

PALMIERI TYLER

ATTORNEYS
AT LAW



Elise M. Kern

Partner

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Ms. Kern is a business litigator who represents business owners in disputes involving real estate, labor/employment, trust litigation, product liability, unfair competition, and contract actions. Ms. Kern has handled numerous trials, including both bench trials and jury trials, as well as binding arbitration and judicial reference. She has represented clients ranging from small business owners to large institutions as both plaintiffs and defendants.

Court Admissions

- State of California
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California

- U.S. District Court, Southern District of California

Professional Memberships and Activities

- State Bar of California
- California Bar Association
- Orange County Bar Association

Representative Matters

Representative matters include the following:

- Obtained an award of over \$9.5 million on behalf of a real estate investor in litigation arising out of a residential real estate project. The case involved allegations of fraudulent transfers and violation of Corporations Code provisions which govern distributions from limited liability companies.
- Represented and defended employers in connection with wage and hour disputes, wrongful termination actions and sexual harassment claims.
- Obtained summary judgment in multi-million dollar breach of contract action arising out of shareholder dispute involving nightclub business.
- Obtained summary judgment in favor of clients in case involving enforcement of CC&Rs in upscale Newport Beach residential community.
- Successfully defended multi-million dollar trust litigation action where client was accused of breach of fiduciary duty and financial elder abuse.
- Represented beneficiaries in a trust litigation involving a multi-million dollar estate. After an eight day trial, the court ruled in the clients' favor and set aside a will and trust procured through undue influence. The Court of Appeal subsequently affirmed the trial court's decision in a unanimous opinion.
- Represented the buyer of an \$11 million dollar property in a lawsuit against the seller of the property for failure to disclose material defects affecting the property. Obtained a judgment in client's favor for fraud and breach of contract.
- Represented a plaintiff whose multi-million dollar property in the Mystic Hills area of Laguna Beach was fraudulently transferred by means of a forged grant deed. Obtained a favorable settlement which included an unconditional return of the client's property.

- Represented a local Orange County restaurant in a successful jury trial involving claims for breach of lease and fraud.

Education

- University of California, Santa Barbara, with honors (1989)
- University of California, Hastings College of the Law, J.D. (1999)

Practice Areas

- Litigation