

# REVERE & WALLACE

LAWYERS

## **CURRICULUM VITAE OF FRANK REVERE - 2009**

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

**Education.** J.D. degree in 1961 from Loyola University of Los Angeles, now Loyola Marymount. 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, the City of Vernon, attorneys, numerous insurance companies and various business organizations in litigation matters.

**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. Mr. Revere has previously obtained several seven-figure settlements.

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

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

**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 attorneys 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.

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 (Lodestar \$493,428) and requested multiplier of two. Court awarded plaintiff's counsel \$30, 125.

## **SELECTED LEGAL MALPRACTICE CASES:**

Mr. Revere has defended in excess of 200 attorney malpractice cases. The following is a representative list.

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

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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.

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 \$1,000,000.00 claim. Defense verdict after nineteen-day jury trial.

Central California Foundation for Health v. Hooper, Lundy & Bookman (Case No. SC 024 240), representation of Plaintiff in attorney malpractice re tax opinion re 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 an 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 \$500,000.00+ in attorney's fees. Request for Dismissal granted to Mr. Revere on the first day of trial. Client's Cross-Complaint was tried to jury by separate counsel who obtained \$1,000,000.00+ 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.

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 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 \$503,000.00 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.

## PRODUCTS 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.

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Christiansen v. Ingersoll-Rand (United States District Court, Nevada, Case No. 914 655), representation of plaintiff, whose hand was severely injured by a compressor. Trial 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 confidentiality agreement.

Gosper v. Toyota Motor Sales (Case No. SWC 78496), representation of quadriplegic plaintiff and two minor children in a products liability action as against Toyota involving an SR-4 Toyota truck. Obtained plaintiffs' 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 CASE:

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.

## 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 plaintiffs' bank, as well as against C.P.A.s. 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 \$1,040,000.00 after matter set for trial.

## TRUST LITIGATION

Dodge & Mathews v. Wells Fargo Bank (Case No. BC 327 577) filed January 21, 2005, representation of prior beneficiaries in an action as against a corporate

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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.

## 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, 116 Cal. App. 3d 1007 (March, 1981); 120 Cal. App. 3d 238 (June, 1981); 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 88-01202-AA, 103 B.R. 240 (1989), 992 F.2d 1004 (1993); McDaniel v. Gile (1991) 230 Cal.App. 3d 363; Pierce v. Lyman, (1991), 1 Cal. App. 4<sup>th</sup> 1093 ;992; A.B.S. Clothing Collection v. The Home Insurance Company (1995) 34 Cal.App.4th 1470; Shalant v. Dolin, B144776, Second Appellate District, Division One, Cal. App. Unpub. (May, 2002); Hilton K. et al. v. Greenbaum et al. (2006), 144 Cal App. 4<sup>th</sup> 1406; David Venegas et al. v. County of Los Angeles, et al. (2007) 153 Cal. App. 4<sup>th</sup> 1230 and Manco Contracting v. Bezdikian (2008) 45 Cal.4<sup>th</sup> 192.

## CUMIS CASES

Louis Giugliano 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)

Golden Eagle Insurance Corporation v. Evans (Case No. BC 351 301) (Expert Witness 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*).

## PROFESSIONAL ACTIVITIES:

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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, the Los Angeles County Bar Association, Defense Research Institute, and the Lawyers' Professional Liability Bar Association.

Mr. Revere is co-author of a law review article entitled "Insurer's Duty to Defend," published in Volume 13 of the Pacific Law Journal, No. 3, April, 1982, and has been retained as an expert witness for purposes of trial in attorney malpractice cases, and has acted as a Special Master. Mr. Revere acted as a judge in the 1995 National Appellate Advocacy Competition Regionals sponsored by the Law Student division of the American Bar Association.

On January 25, 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.

On February 19, 2004, Mr. Revere acted as a juror with regard to the ATLA Student Trial Advocacy Competition held at Santa Monica, California.

## CIVIC ACTIVITIES:

Mr. Revere had resided in Los Angeles since 1962 and is a second-generation, native-born Californian. In December, 2001, he and his wife, Rachel, were honored by Yeshiva Ohr El Chanon Chabad of Los Angeles for their contributions to the Jewish Orthodox community. Speakers included Attorney General Bill Lockyer, then-City Attorney and former Mayor James Hahn, and Walter Karabian, Esq.