



AAA Mediation.org™

**FN-4224167 MN-4224167 LN-4224167,  
Esq.**

**Calabasas, California**



**Current Employer-Title** Fassberg Mediation Services, Inc. – President, Arbitrator, Mediator

**Profession** Arbitrator, Mediator, Attorney, Judicial Referee, Provisional Director, and Court Ordered Observer for at risk homeowner associations

**Work History** President, Fassberg Mediation Services Inc., 2014 – Present; Attorney/Principal, Law Office of Wendy J. Fassberg, 1984 – 2014; Attorney, Pachter Gold & Shaffer, 1983 – 1984; Attorney/Legal Intern, Law Office of Bernard Ruttenberg PC, 1977 – 1982.

**Experience** Thirty-six years as a real estate, construction, commercial, and business litigator, as well as a transactional practitioner in those specialties. Owned and operated a property management company for many years and licensed real estate broker for over 28 years. Arbitrated, mediated, as well as litigated countless landlord/tenant matters. Involved on multiple levels with hard money lending, with the purchase and sale of real property, deposit forfeiture issues, failure to disclose matters, development, construction, and property management for single family housing, multi-family housing, and commercial developments, as well as common interest developments and homeowner associations. Over the years, arbitrated and mediated disputes involving owners, developers, contractors, subcontractors, and design professionals, and have represented and served as in-house counsel for several of them. Construction matters have involved all manner of disputes, including those ranging from fundamental to complex construction defect claims, to delay claims, to failure to pay and other breach of contract claims, to course of construction disputes. Dealt with a broad range of lending matters, from both the lender side and the borrower side.

Well versed in the ins and outs of the various disputes that can often arise between HOA's and their subdivision developers and contractors, between HOAs and their members, and between individual homeowners and their neighbors within these HOAs. Commissioner and current Chair, City of Calabasas Planning Commission. Serve as Judge in the UCLA Annual Mock Trial Tournament, and the Regional and National Finals of the National Mock Trial Association, Judge in the ABA Negotiation Regional Competition as well as serving as a Negotiation Coach at the Straus Institute Women's Negotiation Academy. Brings the cooperative experience of having worked with a diverse range of people on multiple governing and advisory boards and committees, both professional and charitable, as well as on numerous homeowner association boards and committees, serving as

president or an officer of several of them.

## **Mediator Experience**

Private mediation practice includes every manner of real estate dispute, both commercial and residential, ranging from purchase and sale disputes (failure to close escrow, time, contingency related issues, defective rehab, non-disclosure, fraud), to landlord/tenant disputes, to lending matters, title matters, and premises liability. Mediation expertise also includes construction disputes, from complex construction defect claims to course of construction disputes, to breach of contract claims for both commercial and residential projects. This includes disputes between owners, developers, contractors, subcontractors, design professionals, and end users, including homeowner associations. Also included are disputes between HOAs and their members, as well as neighbor to neighbor disputes. Business mediations include every aspect of business dispute, including business to business, business to client, and business dissolutions.

## **Representative Issues Handled as a Mediator**

Commercial Real Estate - landlord tenant - dispute relating to apportionment of costs for ADA compliance work and retail center liability for adverse effect on business arising from completion of work.

Numerous disputes relating to the disposition of earnest deposit money in connection with real estate purchase and sale agreements, including commercial, residential, and multi-residential, when the transactions did not, for various reasons, consummate with close of escrow and transfer of title.

Disputes between HOAs and members involving enforcement of governing documents, failure to enforce CC&Rs, and various neighbor to neighbor disputes, both arising from alleged HOA related issues, and issues unrelated to HOA governing documents.

Breach of contract actions arising from construction projects, ranging from non-payment, to delay, to defective work, to negligent performance, to failure to perform in accordance with the standard of the industry, to failure of conditions precedent.

Construction defect claims running the full gamut of trades and issues.

Habitability issues arising from residential lease situations.

Various liability issues arising from shareholder agreements on dissolution of business relationships, departure of one or more partners, and/or related shareholder/employee issues.

Breach of contract actions between business partners, among different businesses, and between businesses and their clients/customers.

Construction defect claims by home purchasers against developer and/or contractor, including a full range of issues including, but not limited to use of substandard materials, defective flooring installation, electrical work, plumbing, water intrusion, etc.

Breach of contract and construction defect claims, including licensing of those performing work of certain trades.

Fraud claims incident to real estate transactions.

Constructive eviction issues related to both residential and commercial properties.

## **Mediator Style & Process Preferences**

Mediation can be critical to a mutually advantageous and satisfactory resolution of disputes. While some cases need to be tried, most should be settled. If parties engage in an effective dispute resolution process in the early stages of their dispute, many life altering consequences that often accompany litigation can be averted. Mediation is a powerful tool that can ensure that parties to virtually every type of dispute can reach a solution that, in most cases, is better for all concerned than entrusting their fates to an outside arbiter. My nature is that of a problem solver and a facilitator, and I use these innate qualities, along with my experience and my open and welcoming but forthright style, to help guide parties in their quest to resolve their disputes. This means that I carry a toolbox full of the necessary implements with which to guide the process. My role and the tools that I utilize depend completely upon what the parties need under their particular circumstances. Sometimes there is a need for facilitation and compassion. Sometimes the need is for an "agent of reality," a hammer. Both are among the resources that I bring into each and every

mediation in which I participate.

<b>Education</b>	Straus Institute for Dispute Resolution (Certificate in Dispute Resolution-2014); Loyola Law School of Los Angeles (JD-1979); University of California at Los Angeles (BA-1976).
<b>Professional Licenses</b>	Admitted to the Bar: California (1979). California Department of Real Estate: Broker License (1994); Certificate in Dispute Resolution Straus Institute for Dispute Resolution (2014).
<b>Professional Associations</b>	National Academy of Distinguished Neutrals; Southern California Mediation Association; California Dispute Resolution Council; American Bar Association ABA Forum on Construction Law, Division One; Los Angeles County Bar Association; San Fernando Valley Bar Association.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Southern California area. No travel expenses in connection with any online proceedings.
<b>Mediation Rate</b>	\$500 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Calabasas, CA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.