



# Frank Gooch III

## Member

### Santa Monica

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Frank focuses his practice on business, real estate, and insurance litigation in California trial and appellate courts, as well as before the Judicial Panel on Multi-District Litigation.

His real estate litigation practice encompasses a full range of disputes, including partnership, title and boundary disputes, easement disputes, unlawful detainer actions, and actions involving the acquisition and/or sale of real estate. He also handles claims of contractor and architect negligence with respect to residential properties, real estate broker negligence, and the enforceability of mechanics' liens. He represents clients before governmental agencies regarding homeowner issues.

Frank represents clients in breach of contract actions involving private parties and governmental entities; partnership dissolution matters; partnership and shareholder disputes; unfair competition matters; rescission actions involving acquisitions of businesses; wrongful termination; and other business tort issues, including misappropriation of trade secrets, trade dress claims, intentional interference with economic advantage, and collection actions.

Frank's insurance litigation experience includes anti-trust matters, defense of bad faith and punitive damages actions, the prosecution of actions against brokers and agents for negligence, and matters involving the rescission of life insurance policies based upon material misrepresentation and/or concealment of material facts.

Additionally, Frank has significant experience handling cases involving defamation, right of privacy, and First Amendment rights.

Frank received his bachelor's degree, *summa cum laude*, from University of Southern California, Los Angeles and his law degree from University of Southern California Gould School of Law, Los Angeles where he was Chairman of the Moot Court Honors Program.

## Experience

Secured a favorable decision for the client seller from the California Court of Appeal in a years-long dispute arising from the failed purchase and sale of a retail shopping center in Los Angeles. The prospective purchaser's failure to follow through with the purchase caused our client to sustain, among other harm, consequential damages including lost rental income and triple net expenses. The parties pursued competing claims for breach of contract and fraud after the purchaser refused to authorize the release of the earnest money deposit. At the conclusion of the arbitration hearing, our client was granted its consequential damages, attorneys' fees, and the earnest money deposit that remained in escrow. In seeking to confirm the arbitration award in California State Court, the trial judge vacated our client's recovery of consequential damages but entered judgment in our client's favor with respect to the recovery of attorneys' fees. On appeal and after extensive briefing, the Court of Appeal reinstated the arbitrator's award of full consequential damages and affirmed the entire amount of the the trial court's judgment of attorneys' fees in our client's favor.

Represented owners of real property in negotiations with tenants dealing with lease terminations, preparing lease termination agreements, including resolving issues dealing with COVID-19 governmental regulations.

## Practice Areas

- Commercial Litigation
- Real Estate Litigation
- Bad Faith
- Distressed Real Estate

## Industry Sectors

- Insurance
- Real Estate & Construction

## Education

- University of Southern California Law School, J.D., 1976
- University of Southern California, B.A., *summa cum laude*, 1973

## Bar Admissions

- California

## Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court -- Southern District of California
- U.S. District Court -- Eastern District of California
- U.S. District Court -- Northern District of California
- U.S. District Court -- Central District of California

## Affiliations

Member, American Bar Association

Member, California State Bar Association

Member, Los Angeles County Bar Association

## Awards & Honors

- Super Lawyer in Real Estate Law, Southern California Super Lawyers 2009-2020, 2022
- AV Preeminent Rating, Martindale-Hubbell® 2016, 2017
- Los Angeles Magazine Most Honored Professional 2015, 2016
- Los Angeles Magazine Top Attorney In Southern California 2009-2014, 2016
- Best Lawyers in America 2023-2025

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Represents a major life insurance company in bad faith and antitrust litigation.

Represented a major Los Angeles daily newspaper in defense of its First Amendment rights in a number of defamation and invasion of privacy cases brought by public officials and public figures, as well as by a professional sports team.

Advised a private school regarding litigation arising out of compliance with the Child Abuse Reporting Act.

Testified as an expert witness on an issue regarding the reasonableness of attorneys' fees in Los Angeles County Superior Court Case No. BC 237 396, *Washington Mutual v. Cen Fed Ltd.*

Represented an owner of a professional sports team in a breach of contract action and tort claims filed by an agent for a player on the team.

Represented building owner in a suit for breach of contract filed against the State of California which resulted in a substantial jury trial verdict and, as a result thereof, represented the judge and several other judges in a real estate dispute with their own homeowner's association.

Represented homeowner in dispute with neighboring homeowner's association establishing equitable, prescriptive, and express easement claims against the HOAs.

Represented numerous homeowners in easement claims with adjoining neighbors.

Represented advertising company in municipal proceedings regarding government efforts to restrict ability to advertise in municipality.

Represented owner of an apartment building in construction defect claim against builder and sub-contractors arising out of development of an apartment complex in Burbank, Calif.

Represented dozens of newspapers through the United States in action for copyright infringement brought by a photographer over photographs depicting spoliation of California coastline.

Represented owner of shopping center buyer (with co-counsel, Don Nanney) in action involving seller misrepresentation over environmental condition of the property purchased by client.

Represented major developers of Bunker Hill area of Los Angeles for decades in disputes with tenants over lease disputes and in unlawful detainer actions.

Supervised handling of personal injury claims filed against developer clients assigned to insurance defense counsel.

Represented developer clients in action against municipality for inverse condemnation arising out the illegal development restrictions over development of commercial buildings.

Represented insurance brokerage in defense of claims for alleged bad faith filed by insured.