understanding of the complicated healthcare landscape. He has continued to assist healthcare providers and consumers with his insight into the sensitive issues that arise in this field from both perspectives.

#### state admissions

- California (2004)

#### federal admissions

- United States District Court, Central District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California

#### experience

- Obtained a \$3.9-million judgment in favor of a client after obtaining an order striking cross-defendant's answer and cross-complaint
- Secured a defense verdict in a bench trial on behalf of a client sued for breach of the covenant of good faith and fair dealing, fraud, constructive fraud, conspiracy, aiding and abetting, fraudulent misappropriation, conversion, and negligence
- Served on the trial team that successfully obtained a defense verdict on a re-trial of a case involving a failed 1031 exchange of office buildings after the client had suffered a substantial compensatory and punitive damage verdict in the original trial handled by another firm
- Obtained summary adjudication on behalf of a company sued for indemnity by a former manager who was accused of sexual harassment by a former employee; the court determined that the company was not liable to the former manager and was entitled to indemnity for the harm suffered by the company
- Successfully defended the appeal of a trial victory on behalf of a client sued for breach of the covenant of good faith and fair dealing and negligent performance of contract relating to a complicated real estate purchase transaction

#### publications & events

##### SPEAKING ENGAGEMENTS

- "Selected Topics Concerning the 2010 ALTA Homeowner's Policy, Cumis/Independent Counsel, and Supplemental Taxes," Stewart Title Guaranty Company, Addison, Illinois (July 2016)
- "The Full Credit Bid Rule," First American Title Insurance Company, Santa Ana, California (May 2014)

##### PUBLICATIONS

- "Hemp/CBD Companies: Make Your Voices Heard on USDA and DEA Regulations Restricting Hemp Production," Tucker Ellis Client Alert (October 2020)
- "CBD in Consumer Goods: The Class Action Lawsuits Have Arrived," *Nutrition Industry Executive* (January/February 2020)
- "FDA Cannabis Regulation: Help Us Make Your Voice Heard," Tucker Ellis Client Alert (April 2019)
- "Sifting Through the Weeds: A Primer on Federal Laws Regulating CBD Oil," *Nutrition Industry Executive* (September 2018)

**in the community**

- State Bar of California
- Los Angeles County Bar Association