

LESLIE SCHWAEBE AKINS, A LAW CORPORATION

Contact Information:

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Focus Areas:

Bankruptcy Litigation
Business Litigation
Employment Litigation
Securities Arbitration and
Litigation

Practice Areas:

Appellate
Arbitration
Bankruptcy and Creditors Rights
Business Litigation
Employment Litigation
Financial Elder Abuse
Securities Litigation

Bar Membership:

California, 1988

Courts:

All California State Courts
U.S. Court of Appeals,
9th Circuit
U.S. District Court, Southern and
Central Districts of California
U. S. Bankruptcy Court,
Central District of California,
Southern District of California
9th Circuit B.A.P.

Admitted Pro Hac Vice before:

U.S.D.C. Illinois, S.D.
U.S.D.C. Indiana, S.D.
U.S.D.C. Iowa, N. D.
U.S.D.C. Florida
U.S.D.C. Michigan, W.D.
U.S.D.C. Virginia, E.D.
U.S.D.C. Washington, W. D.
Florida Circuit Court, Dade County
Idaho District Court, Ada County
Nevada Superior and Appellate Court
New York Supreme Court

Education:

University of San Diego
San Diego, California, 1988
J.D., Doctor of Jurisprudence

University of California San Diego
La Jolla, California, 1985
B.A. Biology

Leslie Schwaebe Akins, Esq. Principal

- Ms. Akins has been involved in complex business, corporate, financial institutions, franchise, mass tort, and securities litigation for almost 29 years. Prior to forming Leslie Schwaebe Akins, A.L.C. in 2006, Ms. Akins was a founding partner in Akins & Villavicencio, LLP (1999-2006), focusing in securities litigation in both state and federal courts, and arbitrations before AAA, NASD, FINRA and in judicial arbitration. Previous to this, Ms. Akins was a partner at Duckor, Spradling and Metzger (1991-1999), a 30 + attorney firm located in San Diego, California. At the Duckor firm, Ms. Akins practiced in the areas of complex business, employment, environmental, insurance bad faith, probate and securities litigation, FINRA, NYSE, AAA and court arbitrations, and representation of securities broker-dealers and representatives in FINRA, NYSE, and AAA arbitration and in regulatory matters.
- Ms. Akins began her legal career in 1988 at the law firm of Monaghan & Metz, a small boutique trial litigation firm in San Diego, California which focused on litigating business disputes, employment (wrongful termination), insurance bad faith, and a variety of personal injury, wrongful death and property damage claims (including toxic tort) through trial and appeal.
- Ms. Akins is an experienced litigator, in both state and federal lower and appellate courts, and arbitration
- Ms. Akins has also litigated multiple "Ponzi" scheme cases with investor losses in the hundreds of millions of dollars involving securities issuers, broker-dealers, registered investment advisors, financial institutions, insurance companies, insurance agencies, insurance marketing organizations, escrow companies, title companies, involving both primary liability and secondary liability under federal and state securities acts, other statutes and regulations, and common law. These Ponzi scheme actions include a four month jury trial resulting in multi-million dollar settlements for investors, both pre- and post-trial, and millions of dollars in settlements to investor clients.
- Ms. Akins has also extensive experience litigating complex business and corporate disputes and securities matters against securities broker-dealers, registered investment advisers, and financial institutions involving clearing firm liability, margin violations, structured products, violations of both federal and state securities blue sky laws involving all forms of syndicated securities, real estate, investment contracts, oil and gas master limited partnerships and royalty trusts, municipal and corporate bonds, options, derivatives, insurance products, and promissory notes.
- Ms. Akins frequently works with FINRA, the SEC, the FBI, and other federal, state and quasi-governmental regulatory agencies/ regulators and industry organizations regarding malfeasance, fraud and criminal claims;

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Affiliations:

The California Bar Member
American Bar Association Member
Public Investors Arbitration Bar
Association (PIABA)
Member
Consumer Attorneys of
California
Member
Consumer Attorneys of San Diego
Member
San Diego County Bar Association
Member

Recognitions:

2017 Distinguished Attorney
Very High Rating in both
Legal Ability and Ethical Standards
Martindale Hubbell

2017 Top 5%
America's Most Honored
Professionals

2016 Distinguished Attorney
Very High Rating in both
Legal Ability and Ethical Standards
Martindale Hubbell

2016 Top 5%
America's Most Honored
Professionals

2015 Top Rated Lawyer
Litigation
For Ethical Standards and
Legal Ability
Martindale Hubbell

2015 Top Ranked Law Firm
Litigation
Martindale Hubbell

2010 – 2015
BV Distinguished
For Ethical Standards and
Legal Ability
Martindale Hubbell

Sample Representations:

- Represented multiple investors in a myriad of state, federal and bankruptcy courts and arbitration forums seeking rescission, restitution and/or damages arising from the sale or management of securities, including but not limited to syndicated public offerings, private placement offerings for limited partnerships, tenants in common investments, master limited partnerships and limited liability companies, 1031 exchanges, real estate investment trusts, unit investment trusts, promissory notes, private sales of publicly traded stocks, derivatives (including options, futures contracts, reinsurance agreements, etc.), collateralized mortgage obligations ("CMOs"), collateral debt obligations ("CDOs"), municipal and corporate bonds, variable life insurance contracts, variable annuities, initial public offerings of publicly traded stock;
- Successfully litigated and/or successfully recovered millions of dollars on behalf of investors prosecuting cases against international, national, regional, and/or boutique securities broker-dealers, clearing firms and investment banking firms, recovering tens of millions of dollars for investors;
- Successfully arbitrated and obtained settlement during FINRA arbitration against large regional securities clearing firm and broker dealer for improper margin calculations, clearing firm liability for conduct of registered investment advisor and carried securities broker-dealer, and other misconduct resulting in six-figure and seven-figure settlements for investors;
- Successfully represented post-judgment creditor in closed bankruptcy case seeking to reopen bankruptcy, file and prosecute adversary proceeding for determination of non-dischargeability of state court judgment arising from NASD arbitration award, resulting published 9th Circuit decision and unpublished state court opinion (Fiero v. Perle);
- Successfully represented creditors in bankruptcy matters re: adversary proceedings seeking determination of non-dischargeability under Section 523(a) and equitable subordination resulting in seven-figure settlements;
- Successfully represented pre- and post-judgment creditors against FDIC as receiver for defunct financial institution in bankruptcy seeking to elevate claim under theory of equitable subordination, resulting in seven-figure recovery;
- Successfully represented the City of Vista against its former chief investment officer and securities broker-dealers for self-dealing and selling illegal securities to the City in violation of State and municipal law.
- Successfully represented investor in Diversified Lending Group Ponzi scheme action, taken up on appeal, resulting in published decision recognizing secondary liability of aiders and abettors for offer or sale of securities in violation of California's Securities Act of 1968, and favorable settlement;
- Successfully litigated insured's claims against insurance company, insurance wholesaler, retail insurance agents, premium finance lender and premium finance marketer resulting in a six-figure settlement to insured;
- Successfully prosecuted, counseled and/or resolved disputes concerning environmental contamination, employment (wrongful termination), defamation, franchise act violations, intellectual property, "cyber-squatting" (Mattel), business litigation, financial elder abuse, family law, fiduciary fraud,

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insurance bad faith (including disability claims, first and third party bad faith), insurance premium financing, and probate/trust disputes;

- Successfully represented Diocese of San Diego against California Linen Supply which, after a three week jury trial, resulted in a jury verdict of \$15.9 million dollars- which was the tenth largest jury verdict in California that year.

Published Opinions:

- *Glenn Moss v. Robert E. Kroner* (2nd App. Dist., Div. Seven, 7/20/11) 197 Cal. App. 4th 860: Leading decision of the California Appellate Court in the Second District reaffirming and clarifying liability of aiders and abettors, broker-dealers and agents for violations of the anti-fraud provisions of the California Securities Act of 1968 for rescission and/or damages. (Attached)
- *Cery B. Perle v. Alfonso Fiero (In re Perle)* (9th Cir. August 2, 2013) 725 F.3d 1023: Ninth Circuit opinion affirming Decision issued by the Bankruptcy Appellate Panel holding that that notice to creditor's attorney of debtor's bankruptcy was not imputed to creditor, and hence judgment held not discharged by debtor's prior bankruptcy under §§ 523(a)(3), 523(a)(6) and 523(a)(19). Bankruptcy Court Judgment affirmed. (Attached.)

Unpublished Decisions:

- *Cery B. Perle v. Alfonso Fiero* (9th Cir. BAP 2010) 2010 Bankr. LEXIS 5073: Decision of Bankruptcy Appellate Panel affirming judgment of lower bankruptcy court entering summary judgment against former president of broker dealer that judgment based on a 1998 arbitration award involving the forced buy-in of stock by judgment debtor and his company at above market prices when said debtor and company controlled virtually all of the available stock, which judgment was entered prior to debtor's bankruptcy where judgment creditor was not provided notice of debtor's bankruptcy, was not discharged, and was enforceable under 11 U.S.C. Section 523(a)(6) and (a)(19).
- *Cery B. Perle v. Alfonso Fiero* 2013 Cal. App. Unpub. LEXIS 8862 (2nd App. Dist. Div. 7 12/10/13): Action on a money judgment was timely filed as statute of limitations tolled during pendency of bankruptcy and after discharge until bankruptcy court determined issue of non-dischargeability in subsequent bankruptcy adversary proceeding
- *City of Vista v. Robert Thomas Securities, Inc.* (4th App. Dist. Div. 1 10/13/2000) 84 Cal.App. 4, 882, 101 Cal.Rptr.2d 237, rehearing denied (Nov 08, 2000), review denied (Jan 24, 2001): Successfully appealed trial court's grant of summary judgment against City of Vista, finding triable of fact existed as to when Appellant sustained damages. Successfully opposed Appellee's application for rehearing, and subsequent application for review to California Supreme Court.

References and Writing Samples:

Available upon request.