

# **REVERE & WALLACE**

LAWYERS

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## **CURRICULUM VITAE OF FRANK REVERE – 2023**

**Employment.** Mr. Revere is the surviving partner of Revere & Wallace. He specializes in civil litigation including the handling of legal malpractice actions and appeals.

Frank Revere has recently handled complex matters at both the trial and appellate levels including matters concerning real estate, professional liability, unfair competition, businesses disputes, elder abuse, and trust litigation.

**Education.** J.D. degree in 1961 from Loyola University of Los Angeles, now Loyola Law School, Los Angeles. Admitted to practice in California January 1962; United States Supreme Court, 1978; United States Court of Appeals, Ninth Circuit, 1980. He received his preparatory education at the University of San Francisco and at the University of California at Berkeley. Mr. Revere has been rated “AV” by Martindale-Hubbell for more than twenty-five years. He has acted as defense counsel to Hollywood Park, the Los Angeles Memorial Coliseum Commission, and the City of Vernon, many attorneys, numerous insurance companies and various business organizations.

**Trial Experience.** The greater part of Mr. Revere’s practice has been devoted to litigation, including insurance defense and attorney malpractice defense. He has tried a significant number of Superior Court jury trials involving product liability and attorney malpractice. During June 1990, he obtained a Plaintiff’s verdict in the amount of \$6.7 million in a product liability case as against Toyota and Toyota U.S.A. Mr. Revere has previously obtained several seven-figure settlements.

During November 2006, Mr. Revere obtained a very substantial arbitration award as against Navigant Consulting, Inc. The matter settled for \$7,000,000.

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Appellate Experience. Mr. Revere has twice argued before the California Supreme Court. His most recent case, *City of Montebello v. Vasquez, et al.* (2016) 1 Cal.5th 409, in which his clients prevailed, was argued on May 26, 2016. To view the oral argument, click the following link:

[\*City of Montebello v. Vasquez, et al.\* \(2016\) 1 Cal.5th 409](#)

On June 15, 2022, Mr. Revere presented an oral argument before the United States Court of Appeals for the 9th Circuit Court in the matter of *Kagan et. al. v. City of Los Angeles* Docket No. 21- 55233. A video recording of this proceeding can be viewed by clicking the link below:

[\*Kagan et. al. v. City of Los Angeles\* Docket No. 21- 55233](#)

Mr. Revere filed a Petition for Writ of Certiorari which the United States Supreme Court denied on October 2, 2023. (Case #22-739)

In addition, Mr. Revere is named counsel in over 14 published opinions of the Court of Appeal.

**The following is a representative list of matters undertaken:**

## **APPELLATE PRACTICE**

Mr. Revere engages in appellate practice before the Court of Appeal. The decisions directly involving him or his firm include *Borders v. Great Falls Insurance Company* (1977) 72 Cal.App.3d 86; *Billings v. Edwards* (1979) 91 Cal.App.3d 826; (1981) 120 Cal.App.3d 238; *Mattingly v. Anthony Industries* (1980) 109 Cal.App.3d 506; *Richard P. v. Vista Del Mar* (1980) 106 Cal.App.3d 860; *Sequeros La Provincial v. Fremont Indemnity Company* (1983) 138 Cal.App.3d 923; *National Automobile v. Frankel* (1988) 203 Cal.App.3d 830; *American Credit Indemnity Co. v. Sacks* (1989) 213 Cal.App.3d 622; *In re Spirtos* Case No. LA 87-10752-AA, Adversary No. LA 8801202AA, 103 B.R. 240 (1989); (1993) 992 F.2d 1004; *McDaniel v. Gile* (1991) 230 Cal.App.3d 363; *Pierce v. Lyman* (1991) 1 Cal.App.4th 1093; *A.B.S. Clothing Collection v. Home Insurance Company* (1995) 34 Cal.App.4th 1470; *Shalant v. Dolin* B144776, Second Appellate District, Division One, Cal. App. Unpub. (2002); *Hilton K. et al. v. Greenbaum et al.* (2006) 144 Cal.App.4th 1406; *David Venegas et al. v. County of Los Angeles et al.* (2007) 153 Cal.App.4th 1230; *Manco Contracting v. Bezdikian* (2008) 45 Cal.4th 192; *Zablen v. Kagan* B216835, Second Appellate District, Division Five, Unpub. (2010); *Shahin v. Khanjian*, B219836, Second Appellate District,

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Division Three, Unpub. (2010); Manco Contracting Co. v. Bezdikian, B230863, Second Appellate District, Division Eight, Unpub. (2013); Kagan v. Zablen, B242437, Second Appellate District, Division Five, Unpub. (2013). City of Montebello v. Vasquez et al. (2016) 1 Cal.5th 409.

## **TRUST LITIGATION**

Dodge & Mathews v. Wells Fargo Bank (Case No. BC 327 577) filed January 2005, representation of prior beneficiaries in an action as against a corporate trustee for breach of fiduciary duties and negligent administration. Matter was settled in beneficiaries' favor during February 2006. Amount is confidential.

In the Matter of Marguerite Wetherbee Trust FBO Helen Patricia King et al. (Case No. BP 079 751), representation of a beneficiary in an action as against a corporate trustee for breach of fiduciary duties and negligent administration. Matter settled during July 2007 for \$400,000.

In the matter of the Rubin Irrevocable Trust (Case No. BP 117 699) filed July 2009 and tried during July 2013, representation of a co-trustee in an action as against remaining co-trustees for an accounting and for their removal. This matter resulted in a Statement of Decision substantially in the client's favor including the rejection of the accounting filed by the remaining co-trustees.

In the matter of the Rubin Family Trust (Case No. 148 305) filed January 2014, defense of co-trustee in action pertaining to the trustor's residence.

In the matter of the Rubin Family Trust (Case No. 150 575) filed March 2014, representation of co-trustee in a petition against remaining co-trustees for an accounting and for their removal.

In the matter of the Rubin Irrevocable Trust (Case No. BP 152 276) filed May 2014, representation of co-trustee in a petition against remaining co-trustees for an accounting and for their removal.

In re Laurel Karabian Separate Property Trust Dated November 12, 2010 (Case No. 16STPBO4344) filed September 19, 2016.

Estate of Laurel Dickranian Karabian (Case No. BP157804) filed November 21, 2014.

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The Lui Wong Living Trust Dated August 23, 1994 (Case No. 19STPB00664)

## **EXPERT WITNESS ENGAGEMENTS (LEGAL MALPRACTICE)**

4920 Corporation v. Ashworth et al. (Santa Clara Superior Court Case No. 108CV1 15575). Gave a deposition for Defendants re issues including appeal, unlawful detainer, conflict of interest and SLAPP proceedings. Matter settled with a confidentiality agreement.

Accurate Label v. Siegel (Case No. LC 043 751) (For Defendant) Case settled before deposition.

Color Vue v. Abrams (Case No. SC 017 223) (For Plaintiff) Re issue of attorney's authority to settle claim for corporate client. Defense verdict.

Donovan v. Berman (Case No. BC 256 813) (For Plaintiff Attorney) Gave trial testimony.

Donovan v. Gregory (Case No. BC 217 068) (For Plaintiff Attorney) Gave deposition—case settled during trial.

Elliot v. Bachman (Orange County Superior Court Case No. 72 21 53) (For Defendant) Testified at Arbitration (JAMS). Award in favor of Defendant.

E.M.I. Electric, Inc. v. Sandler & Breier (Case No. BC 117 583) (For Defendant) Gave deposition—case settled.

Golden Eagle Insurance Corporation v. Evans (Case No. BC 351 301) (For Defendant) Gave deposition and trial testimony. Judgment in favor of Defendant on Legal Malpractice and Negligent Misrepresentation causes of action and in favor of Plaintiff on Duty Imposed by Civil Code § 2860 (*Cumis*).

Gullett v. Wellman & Associates (Orange County Superior Court Case No. 72 63 60) (For Defendants) Case settled before deposition.

Joseph v. Mitchell, Silberberg & Knupp (Case No. SC 034 265) (For Plaintiffs) Gave deposition—case settled.

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*Xin Li v. Samuel Kung-Pong Lau et al.* (Case No. BC 679 177 filed October 11, 2017) (For Plaintiff). Case settled after several depositions.

*Separacolor International, Inc. v. Atkinson et al.* (Case No. BC 202 597) (For Plaintiff) Case submitted to binding arbitration; gave testimony. Plaintiff award.

*Paramount Scaffold, Inc. v. Gerling America et al.* (Case No. BC 217 534) (For Plaintiff) Gave declaration with expert opinion as to the standard of care in opposition to Defendants' motion for summary judgment, which was denied. Case settled before deposition.

*Weber v. Goedhart* (Ventura County Superior Court Case No. CIV 142 321) (For Defendant) Re issue pertaining to Plaintiff's action versus prior counsel; gave trial testimony—case settled.

*West Century 102 Ltd. v. The City of Inglewood et al.* (Case No. YC 015635) (For Defendant) Gave expert witness declaration in opposition to Plaintiff's Motion for Statutory Attorney's Fees (claimed Lodestar \$493,428) and requested multiplier of two. Court awarded Plaintiff's counsel \$30,125.

## **SELECTED LEGAL MALPRACTICE CASES**

*American Medical Partners, Inc. et al. v. Milbank, Tweed, Hadley & McCloy et al.* (Case No. BC 183 916), representation of Plaintiffs in attorney malpractice action involving advice regarding a proposed initial public offering (IPO).

*Bashkin v. Stanford* (Case No. C 722 739), defense of attorney who allegedly misrepresented the misconduct of client to the court, resulting in dismissal of the client's federal court action. Defendant's motion for judgment on the pleadings, treated as a motion for non-suit, granted after two days of jury trial. In 1993, the Court of Appeal reversed. A re-trial was held during 1997 as a non-jury matter. On December 4, 1997, the trial court filed its decision in favor of the Defendant attorney. On March 30, 2000, the California Court of Appeal affirmed the trial court.

*Bernath v. Primack* (Case No. C 674 477), defense of the Beverly Hills Bar Association Referral Panel and key members for alleged favoritism in dispensation of referrals to panel members. Motion for non-suit granted after eight-day jury trial.

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Carlson v. Starr (Case No. C 430 273), defense of attorney who allegedly committed legal malpractice by failing to file a lis pendens securing Plaintiff's \$1,000,000 claim. Defense verdict after nineteen-day jury trial.

Central Foundation for Health v. Hooper, Lundy & Bookman (Case No. SC 024 240), representation of Plaintiff in attorney malpractice re tax opinion concerning exemption from California real property taxes. Settled for an amount subject to a confidentiality agreement.

Central California Foundation for Health v. Davis Wright Tremaine LLP (Case No. BC 254 423), representation of Plaintiff in attorney malpractice re negligent preparation of a contract. Settled for a substantial amount subject to a confidentiality agreement.

Chinich v. Martin (Case No. BC 119 118), representation of Plaintiff in attorney malpractice with regard to handling settlement of serious solo vehicle accident.

Chyten v. Stanwick (Case No. C 711 533), defense of attorney in legal malpractice cross-action where the client alleged the mishandling of an underlying Federal District Court case, wherein his client attorney sought and recovered \$500,000+ in attorney's fees. Client's request for dismissal granted on the first day of trial. Client's cross-complaint was tried to jury by separate counsel who obtained a \$1,000,000+ judgment.

Doll v. Sullivan (Case No. C 614 585), defense of one of the attorney Defendants who allegedly mishandled an underlying federal court action arising out of a helicopter crash. Settlement reached on behalf of client after fifteenth day of jury trial.

Dorfman v. P. Rosen; Kantor, Davidoff et al. (Case No. BC 138 670), representation of Plaintiff in attorney malpractice regarding the defense of a contract/fraud action which resulted in a large verdict, substantially all of which was reversed on appeal. Case settled on eve of trial; amount subject to confidentiality agreement.

Hawaii Medicenter v. Convalescent Center of Hawaii (Case No. WEC 46962), representation of Plaintiff in attorney malpractice action pertaining to the application of Hawaii sales tax to a fifty-year lease. Court trial resulted in a substantial judgment in favor of Plaintiff, including attorneys' fees. Twenty-six-day, non-jury trial.

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Hogan v. Jacobs (Case No. BC 426 545), representation of Plaintiff in attorney malpractice action with reference to attorney's breach of fiduciary duty despite payment of \$950,000 in legal fees.

Jaisinghani v. Friedman (Case No. VC 012 164), defense of attorney in malicious prosecution action premised upon an underlying unlawful detainer action. Defense motion for non-suit granted after five-day jury trial. Order of non-suit upheld on appeal.

Lloyd v. Janofsky (Case No. EC 037 986), defense of attorney who allegedly wrongfully filed a quiet title action. Case dismissed without payment by attorney.

McDaniel v. Gile (Case No. SEC 65313), defense of attorney who allegedly breached his duty of care to Plaintiff by making inappropriate sexual advances during his representation of her in her dissolution of marriage action. Defense verdict after ten-day jury trial.

Rachdouni v. King et al. (Case No. BC 118 192), defense of attorneys who allegedly allowed the dismissal of a partnership accounting action. Plaintiffs sought \$3,000,000 in damages. Jury awarded six figures, including interest. The Court of Appeal granted a Joint Motion for Stipulated Reversal of Judgment in favor of Defendants so as to allow settlement.

Ruff v. Matz (Case No. NWC 033 498), defense of attorneys who had allegedly filed a complaint for bodily injury after the running of the Statute of Limitations. Case settled after eight days of a jury trial.

Walters v. Newton (Case No. WEC 131 417), defense of attorney in action premised upon an underlying dissolution case, wherein it was alleged that the attorney failed to secure community property rights in funds deposited in Panamanian bank accounts, and which were earned through the sale of contraband. Directed verdict granted in favor of Defendant as to \$503,000 forfeited to the United States government during a plea bargain by Plaintiff's former husband. Verdict for Plaintiff on remainder of funds after twenty-five day jury trial.

During 2019, Mr. Revere settled an attorney malpractice case subject to a confidential clause.

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## **REAL ESTATE LITIGATION**

Castro et al. v. P&L Trading Co., Inc. et al. (Case No. BC 564 912), defense of partners in a partnership dissolution action involving downtown commercial real estate. Matter settled.

Zablen v. Kagan (Case No. BC 382 169), defense of lessee in action to evict commercial tenant on basis of improper sublease. Judgment for lessor reversed on appeal.

Kagan v. Zablen (Case No. BC 447 093), representation of Plaintiff/lessee in action for wrongful eviction from commercial property. Judgment for lessor reversed on appeal and settled on lessee's behalf for a considerable sum.

Medford Equities, LLC v. 4019 Medford Street, LLC (Case No. BC 531 728), successful defense of commercial property owner in action for trespass and a cross-complaint for quiet title to easement (implied, prescriptive, and by necessity). Matter settled during 2015.

Sussman v. Copeland (Case No. BC 703 030) filed on April 20, 2018. Defense of homeowner's easement for balcony purposes which Plaintiffs contended had been forfeited upon Defendant's replacement of the balcony. Court trial during February 2020, ended in judgment for defense.

## **ELDER ABUSE CASE**

Serrano et al. v. Serrano (Case No. BC 701 781) filed April 12, 2018. Jury trial held August 20, 21, and 22, 2019. Plaintiffs are the natural children of Salvador Serrano, Sr. ("Sr.") born in 1945. They alleged that the Defendant, Maria Avila Serrano, engaged in financial elder abuse during 2015 when Sr. gifted her free and clear real estate. The Defendant had resided with Sr. continuously from 2007 to his death in 2018. They were married in December 2017. Plaintiffs offered no competent evidence as to Sr.'s lack of capacity, vulnerability or Defendant's undue influence. Plaintiffs' expert, Stacey Wood, Ph.D. was prepared to offer expert testimony to the effect that Sr. was in a vulnerable state given the actions of the Defendant as told her by the Plaintiffs and according to 2012 medical records but had no opinion as to his capacity or if there was undue influence. The court ordered this testimony excluded in an Evidence Code section 401 hearing attended by Dr. Wood. After both sides rested, the court granted a motion for a directed verdict on the grounds that the Plaintiffs failed to meet their burdens of proof required in an elder abuse action.



**PRODUCT LIABILITY CASES**

Campbell v. Toyota (San Bernardino Case No. C 217 740), representation of brain-damaged Plaintiff in a products liability action as against Toyota involving an early version of its Land Cruiser vehicle. Obtained Plaintiff's verdict on liability and case then settled. This trial was in progress for twenty-six days.

Christiansen v. Ingersoll-Rand (United States District Court, Nevada, Case No. 914 655), representation of Plaintiff, whose hand was severely injured by a compressor. The jury trial of the matter lasted for five days. Verdict for Plaintiff.

Fenyves v. Suzuki (Orange County Case No. 649381), representation of Plaintiff in products liability action as against Suzuki involving a Suzuki Samurai vehicle. Obtained substantial settlement for Plaintiff just prior to trial. Amount of settlement subject to a confidentiality agreement.

Gosper v. Toyota Motor Sales (Case No. SWC 78496), representation of quadriplegic Plaintiff and two minor children in a product liability action as against Toyota involving an SR-4 Toyota truck. Obtained Plaintiff's verdict of \$6.7 million after twenty-five-day jury trial.

Kollerich v. Jetco (Case No. C 169 548), defense of manufacturer of a diesel jet start system found defective, resulting in a Plaintiff's verdict. Twenty-four-day jury trial.

**CONSTRUCTION DEFECT CASES**

City of Vernon v. RMI Utility Services et al. (Case No. VC 042 138), representation of the City of Vernon which suffered a diesel fuel spill on its power plant site. The claim was arbitrated at JAMS, resulting in an award in favor of the City. While on appeal, the City elected to settle for \$7,000,000, which was paid by a public company, Navigant Consulting, Inc.

City Glatt, Inc. v. Source Refrigeration et al. (Case No. BC 450 495), representation of the owner of a commercial refrigerated warehouse with regard to a negligence claim as against the designers, installers and maintenance company which led to the failure of the system and a loss of approximately \$3,000,000 in meat and other foodstuffs.

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Madanat v. Khanjian (Case No. KC 066 954) defense of designer of an upscale single-family residence in action against general and subcontractors for more than \$750,000. Case settled.

The Adalyn B. Packer Living Trust dated February 11, 2000 v. Cuozzo et al. (Case No. BC 685 787) filed December 6, 2017.

## **EMBEZZLEMENT CASES**

A.B.S. Clothing Collection, Inc. v. J. Leibowitz, Union Bank et al. (Case No. BC 039 945), representation of Plaintiff clothing manufacturers seeking recovery of in excess of \$1 million embezzled by Plaintiff's employees through Plaintiff's bank, as well as against CPAs. Settlement in excess of \$1 million after matter set for trial.

CHCS, Inc. v. Paine Webber Incorporated et al. (U.S. District Court (C.D. Cal)) (Case No. CV-88-7490-WDK), representation of Plaintiff hospital corporation re embezzlement of \$1.3 million transferred out of a Paine Webber account opened by embezzler. Settlement in the sum of \$1,040,000 after matter set for trial.

## **CUMIS CASES**

Louis Guigliano v. BKM Enterprises, Inc. et al. (Case No. BC 246 080), Wrongful termination defense, Hartford Insurance.

Pamela G. Hainley v. BKM Total Office et al. (Case No. BC 258 605), Wrongful termination defense, Hartford Insurance.

City Glatt, Inc. v. Lishi Trading Limited et al. (Case No. CV 04-6037 GAF (RNBx)), Plaintiff, commercial litigation defense (CNA Insurance).

## **PROFESSIONAL ACTIVITIES**

Mr. Revere has served as an arbitrator for the American Arbitration Association and the Los Angeles County Superior Court Panel of Arbitrators, having been appointed thereto by the Court during 1979. Mr. Revere acted as a Special Master for Los Angeles County from July 1991 to February 1993 further to appointment by the State Bar.

Mr. Revere is a member of the State Bar of California and the Los Angeles County Bar Association. Mr. Revere is co-author of a law review article entitled

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“Insurer’s Duty to Defend,” published in Volume 13 of the Pacific Law Journal, No. 3, April 1982. Mr. Revere acted as a judge in the 1995 National Appellate Advocacy Competition Regional’s sponsored by the Law Student division of the American Bar Association.

During January 2002, Mr. Revere presented a program concerning “How to Avoid Malpractice” at the California Applicants’ Attorneys Association convention held at Torrey Pines, California. This program was approved for MCLE credit.

During February 2004, Mr. Revere acted as a juror with regard to the ATLA Student Trial Advocacy Competition held at Santa Monica, California.

### **ACTIVITIES**

Mr. Revere has resided in Los Angeles since 1958 and is a third-generation Californian. He and his wife, Rachel, actively and regularly participate in Jewish Orthodox community affairs in the Hancock Park area of Los Angeles. They have three married sons who reside in Del Rey Beach and Parkland Florida as well as Nashville, Tennessee.