BURKE, WILLIAMS & SORENSEN, LLP



Gregory R. Aker

Partner
Oakland
1999 Harrison Street
Suite 1650
Oakland, CA 94612-3520

gaker@bwslaw.com
D: +1 510.903.8829
T: +1 510.273.8780

Pronouns: he, him, his

Gregory Aker specializes in the litigation and trial of complex business disputes. During his more than thirty years as an attorney, Greg's litigation practice has included almost every major area of the law.

Greg has represented clients in litigation involving business and commercial contract disputes, bankruptcy and creditors' rights, violation of state and federal securities laws, unfair competition, the protection of trade secrets, secured transactions and commercial law, real estate transactions and land use disputes, evictions and other landlord/tenant disputes, wrongful termination and employment discrimination.

In the area of financial services litigation, Greg has handled cases involving commercial loans, bankruptcy claims, foreclosures, securities processing services, lender liability actions, deposit accounts, checks, wire transfers and other bank operations matters, the interpretation and enforcement of factoring agreements, and intercreditor agreements.

Greg has handled major litigation involving a variety of construction projects nationwide, including courthouses, power plants, condominium developments, and hotels. He has represented construction contractors and project owners, as well as architects and engineers, in litigation, arbitration, and mediation.

RESULTS

Defense of Bay Area City in Federal Court Action Involving Securities Fraud Claims

REPRESENTATIVE MATTERS

- Telecom System Litigation – Jury trial of $10 million in breach of contract claims involving local municipality. After prevailing on four of plaintiff's five claims, followed by appeal to Ninth Circuit,

PRACTICES

Construction Law

Employment Law and Litigation

Financial Institutions and Bankruptcy

Litigation

Public Law

EDUCATION

J.D., cum laude University of California, Hastings College of the Law, 1982

B.A., cum laude University of Michigan, 1977

ADMISSION

State Bar of California

Supreme Court of the United States

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States District Court for the Southern District of California

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AFFILIATIONS

Bar Association of San Francisco

Alameda County Bar Association

obtained summary judgment for client on all remaining claims. Defending client in second Ninth Circuit appeal.

- Securities Fraud – Defense of Bay Area city in federal court action involving federal and state securities fraud claims, brought by purchasers of $33 million in bonds issued in connection with completion of municipal telecom system. Succeeded in obtaining summary judgment in favor of client on all claims.
- Anti-SLAPP Appeal – Representing residential lessor on plaintiffs' appeal from anti-SLAPP ruling in favor of client and awarding over $30,000 in legal fees.
- Supervising trial counsel in defending major national shopping center developer in personal injury action, involving jury trial of plaintiffs' $5 million in damages claims.
- 300-Unit Condominium Project – Representation of large California home developer in terminating defaulting general contractor, and in prosecuting and defending contractor and subcontractor claims arising from termination, enforcement of owner's rights underperformance and payment bonds.
- Vineyard Development Contract – Jury trial of contract dispute involving nationally-known ultra-premium winemaker, in defense of claims brought by vineyard developer for additional compensation outside of oral contract.
- Bankruptcy of International Construction Company – Representation of institutional creditor holding over $50 million in secured debt, in Chapter 11 bankruptcy of multi-national construction company with over $1 billion in revenues.
- Architectural and Engineering Firm – Successful mediation of claims brought by engineers designing fiberoptic cable system in Pacific Northwest, against national telecommunications company.
- California Bank – Defense of California-based national bank in litigation arising from the sale of $5 million commercial loan secured by Southern California office building, in suit brought by disappointed purchaser.
- 750 MW Combined-Cycle Power & Steam Project – Defense of EPC contractor in multiple district court actions brought by owner seeking over $50 million in damages arising from engineering, procurement and construction of 750-megawatt combined-cycle power and steam plan; after successfully enjoining owner's attempt to draw against $15 million project letter of credit, and winning summary judgment on plaintiff's core claims, owner agreed to pay client's overdue invoices in full and to withdraw litigation.
- National Shipping Center Developer – Defense of ground lease litigation involving compensatory and punitive damages in excess of $10 million; complete defense victory after a ten-week trial, and affirmance in full on appeal; client awarded $1.2 million in attorneys' fees after trial plus fees on appeal.

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- National Bank, Trustee – Defense of trustee under depositary trust agreement in federal class action involving a basket of publicly-traded stocks, including claims under federal securities laws and SEC regulations; motion to dismiss plaintiffs' claims was granted in full.
- Major Insurance Carrier – Suit by surety against major national insurance carrier, seeking reimbursement of over $10 million in defense and settlement costs related to cogeneration facility; summary judgment in client's favor granted on all claims.
- Three-hundred Member Homeowners' Association – Principal litigation counsel in complex federal court land use and bankruptcy litigation, involving $600,000 fraudulent conveyance claim and over $1 million in attorneys' fees; summary judgment granted in favor of homeowners' association by bankruptcy court, then by district court.
- National Bank – District Court litigation seeking recovery of $1.2 million overpayment of distribution under mortgage-backed security; negotiated settlement involving complete return of overpayment, with interest.

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