

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Price v. Costco Wholesale Corporation

No. 1:25-cv-00807-SAB (E.D. Cal. Nov. 3, 2025) · No. 1:25-cv-00807-SAB · Decided November 3, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Costco Wholesale Corporation’s motion to disqualify Downtown L.A. Law Group from representing Robert Price. The court found that the prior representation by DTLA Law attorney Anthony Werbin was substantially related to the present premises-liability action and that Werbin would be disqualified individually. However, the court concluded that DTLA Law timely and effectively screened Werbin, so his disqualification was not imputed to the firm.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 3, 2025
DOCKET	1:25-cv-00807-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to disqualify Plaintiff’s counsel, Downtown L.A. Law Group, based on the prior representation of Costco by an attorney affiliated with that firm.
STANDARD OF REVIEW	The movant bears the burden of proof, and the decision whether to disqualify counsel for a conflict of interest lies within the trial court’s discretion. Disqualification is disfavored and requires a clear showing of conflict.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Costco Wholesale Corporation v. Robert Price

TOPICS

- civil procedure
- attorney client privilege
- privilege
- evidence

PRACTICE AREAS

legal ethics

professional responsibility

civil procedure

premises liability

QUESTIONS PRESENTED

1. Whether Werbin's prior representation of Costco was substantially related to the present premises-liability action such that Werbin himself would be disqualified.
2. Whether Werbin's disqualification was imputed to Downtown L.A. Law Group under California Rule of Professional Conduct 1.10.
3. Whether the court should take judicial notice of the identified court documents and prior declaration, and if so, for what purpose.

HOLDINGS

1. The court granted Costco's request for judicial notice because the documents had a direct relation to matters at issue, but judicial notice was limited to the existence of the documents and proceedings, not the truth of assertions contained in them.
2. Werbin's prior representation of Costco was substantially related to Price's current premises-liability action, so Werbin would be disqualified from representing Price and his possession of material confidential information was presumed.
3. Werbin's disqualification was not imputed to Downtown L.A. Law Group because the firm established that it timely and effectively screened him from the matter.

KEY QUOTATIONS

“Disqualification is a blunt tool meant to encourage wide berth of ethical grey areas, its ruthlessness warranted only after a clear showing of conflict.” (at 3-4)

“Rule 1.10 is a “rule of prohibition, not disqualification.”” (at 5)

“Accordingly, Werbin’s disqualification is not imputed to DTLA Law.” (at 9)

FACTUAL BACKGROUND

Plaintiff alleges that he was injured after stepping on an unmarked or unsecured object in Costco's parking lot. Before joining Downtown L.A. Law Group, attorney Anthony Werbin represented Costco in 21 personal-injury matters, including slip-and-fall and trip-and-fall cases, and handled confidential litigation strategy and information. Downtown L.A. Law Group had implemented an ethical wall and file-access restrictions before it was retained to represent Price; Werbin was not counsel of record, had no access to the case, and would not share in its fees.

PROCEDURAL HISTORY

Price filed a California state-court premises-liability and negligence action against Costco, which Costco removed to the Eastern District of California on July 2, 2025. Costco moved to disqualify Plaintiff's counsel on

July 28, 2025. After considering the briefing, evidentiary materials, judicial-notice request, and arguments at the October 8, 2025 hearing, the court denied the motion.

DISPOSITION

other

CASES CITED

- In re County of Los Angeles, 223 F.3d 990, 995
- Hitachi, Ltd. v. Tatung Co., 419 F. Supp. 2d 1158, 1160-61
- Hernandez v. Guglielmo, 796 F. Supp. 2d 1285, 1289
- Lennar Mare Island, LLC v. Steadfast Insurance Co., 105 F. Supp. 2d 1100, 1107
- Agena v. Cleaver-Brooks, Inc., 428 F. Supp. 3d 267, 273
- Concat LP v. Unilever, PLC, 350 F. Supp. 2d 796, 814
- Reyn's Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6
- Lee v. City of Los Angeles, 250 F.3d 668, 689-90
- U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248
- BP W. Coast Prods. LLC v. May, 347 F. Supp. 2d 898, 906
- City & County of San Francisco v. Cobra Solutions, Inc., 38 Cal. 4th 839, 847
- Alvarez v. Bayrock Multifamily LLC, 2021 Cal. Super. LEXIS 14139, at *8
- Klein v. Facebook, Inc., 2021 U.S. Dist. LEXIS 135218, at *15-16
- Kirk v. First American Title Insurance Co., 183 Cal. App. 4th 776, 809-13
- Henriksen v. Great American Savings & Loan, 11 Cal. App. 4th 109, 116 n.6

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