



MARK FRAZIER

Partner
Litigation and Trial

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Mark Frazier has litigated cases in state, federal and bankruptcy courts as well as counseled clients many substantive areas for the past three decades. He advises clients on early identification of potential disputes, dispute avoidance and cost-effective approaches for early resolution of litigation.

Areas of Expertise

- Complex Business Disputes (Internal and B2B disputes)
- Fiduciary Disputes (Officer, Director, Trustee, Partner, LLC Manager)
- Unfair Competition and False Advertising (Federal Lanham Act, Calif. Bus. & Prof. Code Sections 17500 and 17200)
- Business Interference
- Fraud and Concealment
- Misappropriation of Trade Secrets and Confidential Information
- Non-Compete, Exclusive, Radius Limit and Employee-Raiding Disputes
- Trademark Disputes
- SOX Whistleblower disputes
- Toxic Tort Class Actions
- Environmental Litigation (CERCA, Prop 65, Contractual Liabilities) (Federal and State laws)
- Oil and Gas Litigation
- ADA Litigation
- Pre-litigation Solutions and Litigation Avoidance

Representative Matters/Cases

- Limited Liability Company Owners v. Minority Owner and CEO (client); alleged breach of operating agreement and fiduciary duties, reverse merger resolution
- German Automobile Manufacturer v. Chinese E-Commerce Company (client): trademark infringement
- Bankruptcy Trustee v. Secured Real Estate lenders (clients): avoidance of alleged fraudulent conveyances and disallowance of claims

Related Services

- Litigation and Trial
- Business and Commercial Litigation
- Intellectual Property Litigation
- Real Property Litigation
- Unfair Competition and Class Action Defense Group
- Environmental

Related Industries

- Apparel, Retail and Consumer Products
- Automotive
- Food and Beverage
- Restaurants and Hospitality
- Wholesale and Manufacturers
- Energy
- Oil, Gas, Resources and Mining
- Environmental and Natural Resources

- S Corp Minority Shareholder (client) v. Majority Shareholder: excessive compensation and improper distribution issues
- Collector Car Owner (client) v. Seller: negligent procurement of improper transportation services
- Investor (client) v. Co-Investors: recovery of funds invested in medical marijuana facility
- Industrial Building Owner (client) v. Lessee: lessee liability for solvent contaminated groundwater environmental liability arising from statutory merger
- Automotive Aftermarket Manufacturer (client) v. Former Employee: customer data dispute
- Limited Liability Company Owner v. Limited Liability Company owner (client): Mexico property development dispute
- Limited Liability Company Members (clients) v. Company Manager/Member: fraud in conversion of interests involving Facebook video game
- U.S. Women's Footwear Designer (client) v. Italian Women's Footwear Designer: federal court jurisdictional dispute
- Trust Beneficiary (client) v. Trustee: settlement agreement enforcement and appraisal process dispute
- S Corp 50% Owner (client) v. 50% S Corp Owner: corporate governance dispute
- Oil and Gas Farmout Rights Holder (client) v. Offshore Oil and Gas Interest Owner: enforcement of bankruptcy court-approved settlement agreement to transfer offshore oil and gas interests
- Management Support Provider v. Management Support Provider (client): alleged interference with contract with hospital
- Technology Systems Integrator (client) v. General Contractor: breach of technology integration contract for major hospital
- Creditor Trust v. Directors, Officers, Shareholders (client): Alleged fraudulent transfers and illegal distributions from high yield bond offering
- Former Officers and Shareholders (clients) vs. Corporate debtor to recover executive SERP retirement benefits
- Consumer Electronics Company (client) v. OEM Manufacturer: theft of product designs for home entertainment products
- Consumer Electronics Company v. Property Developer (client): fire loss from allegedly defective warehouse ceiling insulation product
- Steel Company (client) v. Competitor and Former Employees: theft of trade secrets (bids) for Cal Trans contracts
- Financial Institution (client) v. Corporate and Individual Depositors: check kiting scheme arising from overdraft process
- Nonprofit (client) v. Payroll and Human Resources System Provider: breach of contract, defective payroll system
- Metal Fabricator v. Metal Fabricator (client): alleged theft of trade secrets (customer and pricing information)
- Aerospace Safety Systems Manufacturer v. Aerospace Safety Systems Manufacturer (client): alleged theft of trade secrets
- Investment Advisor v. Privately Held Computer Storage Provider (client): alleged failure to pay fee for investment advisory services

Bar & Court Admissions

- State Bar of California
- U.S. District Courts for the Central, Eastern, Northern and Southern Districts of California
- California Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Tax Court

Education

- University of Southern California, Gould School of Law (J.D., 1982), Topic Editor, University of Southern California Hale Moot Court Honors Program, 1981-1982
- Occidental College (A.B., 1979), Honors in Diplomacy and World Affairs

- Laboratory v. Laboratory Instrument Manufacturer (client): alleged loss of specific equipment during transit from Europe to California
- Computer Circuit Board Importer v. Computer Chip Fabricator (client): to recover import duties assessed after alleged improper importation of circuit boards
- Long Distance Telephone Carrier v. Wholesaler Distributor (client): breach of contract
- Property Assessment Report Provider v. Property Assessment Report Provider (client): alleged theft of trade secrets involving business model and unfair competition
- Landlords (clients) v. Industrial Tenants: groundwater environmental contamination. Multiple matters
- Governmental Entity v. Chemical Manufacturer (client): cleanup of groundwater contamination
- Oil Company v. Property Owner (client): cleanup of groundwater contamination
- Property Owner (client) v. Oil Company: cleanup of groundwater contamination
- Trust Beneficiary (client) v. Trust Beneficiaries: trust distribution dispute
- Trust Beneficiary v. Trustee (client): conflicts of interest and breach of trust
- Corporate Assets Purchaser v. Survivor's Trust (client): alleged fraud in sale of contact lens distribution company's business assets
- Corporate Assets Seller v. Purchaser: failure to pay revenue-based installment payments
- Computer Software Retailer (client) v. Computer Software Retailer: misappropriation of State Computer Store contract
- Advertising Agency v. Automotive Product Manufacturer (client): alleged breach of contract
- Automotive Aftermarket Product Manufacturer (client) v. Machine Tool Supplier: breach of contract
- Automobile Owner (client) v. Auto manufacturer: defective steering mechanism
- Hotel Owner v. Product Manufacturer (client): fire caused by alleged defective furnishing product
- Vessel Owner (client) v. Manufacturer: defective transmission product for yacht
- Custom car owner (client) v. Transportation Company: negligent transportation and fraudulent concealment of damages
- Green Product Owner (client) v. Distributor: breach of distribution agreement
- Electric Utility Cart Purchaser (client) v. Manufacturer: defective carts
- Consumer Products Safety Commission adverse Consumer Electronics Manufacturer (client): potential product fire safety issue
- Investor (client) v. Sports Nutrition Manufacturer: investment fraud
- Avionics Manufacturer (client) v. Component Part Supplier: defective parts
- Individual v. Product Distributor (client): alleged asbestos exposure
- Dentist v. Dentist (client): alleged fraud in the sale of dental practice
- Radio Broadcast Company v. Radio Broadcast Company (client): alleged

interference with right of first refused to acquire radio station

Publications/Seminars

- *Arming Your Trial Lawyer - Your Key Agreements and Communications Should Reflect Strategic Use of Rights, Duties, Burdens of Proof and Presumptions*, Orange County Business Journal, August 26, 2013
- *Mergers and Contradictions, Protecting Attorney Client and Work Product Privileges in Merger Negotiations, Corporate Counsel Supplement, Los Angeles Daily Journal*, November 9, 1998
- *Our Little Secret, Protecting Knowledge of Failed Efforts From Competitors*, Los Angeles Daily Journal, May 16, 1997
- Panelist at Los Angeles County Trial Lawyers Association Seminar "Summary Judgments and Discovery Motions," 1992
- Panelist at American Electronics Association "Legal Aspects of Environment, Health and Safety in California in the 90's," 1991
- Panelist at Costa Mesa Chamber of Commerce "Proposition 65," 1988

Awards & Honors

- Southern California "Super Lawyer"
- AV® Preeminent™ rating with LexisNexis/Martindale Hubbell

Memberships & Associations

- State Bar of California (Litigation, Intellectual Property and Environmental Sections)
- Orange County Bar Association (Business Litigation and Environmental)
- Occidental College, Alumni Board of Governors (1998-2002); President (2001-2002)
- The Pegasus School, Board of Trustees (1999-2008)
- Pomona College Parents Leadership Council (2013-Present)
- Pomona College Alumni Athletic Affinity Committee (2017-2018)
- Claremont College Rugby Football Club (2013-2016)
- Newport Harbor High School Football Boosters Gridiron Club, Past Chair
- Back Bay Youth Rugby, Past Member of Board of Directors