

HEWITT & RAPHAEL

ATTORNEYS AT LAW

21550 OXNARD STREET, SUITE 880

WOODLAND HILLS, CALIFORNIA 91367

TELEPHONE (818) 509-0311

FACSIMILE (818) 509-0402

E-MAIL: INFO@HEWITTLLEGAL.COM

STEPHEN L. HEWITT

Also admitted in Hawaii

Direct Dial: (818) 487-5648

STEPHEN L. HEWITT

CURRICULUM VITAE

AREAS OF EXPERTISE

Mediator and Trial Attorney specializing in medical and health care, professional malpractice, employment practices, motorsports, scuba diving, underwater products, sport and entertainment liability and business and insurance law with Federal and Superior Court trial and mediation experience in these areas.

EDUCATION

California Western School of Law (J.D. 1981); University of California at Santa Barbara (B.A., Philosophy & Law and Society 1978). Post Graduate: Probate PVP 2005 Los Angeles County; Mediator Training/Certificate Pepperdine University 2019.

COURT ADMISSIONS

Admitted to State Bar of California 1982 and State Bar of Hawaii 1999; United States District Court for the Northern, Central, Eastern and Southern Districts of California; United States District Court for the District of Hawaii; United States Court of Appeals for the Ninth Circuit; Member of the Bar, United States Supreme Court.

APPOINTMENTS

Judge Pro Tem, Orange County Superior Court, 1994 - 2000; Arbitrator, Orange County Superior Court, 1992-2007; Arbitrator, Los Angeles Superior Court, 1992-2001; Alternative Dispute Resolution Neutral/Referee/Settlement Officer, Los Angeles County Superior Court, 1990-present; Probate Volunteer Program, Los Angeles Superior Court, since 2005.

PROFESSIONAL ASSOCIATIONS

Martindale-Hubbell Rating: AV, American Board of Trial Advocates (ABOTA); Los Angeles County and American Bar Associations; Association of Southern California Defense Counsel; Sports Lawyers Association; Defense Research Institute (DRI); Southern California Mediation Association; Dive Equipment Manufacturers Association of America (DEMA); National Association of Underwater Instructors (NAUI); Outdoor Industry Association (OIA); Southern California Association for Healthcare Risk Management (SCAHRM); Professional Association of Dive Instructors (PADI); California Advocacy Honors Board; Phi Alpha Delta. Federation of Defense & Corporate Counsel.

PUBLICATIONS

- Survey of Sport and Leisure Waiver and Release Law in the United States, Sixth Edition: Fifty State Analysis (2015)
- READYDIVER™ Pro Advanced Risk Management Boat Course (2012)
- Legal Liability in Diving - Alert Diver (Divers Alert Network) (2013)
- Turning the Table on the PLC in Spinal Implant Litigation: A California Jury Says "No" to Liability (1997)
- The Non-Ultra Hazardous Activities of Motorsports (1988)
- California Civil Jury Instruction Companion Handbook (2013) (one of contributing author of special instructions written by counsel for cases)

PANELS

- Founder and Author Study Advisory Council (1980-1981)
- Motorsports Key Council (1986-1989)
- Scuba Diving Resource Group (1992)
- Responsible Diver (1994)
- Board of Director - Scuba Diving Resource Group (1992 to 1994)
- Irving Gold Foil Study Club (1994)
- Maely's Orthopedic Device Litigation Conference (1995)
- Adventure Sports Lawyers Group (1996 to 2003)
- High Risk / High Exposure Attorney Panel (1997 to 2001)
- DAN Dive Fatality Seminar (2010)

PRESENTATIONS

- The State of Waiver and Release Law in the United States - Stephen L. Hewitt (March 1988; Clearwater, Florida)
- Defending Motorsport Cases - Stephen L. Hewitt (March 1989; Fort Wayne, Indiana)
- One "Big" Step to Reduce Litigation in the Diving Industry - Stephen L. Hewitt (April 1992; Costa Mesa, California)

- Risk Management and Insurance for the Diving Industry -- A New Plan – Stephen L. Hewitt (October 1992; Long Beach, California) Deep Diving: How Deep is Legally Safe? - Stephen L. Hewitt (January 1993; Orlando, Florida)
- Legal Advantages of the Responsible Diver Program - Stephen L. Hewitt (October 1993; Irvine, California)
- DEMA Industry Management Education Conference – Stephen L. Hewitt (September/October 1994; Irvine, California)
- Risk Management and Products Liability for the Diving Industry - Stephen L. Hewitt (October 1995; Anaheim, California)
- Maely's Orthopedic Device Litigation Conference – Stephen L. Hewitt (November 1995; Philadelphia, Pennsylvania)
- Overview of Spinal Fixation Device Litigation – Stephen L. Hewitt (May 1996; Southern California Association for Healthcare Risk Management)
- Preparing for and Undergoing a Deposition (Running the Gauntlet) – Stephen L. Hewitt (2002; Risk Management Citrus Valley Medical Centers)
- Elder Abuse And Dependent Adult Civil Protection Act – Stephen L. Hewitt (March 2004; Lakeside Systems, Inc.)
- Elder Abuse And Dependent Adult Civil Protection Act - Reckless Neglect Of Dependent Adults - Stephen L. Hewitt (November 2005; CMG)
- Documentation And Communication - Stephen L. Hewitt (April 2007; Healthcare and Insurance Industry Forum)
- The Risk Management Puzzle: Putting the Pieces Together – Stephen L. Hewitt (July 2007; Professional Risk Management Services, Inc.)
- Key Risk Management Issues and Strategies in the Practice of Psychiatry – Stephen L. Hewitt (March 2008; Orange County District Branch of American Psychiatric Association - Professional Risk Management Services, Inc.)
- The Litigation Wise Health Care Provider or How to Give the Sharks Something Else to Sink Their Teeth Into – Stephen L. Hewitt (November 2009; Lakeside Systems, Inc.)
- Key Risk Management Issues and Strategies in the Practice of Psychiatry – Stephen L. Hewitt (March 2010; Orange County District Branch of American Psychiatric Association - Professional Risk Management Services, Inc.)
- The Litigation Wise Inspector (Or How to Give the Sharks Something to Sink Their Teeth Into) – Stephen L. Hewitt (April 2012; Associated Reporting Companies Annual Meeting, Las Vegas, Nevada)

- Understanding the Blame Game: Joint & Several Liability, Proportionate Responsibility & Contribution – Stephen L. Hewitt (September 2012; Lexington Insurance, Boston, Massachusetts)
- Understanding the Blame Game: Joint & Several Liability, Proportionate Responsibility & Contribution – Stephen L. Hewitt (December 2012; American Specialty, Roanoke, Indiana)
- Understanding the Blame Game: Joint & Several Liability, Proportionate Responsibility & Contribution – Stephen L. Hewitt (January 2013; Western Litigation, Houston, Massachusetts)
- Understanding the Blame Game: Joint & Several Liability, Proportionate Responsibility & Contribution – Stephen L. Hewitt (February 2013, AIG, New York)
- Liability Transplant and Tourniquets (aka Contractual and Equitable Indemnity in Healthcare Litigation) – Stephen L. Hewitt (May 2013, Southern California Association for Healthcare Risk Management, Rancho Mirage, California)
- Managing Intraoperative Neuromonitoring Claims – Stephen L. Hewitt (July 2013; AIG, New Jersey)
- It's *Your* Fault: Joint & Several Liability, Proportionate Responsibility & Contribution – Stephen L. Hewitt (August 2013, AIG, San Francisco, California)
- Liability Transplants and Tourniquets (aka Contractual and Equitable Indemnity) (April 2015, Jersey City)
- Mandatory Reporters of Abuse & Neglect – Stephen L. Hewitt (September 2016, AIG Jersey City)
- Protecting Your Insured When Plaintiff Lacks Legal Capacity (October 2017, AIG New York)
- Social Media War Games: Kill Shots and Landmines in Claims Handling – Stephen L. Hewitt (November 2018, AIG, New York)
- Social Media War Games: Kill Shots and Landmines in Claims Handling – Stephen L. Hewitt (November 2018 – Liberty Mutual, New York)
- Social Media War Games: Kill Shots and Landmines in Claims Handling – Stephen L. Hewitt (May 2019 – SCAHRM, California)

CONSULTATIONS, CLIENTS, ACTIVITIES

- (1) K & K Insurance Company (1982 to 1989; 1999 to Present): Legal advice and defense of recreation and motorsport cases.

- (2) Reliance National Insurance (1989 to 2001): Risk and claims management advice and lawsuit defense regarding nationwide entertainment and recreation program.
- (3) Naughton Insurance Company (2001 to 2007): Legal advice and defense of recreation and motorsport cases.
- (4) General Star Insurance (1990 to Present): Risk and claims management advice and lawsuit defense regarding entertainment and recreation programs.
- (5) American Specialty (2002 to present): Legal advice and defense of recreation and motorsport cases. AIG (2002 to present): Legal advice and defense of health and dental care, professional liability, employment, recreation and motorsport cases.
- (6) Mickey Thompson Entertainment Group [MTEG] (1987 to 1992): Risk and claims management advice and lawsuit defense.
- (7) Los Angeles Raiders (1992 to 1995): Insurance counsel under Reliance National Insurance program and lawsuit defense.
- (8) National Hot Rod Association (1991 to 1998): Insurance counsel under Reliance National Insurance program and lawsuit defense.
- (9) SFX Entertainment (1997 to present): Legal defense counsel.
- (10) Clear Channel Entertainment/Live Nation (1997 to present): Legal defense counsel.
- (11) Professional Association of Dive Instructors (PADI) (1993 to present): Risk and claims management advice and legal defense counsel.
- (12) Freddie Spencer High Performance Riding School (1993 to 2009): General counsel.
- (13) Vesrah Suzuki (2004 to 2008): General counsel.
- (14) Willow Springs International Raceway (1997 to present): General counsel.
- (15) Yoshimura Research and Development of America, Inc. (2003 to present): General counsel.
- (16) Sport Tire Services (1999 to 2011): General counsel.
- (17) Lee's Cycles (1999 to 2014): General counsel.
- (18) Roadracing World and SuperbikePlanet.com: Consultations.
- (19) Professional racer representative: Freddie Spencer (1993 to 2011); Anthony Gobert (1996 to 2003); Mat Mladin (2009); Martin Cardenas (2008, 2010); Bandit International, Inc./Fernando Amantini (2009); Valentin Debise (2015 to present); Caroline Olsen (2016 to present).
- (20) Bazzaz Performance/Bazzaz, Inc. (2007 to present): General counsel.

- (21) Motul USA, Inc. (2009 to 2016): General counsel.
- (22) Ready Diver Sport (2012 to 2016): Consultations.
- (23) Team Hewitt Racing (1998 to present): Professional Motorcycle Roadracing Team.
- (24) DAN Insurance (2017 to present).

APPELLATE OPINIONS (RECREATIONAL)

- *National and International Brotherhood of Street Racers, Inc. vs. Superior Court* (1990) 215 Cal.App.3d 934
- *Hoffman vs. Sports Car Club of America* (1986) 180 Cal.App.3d 119
- *Reeves vs. Championship Auto Racing Teams* (4th Appellate District 2003) Court of Appeal No. E032859
- *Brian Spillane vs. Snow Summit, Inc. d/b/a Bear Mountain Resorts* (Unpublished 4th Appellate District 2007) Court of Appeal No. E040407
- *Gilday vs. American Power Boat Association/International Hot Boat Association* (Unpublished 4th Appellate District 2007) Court of Appeal No. D051112
- *Loya vs. Starwood Hotels & Resorts Worldwide, Inc.* (9th Cir. 2009) 583 F.3d 656

SCUBA DIVING LICENSURES

OWI – YMCA (1969)
 OWI – NAUI (1991)
 OWII – NAUI (1992)
 Advanced – NAUI (1992)
 Rescue – NAUI (1992)
 Divemaster – NAUI (1992)
 Divemaster – PADI (1992)
 Instructor – NAUI (1993)

PROFESSIONAL ROAD RACING LICENSURES

AMA Superbike – 1999 – 2008
 AMA Supersport – 2000 – 2008
 AMA Formula Extreme – 1998 – 2000 AMA
 Superstock – 2003 – 2008
 AMA Daytona Sportbike – 2009 CCS
 Expert – 1997 – 2005
 WERA Expert – 2000 to 2012
 WSMC Expert – 1996 to 2012

PROFESSIONAL ROAD RACING ACCOMPLISHMENTS

WSMC F40 Class Championship 1997, 1998, 1999, 2002, 2009; WSMC Open Superstock Class Champion 1999; Top Ten Formula 1 Series 1997 to 2005; Top Ten Overall 1999, 2000 and 2002; Sportsman of the Year 1999, 2004; Winner Middleweight Superstock Class WERA 24 Hour Endurance May 2002; WERA F40 First Place 2004 – Road America, Wisconsin