



LOUIS D. LOPEZ

Director

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Louis Lopez rejoins our roster where his wide-ranging commercial litigation experience adds to an already deep bench of business litigation attorneys aggressively advancing our clients' interests. This litigation attorney's practice concentrates primarily on commercial, tort and real estate litigation. A proud graduate of University of Southern California Gould School of Law, Louis is a skillful Phoenix-based trial attorney who has successfully tried myriad jury trials, bench trials and arbitrations focusing on a variety of legal matters, including complex commercial and tort litigation, business disputes, and commercial and residential landlord tenant matters.

This seasoned business litigation attorney's trial experience has made Louis an expert at how juries and judges perceive evidence and witnesses presented at trials. This background has also helped hone his arbitration capabilities, as Louis deftly assists clients with avoiding and minimizing the risk of litigation through contractual indemnity and limitation of liability clauses and insurance.

A firm believer in our client-first philosophy, he provides best-in-class client service built on years of tireless advocacy targeted at securing the best possible outcome for his clients. This business litigator's intellectual approach to legal strategy, combined with his easy-going, accessible demeanor, have cemented Louis's legacy of loyalty, trust and commitment among his many large and small business clients.

EDUCATION

- J.D., University of Southern California, Gould School of Law
- B.A., Political Science, California State University, Fullerton

AREAS OF PRACTICE

- Appeals
- Business Advice and Dispute Resolution
- Business Litigation
- Commercial Litigation
- Insurance Litigation
- Partnership and Entity Ownership Disputes
- Petroleum Marketing Practices Act
- Professional Liability

- Commercial and Real Estate Finance Disputes
- Construction Litigation
- E-Discovery and Data Management
- Real Estate Litigation
- Tort Litigation
- Zoning and Land Use

REPRESENTATIVE CASES

- Successfully obtained a permanent injunction requiring the City of Phoenix to comply with the Paradise Valley Hillside Development regulations and remove an eight inch above ground water line from Mummy Mountain.
- Lead appellate attorney in a breach of contract and fraud action involving the sale of commercial property located in the warehouse district of downtown Phoenix.
- *Abromovitz Investment Properties, LLC v. Red Eye Jack Sports Bart, Inc., et. al.*, Case No. 1 CA-CV 12-0869.
- Represented an Arizona citizen in simultaneous lawsuits in Colorado State (2008-CV-12) and Federal Court (2010-CV-00813). Our client purchased raw land in a Colorado subdivision that it developed. As part of that purchase our client received water rights to the property. The seller sued our client in Federal Court arguing that our client had interfered with the seller's ownership of their water rights and sought compensatory damages in excess of \$500,000, plus treble damages. The parties, simultaneously, litigated in State Court our client's ownership of the water and how much our client was entitled to pull from the local river. In the State Court action, the Court confirmed our client's ownership of the water and the amount owned. The Court also awarded our client attorneys' fees in the approximate amount of \$125,000. In the Federal Court action, the Court entered summary judgment against the seller. The magistrate judge then recommended that our client be awarded his attorneys' fees, which totaled approximately \$225,000. Before the District Court Judge ruled on the fee award, the parties settled the case. The settlement required the seller to: (1) convey their remaining property owned in the subdivision, including the water rights, to our client free and clear of all liens; (2) acknowledge that our client did not commit any wrongdoing; (3) pay \$7,500 to draft the settlement documents; and (4) stay away from the property. To ensure that no one ever questioned our client's integrity, the settlement was filed with the Federal Court so everyone could see the seller's admission that our client did nothing wrong and that both the Federal and State Court judges ruled that the seller had pursued litigation against our client for an improper purpose.
- Obtained a plaintiff's verdict, including attorneys' fees and costs, against an insurance company following a three week trial involving complicated construction defect and insurance coverage issues never before addressed in the State of Arizona. Following the trial verdict, successfully represented the plaintiff at the appellate level and established new Arizona law regarding the application of Commercial General Liability Policies to contract liability and construction defect, the insurer's duties in response to threatened litigation, the insured's right to remediate construction defects to mitigate threatened litigation and the insurer's responsibilities to the insured in those circumstances. *Desert*

Mountain Properties Ltd. Partnership v. Liberty Mut. Fire Ins. Co., 225 Ariz. 194, 236 P.3d 421 (App. 2010), affirmed, 226 Ariz. 419, 250 P.3d 196 (Ariz. 2011).

- Obtained a plaintiff's verdict, including attorneys' fees and costs, against a large title company involving an escrow dispute in which the title company alleged that the plaintiff's deceased husband authorized the release of \$750,000. Following the trial verdict, successfully represented the plaintiff at the appellate level, obtained full affirmance of the verdict and received attorneys' fees and costs on appeal. *Rose v. Stewart Title & Trust of Phoenix, Inc.*, 2011 WL 2366808 (Ariz. App. Div. 1, 2011).
- Substituted in as lead counsel and negotiated a favorable settlement in an alleged multi-million dollar trade-secret dispute between an employer and its former officers after the client's answer had been stricken.
- Obtained deficiency judgment for a national lending institution in the approximate amount of \$9.5 million, including attorneys' fees, costs and expert witness fees, involving a failed construction loan.
- Obtained deficiency judgments for a national lending institution in the amounts of \$5,070,705.36, \$4,416,139.65, and \$2,710,702.34 concerning a series of commercial developments involving the same real estate developer.
- Obtained a \$12.5 million property valuation in favor of a borrower and guarantors following a bench trial in which the foreclosing lender claimed that the property's value was approximately \$6.1 million. Lender sought an approximate \$5 million deficiency judgment against the borrower and the guarantors. *CSA 13-101 Loop, LLC v. Loop 101, LLC*, 2013 WL 4824461 (Ariz. App. Div. 1, 2013)
- Successfully obtained relief from the Maricopa County Superior Court pursuant to a special action to remove a lien filed against real property owned by two partners involved in a multimillion dollar partnership dispute, including a damages and attorneys' fees award. Leveraged successful result to obtain a favorable resolution of the dispute on behalf of the client.
- Obtained a defense verdict following a two-week jury trial for a large solid waste company in a truck/pedestrian case involving a leg amputation and brain injury. Plaintiff sought over \$4.5 million in damages.
- Obtained a defense verdict following a three-day arbitration involving a construction dispute. The defendant was sued for approximately \$500,000, plus attorneys' fees, costs, pre-judgment and post-judgment interest. Also, obtained an approximate \$102,000 verdict on the counterclaim.
- Successfully negotiated the release of a FDIC lien and threatened foreclosure on behalf of the client. The FDIC took over a failed lending institution that recorded a lien pursuant to a line of credit given to the prior property owners. The prior property owners did not inform the client of the line of credit or lien. Resolved the issue without cost to the client or impact to the client's title insurance coverage.
- Obtained a defense verdict following a jury trial for a serious truck accident for a large solid waste company.
- Lead trial attorney for a male pretrial detainee who brought a 42 U.S.C. § 1983 action against a female cadet and the Maricopa County Sheriff's Department regarding the

unconstitutionality of a cross-gender strip search. *Byrd v. Maricopa County Sheriff's Dept.*, 629 F.3d 1135 (9th Cir. 2011), cert. denied, 131 S.Ct. 2964, 180 L.Ed.2d 246 (2011).

- Obtained an injunction against the United States Government enjoining the construction of a road on a private ranch at the edge of the Grand Canyon. Settled the dispute to include \$2.5 million in improvements on the client's property and \$1 million for damages.
- Successfully defeated variance request from the Paradise Valley Hillside Development Ordinance for Camelback Mountain home.

AWARDS AND HONORS

- *Benchmark Litigation, Plaintiffs'*, Local Litigation Star, 2012-2015
- *Southwest Super Lawyers®*, Civil Litigation Defense, 2012-2014
- Rue Ratings Best Attorneys of America
- AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell

ARTICLES AND PRESENTATIONS

- Co-author, "Insureds Under Title Insurance Can Settle Liability Claims When Defended Under a Reservation of Rights Letter," Fennemore Client Alert, March 11, 2021
- Speaker, "Road to Recovery: The Arizona Residential Rental Market," Webinar, Venture REI Property Management, May 19, 2020
- Co-author, "My View: How 'force majeure' may offer way out of a contract due to Covid-19," *Phoenix Business Journal*, May 12, 2020
- Co-author, "If a business can't survive because of COVID-19, is there a way out?" *Tucson Sentinel*, May 5, 2020
- Co-author, "Arizona Gov. Prohibits Small Business Eviction Actions," Fennemore Client Alert, April 7, 2020
- Co-author, "Arizona Gov. Delays Enforcement of Eviction Actions During the Pandemic," Fennemore Client Alert, March 26, 2020
- Co-author, "Business Updates During COVID-19 Pandemic," Fennemore Client Alert, March 25, 2020

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, State Bar of Arizona, Trial Practice Section
- Chair, University of Southern California Hale Moot Court Honors Program, 2001

ADMISSIONS

- Arizona
- U.S. District Court, District of Arizona
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Ninth Circuit

- U.S. Tax Court