



E-mail: ccutting@horvitzlevy.com

Phone: 818.995.0800

Education

- Seattle University School of Law
J.D., Magna Cum Laude, 1995
- Ohio University
*B.S. (Physics) & A.B. (History),
Honors Tutorial College, Cum
Laude, 1992*

Clerkships

- Hon. Ruggero J. Aldisert, U.S.
Court of Appeals, Third Circuit
(1996-1997)
- Hon. Eugene A. Wright, U.S. Court
of Appeals, Ninth Circuit (1995)
(extern)

Bar Admissions

- California
- Washington
- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District
of California

Curt Cutting is a partner at the firm, where he has been practicing since 1997. He has been lead counsel in appeals involving a wide range of subject areas, including business disputes, insurance law, products liability, and toxic torts. He has presented dozens of oral arguments, including appearances before the California Supreme Court and the Supreme Court of Guam.

Mr. Cutting has particular expertise in cases involving punitive damages, and has handled a number of appeals in which substantial punitive damage awards were reversed or sharply reduced. He is the primary contributor to the firm's [blog on punitive damages](#). He has provided commentary on punitive damages litigation for various media outlets, including *The National Law Journal*, *The Seattle Times*, *The Associated Press*, *The San Diego Union Tribune*, *The Daily Journal*, *The Recorder*, *BNA's Class Action Litigation Reporter*, and *Business Insurance*.

Mr. Cutting, along with other attorneys at Horvitz & Levy, serves as West Coast appellate counsel for a Fortune 100 company in asbestos litigation, assisting at the trial court level with dispositive legal motions and preserving issues for appeal, and representing the company as lead counsel on appeal.

Awards

In 2012, the National Law Journal featured Mr. Cutting in its profile of Horvitz & Levy for its prestigious Appellate Hot List. Mr. Cutting has been named a "Best Lawyer" by [The Best Lawyers In America](#) since 2010. He has been listed as a California [Super Lawyer](#) each year from 2012-2017 in the field of Appellate Law, and named as a Super Lawyers "Rising Star" each year from 2006-2010. Lawdragon, Inc. has listed him as one of the 3000 leading lawyers in America.

In 2008, he was included in the Los Angeles & San Francisco Daily Journal's [20 Under 40](#), which features outstanding lawyers under the age of 40. In 2007, [Mr. Cutting was honored with a CLAY award](#) (*California Lawyer* Attorney of the Year) for his work on [Border Business Park v. City of San Diego](#).

Bar involvement

Mr. Cutting is a founding member of the American Bar Association's Council of Appellate Lawyers, the first national bench-bar organization for appellate lawyers. He served on the executive board of the Council from 2000-2003.

Significant decisions

Mr. Cutting's significant appellate victories include:

[In re Marriage of McCourt](#) (2015) [California Court of Appeal decision rules in favor of former Dodgers owner Frank McCourt in marital dissolution case]

[Mobasser v. Yermian](#) (2014) [California Court of Appeal decision vacating jury's award of emotional distress damages and punitive damages in family business dispute]

[O'Neil v. Crane Co.](#) (2012) [unanimous California Supreme Court decision holding that equipment manufacturers cannot be liable for injuries caused by asbestos-containing parts made by other manufacturers]

[American States Ins. Co. v. Ramirez](#) (2012) [California Court of Appeal decision reversing \$6 million judgment in insurance coverage dispute]

[Los Angeles County Metropolitan Transportation Authority v. Alameda Product](#)

Market LLC (2011) [unanimous California Supreme Court decision overturning Court of Appeal's waiver finding in eminent domain action]

Behnke v. State Farm General Insurance Co. (2011) [California Court of Appeal decision affirming dismissal of policyholder's claims for breach of contract, misrepresentation, and bad faith]

Griffin Dewatering Corp. v. Northern Ins. Co. of New York (2009) [California Court of Appeal opinion reversing an \$11 million judgment, including \$10 million in punitive damages]

National Union Fire Ins. Co. v. Cambridge Integrated Services (2009) [California Court of Appeal opinion reinstating excess insurer's lawsuit against a third-party claims administrator]

Itella Intern. v. Pacific American Fish Co. (2009) [California Court of Appeal opinion reversing \$1.3 million judgment, including \$1.15 million in punitive damages]

Smith v. Exxon Mobil (2007) [California Court of Appeal opinion reversing wrongful death judgment in lawsuit based on asbestos exposure at oil refinery]

Border Business Park v. City of San Diego (2006) [California Court of Appeal opinion reversing \$91.7 million inverse condemnation award against the City of San Diego and ordering a new trial on a \$30.8 million breach of contract award]

Stonegate Homeowners Assn. v. Staben (2006) [California Court of Appeal opinion holding that subcontractor owes a duty to general contractor to perform work in accordance with industry standards]

Andrews v. USF (2006) [California Court of Appeal opinion holding that general liability insurer had no duty to defend architect and general contractor in lawsuit for professional malpractice]

Park v. Mobil Oil Guam, Inc. (2006) [Guam Supreme Court decision affirming reduction of punitive damages from \$2.8 million to \$150,000]

Johnson v. Hooters of America, Inc. (2004) [California Court of Appeal opinion holding that juror misconduct was not prejudicial to plaintiff]

Rawlings v. Ascha (2002) [California Court of Appeal opinion holding that plaintiff was not entitled to jury instruction on res ipsa loquitur in case where patient died following routine surgery]

Dekofsky v. Brea Range, Inc. (2001) [California Court of Appeal opinion holding that seller of shooting range could not be liable for failing to inform purchaser of prior suicides]

Lockheed Litigation Cases (2000) [California Court of Appeal opinion reversing \$380 million punitive damages award]

Professional Associations

- Association of Southern California Defense Counsel
- American Bar Association, Council of Appellate Lawyers, *Chair of Long-Range Planning Committee (2004-2006)*, *Member of Executive Board 2000-2003*, *Chair of Membership Committee 2001-2004*, Judicial Division Lawyers Conference, *Publications Chair 1999-2001*, Litigation Section Appellate Practice Committee
- Council on Litigation Management
- DRI

- [Federal Bar Association, Los Angeles Chapter](#)
- [State Bar of California, Business Law Section, Business Litigation Standing Committee](#)

Publications

- California's Latest Litigation Invitation: A Duty to Protect Against "Take-Home" Exposure (May 19, 2017) Washington Legal Foundation, Legal Opinion Letter
- Ruling Shows Challenges to Post-Trial Attacks on Punitive Damages (Aug. 4, 2016), Daily J., p. 8
- Will the Billable Hour Go the Way of the Law Library? (Perspective) (July 28, 2016) Bloomberg Law
- An Appellate Perspective on Litigation Management (Winter 2013) In-House Defense Quarterly (DRI), p. 18
- Appellate Practice Compendium (ABA Book Publishing 2012) Chapter 20, California
- Supreme Court of California: Manufacturers are not Liable for Injuries Caused by Someone Else's Product (March 9, 2012) Wash. Legal Foundation, Legal Opinion Letter, Vol. 21, No. 6
- Punitive Damages: Inching Towards Predictability (June 18, 2010) Claims Magazine [online exclusive]
- Keeping Up Appearances (Nov. 23, 2009) Daily J., p. 5
- An Emerging Trend?: Federal Appeals Court Limits Punitive Damages To 1:1 Ratio (2009) Wash. Legal Foundation, Legal Opinion Letter, Vol. 19, No. 3
- Premature New Trial Motions (March 2006) California Lawyer, p. 24
- Baby Steps: California Supreme Court Cautiously Ventures Into Federal Punitive Damages Law (2d. Quarter 2005) Verdict
- Problematic New Civil Jury Instructions (May 2004) California Lawyer, 20
- Winning on Appeal: Better Briefs and Oral Arguments by Ruggero J. Aldisert (2nd edition 2003) Chapter 23, How Top-Flight Appellate Lawyers Prepare for Oral Argument
- The Courts and the News Media (California Judges Association 7th ed. 2001) Chapter 6, Legal Research
- Everything You Ever Wanted to Know About the Federal Judiciary (Spring 2000) A.B.A. Jud. Division Rec. 18
- Discovery Reform on the Horizon? (Winter 1999) A.B.A. Jud. Division Rec. 21
- Bad Enough to Punish: The Application of the Reprehensibility Guidepost in Punitive Damages Cases After BMW v. Gore (Fall 1998) 49 Fed'n of Ins. & Corp. Couns. Q.
- Turning Point for 10b-5: Will Congressional Reforms Protect Small Corporations? (1995) 56 Ohio St. L.J. 555