



Theresa M. LaVoie
Partner

Contact Information

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Education

B.A. & M.A. Degrees
California State
University at Northridge

J.D. Degree
Southwestern University
1989
Magnum Cum Laude

Practice Areas

Litigation & Alternative
Dispute Resolution
in Matters of:

- Real Estate
- Professional Liability
- Legal Malpractice
- Commercial Law
- Banking Law
- Equine Law
- Appellate Law

Theresa M. LaVoie

Practice Focus

Theresa M. La Voie is a partner and co-founder of Ellis Law Group, LLP. She has been a civil litigator since 1989, practicing in both state and federal courts. Her appellate experience includes appeals in the California intermediate courts and the United States Court of Appeals, Ninth Circuit. Ms. La Voie represents both defendants and plaintiffs in the areas of professional liability, real estate law, complex business litigation, premises, liability, products liability, ranch and farm litigation, and equine law.

Ms. La Voie brings her knowledge and experience to bear in a focused way in every legal malpractice case and is experienced with various extra-judicial dispute resolution techniques including mediation and arbitration. She has reached a favorable resolution for her clients in every professional liability case in which she has participated. Ms. La Voie is also a consultant to attorneys on various potential malpractice and legal ethics issues, and was designated as a malpractice expert in a lawsuit against an equine law practitioner.

In real estate matters, Ms. La Voie handles matters involving easement issues, construction defects cases, property transfers, foreclosures, and liens. She has also successfully represented numerous real estate agents and brokers regarding nondisclosure, dual agency, broker fees, commissions and contracts, and breach of contract claims in real estate sales.

As a business litigator, Ms. La Voie has represented corporate clients, including a major warehouse club involving a \$25 million breach of contract claim resulting in a dismissal in favor of her client. She brings to her legal practice, a personal perspective on business relationships and activities as the owner of SomerHill Farms, a horse breeding and boarding operation, and Pony Express Horse Transportation. She is highly qualified to assist her clients with legal matters involving farm and ranch issues such as insurance disputes, dog bites, agister liens, boarding agreements, releases of liability, water rights, permits, and government agency interactions.

Ms. La Voie handles products liability cases, and while an attorney at Howarth & Smith in Los Angeles, defended a number of cases for Owens Illinois, Inc., a fortune 500 company that specializes in container glass products. Each case was successfully resolved through litigation or alternative dispute resolution proceedings.

As an equine lawyer, Ms. La Voie has been involved with horses for over 20 years as an avid equestrian who breeds and shows her own Tennessee Walking Horses both in California and Tennessee at the Celebration. She also enjoys carriage driving and has competed in three-day-combined driving events at Clay Station Horse Park in Wilton, Woodside Horse Park, Shady Oaks in Lodi, and Ram Tap in Fresno. Prior to these activities, Ms. La Voie' Arabian horse participated for many years on the Arabian Horse Show Circuit in dressage and jumping.

With her unique knowledge of horses and the horse industry, Ms. La Voie is committed to providing her clients with horse related legal matters, the highest level of personalized attention and expertise. Her practice focuses on sales and leasing, boarding and breeding contracts, liability releases, horse related accidents, stallion syndication, and veterinarian liability concerns. Ms. La Voie also lectures on equine legal matters and has been designated as an equine law expert witness. She is the author of a number of articles on ranch practices, boarding and training agreements, and liability issues in horse related accidents. In June 2011, Ms. La Voie's article, "**The Horse Protection Act: The Dark Side of the Tennessee Walking Horse Show World**" was published in *Sacramento Lawyer* (May/June 2011).

Education

Ms. LaVoie received a Bachelor of Arts Degree in Music and a Masters Degree in Education from California State University at Northridge. She taught in the Los Angeles Unified School District for eight years and served as a master teacher for university students in the Education Department.

In 1989, Ms. LaVoie graduated from Southwestern University School of Law *magna cum laude*, and while in law school served as a judicial extern for the Honorable Arthur Alarcon, Judge for the Ninth Circuit Court of Appeals.

Ms. LaVoie also served as Note and Comment Editor of Southwestern's Law Review, and authored the article, "Challenging 'Covert' Paramilitary Operations in Nicaragua Under the Neutrality Act." She was also on the National Dean's List and was named in Who's Who Among American Women Students in American Universities and Colleges.

Admissions, Professional Affiliations & Activities

- State Bar of California (1989 – Present)
- United States Court of Appeals for the Ninth Circuit
- 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 Central District of California
- Member, Sacramento County Bar Association (Board of Directors, 2009–2012)
- Member, Women Lawyer of Sacramento (Board of Directors, 1998–2007, President, 2007)
- Member, Northern California Walking Horse Association (Board of Directors, 2011)
- Member, Northern California Driving Club
- Member, American Driving Society
- Member, Tennessee Walking Horse Breeders' and Exhibitors' Association

Representative Trials, Settlements, Dispositions and Published/Unpublished Opinions

- ***Thornbrough v. Western Placer Unified School District*** (3rd Dist. 2013) 223 Cal.App.4th 169 Education – Wrongful Termination Defense. Appellate court affirmed favorable ruling against an employee who claimed he had been wrongfully terminated in retaliation for protected speech.
- ***Blackhurst v. EU*** (3rd Dist. 2013) (Unpublished). Legal Malpractice Defense. Appellate court affirmed favorable ruling sustaining client's demurrer to plaintiff's third attempt at pleading his case, and affirmed the award of attorneys' fees and costs to client.
- ***Scheel v. Henderson*** (3rd Dist. 2012) (Unpublished) Real Estate: favorable ruling affirming trial court's decision for client on complex easement and quiet title issues.
- ***Kent v. CRG Real Estate, et al.*** (January 2012). Plaintiff Nondisclosure/Breach of Fiduciary. Settlement reached at mediation in favor of client plaintiff.
- ***Norman v. The Salvation Army*** (March 2011). Plaintiff Premises Liability. Elderly client slipped and fell at entrance of Thrift Store owned and managed by The Salvation Army. A number of Building Codes and Americans With Disabilities Act violations were alleged to have caused, or contributed to the fall. A confidential settlement was reached at mediation in favor of client plaintiff.
- ***Neighbor's Financial v. Mullican Appraisal Services*** (March 2011). Plaintiff Professional Liability. Appraiser malpractice action triggering the buyback provision in client's purchase agreement with Countrywide Mortgage. A settlement was reached at mediation in favor of client plaintiff.
- ***Thornbrough v. Western Placer Unified School District*** (E.D. Cal. 2010) Slip Copy. 2010 WL2179917 Discrimination/Labor Law: favorable ruling dismissing case against client pursuant to FRCP 12(b)(6) and Anti-SLAPP, CCP §415.16

- ***Thornbrough v. Western Placer Unified School District*** (E.D. Cal. 2010) Slip Copy. 2010 WL 3341810 Discrimination/Labor Law: favorable ruling awarding client attorney's fees
- ***4920 Corp. v. SVLG*** (June 2010). Plaintiff Legal Malpractice. Confidential settlement reached in matter prosecuted with partner, Mark E. Ellis, reached on 2nd day of trial in favor of client plaintiff.
- ***Gerber v. Citigroup, Inc.*** (E.D. Cal. 2009) WL 248094 (FDCPA)
- ***Western Placer Unified School District v. Thornbrough*** (April 2009) Disciplinary trial against a classified employee of WPUSD lasting sixteen days before a Hearing Officer with managing partner, Mark E. Ellis. The Hearing Officer found in favor of our client (WPUSD), rejecting the employee's "whistle blower" defense, and recommended termination. The governing Board for the District voted unanimously to accept the Hearing Officer's recommendation.
- ***Scheel v. Henderson*** (July 2008) Bench trial concerning ownership and easement rights to use real property. Court quieted titled in favor of client on ownership rights, and ordered that the Hendersons remove their mailbox from client's property.
- ***Bloom v. HBCW*** (October 2007) Partner Mark E. Ellis and Theresa LaVoie successfully defended a legal malpractice case for client law firm. After a five week jury trial, the verdict was in favor of law firm on its fee complaint for the full amount owing, and against the malpractice claims. The law firm's attorney-fee motion as the prevailing party was granted in the amount of \$328,976.00 for the fees and costs incurred.
- ***Buzgheia v. Leasco Sierra Grove*** (1994) 30 Cal. App. 4th 766.