Buchalter

Jeffrey G. Frank

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Shareholder

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Areas of Practice & Industry Specialties
Real Estate; Litigation; Trade Secrets & Employee Mobility; Privacy & Data Security Law; Construction Law & Public Contracts; Cannabis & Hemp Industry Law Group

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Jeffrey Frank is a Shareholder in the firm's Seattle office and a member of the Firm's Real Estate and Litigation Practice Groups. With over 30 years of experience, Mr. Frank focuses his practice on commercial, construction, and real estate litigation including construction disputes, real estate contract disputes, claim avoidance, property damage claims and litigation. He has tried cases involving delay and extra work claims, inadequate design, bid protests, construction defect, and mold claims, as well as real estate purchase and sale agreements, commercial lease disputes and wood product facilities. Mr. Frank's clients include public and private owners, Port Districts, developers, design professionals, and general contractors.

Mr. Frank also represents clients in "Business Separation" and shareholder derivative matters in a number of industries, including, real estate development, waste management, industrial supplies and construction. Additionally, he has experience defending attorney malpractice actions and has served as an expert in several attorney fee disputes. In addition to his litigation practice, he serves as arbitrator and mediator in construction-related claims, real estate and commercial contract disputes.

Mr. Frank also advises Cannabis Industry clients on regulatory matters, receiverships, negotiations with the Attorney General on testing protocols and canopy rules interpretations, and contested administrative hearings involving the Washington State Liquor and Cannabis Board.

Awards & Recognition

- The Best Lawyers in America ©2013-Present
- Washington Super Lawyers list, 2001-Present
- Best in the Business: Leading Lawyers in the Puget Sound Region, Construction, Seattle Business magazine, 2013
- ABA: Silver Gavel Award, Key Contributor, 2007
- DRI: Community Service Award, 2007
- WDTL, President's Award, 2006
- League of Justice, Washington CEO magazine, 2006
- Martindale-Hubbell AV Rated

Representative Matters

- Represented Rubatino Refuse Removal, Inc. in a shareholder derivative suit that was resolved through a combination of litigation, arbitration and mediation of the various disputes among shareholders over control of the company.
- Represented the Port of Seattle in an extra work/changed condition dispute with one of its contractors on

a Port Security project. The matter was resolved successfully at mediation.

- Represented the Port of Seattle in defense of a bid protest matter through the designated administrative appeal process. The protesting bidder withdrew its protest after the appeal hearing.
- Represented REI in a multi-million dollar construction and lease dispute with a developer. The matter was successfully resolved after a two-day mediation.
- Represented Costco Wholesale in a subsurface conditions dispute with a Geotechnical Engineering company. The matter was resolved at mediation.
- *Dolan v. Shelton Property Ventures, et al*. Represented commercial property owner and property management company in matter involving mold claims by employees of tenant, a health care company. Trial court made several rulings regarding the standard of care of commercial property owners that would have set bad precedent in Washington State if plaintiffs would have prevailed. Obtained a defense verdict after a 2 ½ week jury trial in one of the only mold cases taken to trial in Washington State.
- *Stimson Lumber v. Harpel and Argus Security* –Represented owner of timber mill in a 3 week jury trial in Montana involving claims resulting from a fire at the mill during dismantling operations. Settled with security company responsible for maintaining fire watch with significant payment to client.
- *Hollywood Video v. John Doe Corp*. – Represented tenant in commercial lease dispute. One week bench trial in Federal District Court against party represented by Ron Leighton, now a Federal District Court Judge in Western Washington.
- *Western Engineering Constructors v. Patent Scaffolding Systems* –Represented Design-Build contractor in claims against scaffold supplier. One week bench trial in King County Superior Court for product defects and engineering errors.
- Weidner Associates (Amber Ridge, English Cove & Highland Parc) –Orchestrated settlements in three cases where the plaintiffs were seeking between $4 million and $8 million in damages. The settlements were all achieved with payments by the insurers for the developer entities, the general contractors, and the subcontractors. Our clients did not contribute any out of pocket proceeds to the settlements.
- Sundquist Homes, Inc. (Barrington, Red Oaks, Mill Creek & Wethersfield) –Represented a large multi-family housing developer in four separate matters pending simultaneously. The claims ranged from $1 million to $4 million in value. We were able to settle all four claims, primarily through contributions by insurers for various contractors.
- HMI Real Estate (Alki Beach, Metropolitan and Palermo) –Successfully resolved all claims utilizing available insurance proceeds to work out creative settlement agreements. Developer paid no proceeds out of pocket.
- Murray Franklyn Family of Companies, Vintage 2 HOA v. Avignon Touraine, LLC–Successfully represented developer on claims filed by an association in a non-condominium, zero lot line complex with 62 units. Fighting efforts by plaintiff's counsel in effort to create new implied warranty claims in Washington.
- *Syntrix Biosystems, Inc. v. Illumina Inc*. – Representation of Syntrix Biosystems as local counsel in connection with a patent suit alleging that Illumina Inc. infringed a patent covering DNA technology and misappropriated trade secrets in a breach of a nondisclosure agreement between the companies when considering a partnership in 2000. Federal jury verdict awarded Syntrix Biosystems $95.8 million plus interest and royalties, one of the largest ever patent judgments in the state of Washington.

Publications

- Buchalter Client Alert: Impact of COVID-19 on Real Estate Transactions, *Buchalter Client Alert*, March 16, 2020
- Closing the Investment Return Gap in Seattle, *Multi-Housing News*, February 13, 2019
- How Seattle is Addressing the Affordable Housing Crisis, August 17, 2018

Presentations

- Master of Ceremony, "Jeffrey Frank, Master of Ceremony at King County Bar Foundation Breakfast With Champions Event," King County Bar Foundation Breakfast with Champions, May 12, 2022
- Presenter, "Ethics Horror Stories: How to Avoid Being that Lawyer & Ethical Obligations When Working Remotely," Washington Defense Trial Lawyers, September 8, 2021

Education
Mr. Frank earned his J.D. from Seattle University School of Law in 1986, and his B.A. from Western Washington University with honors in 1981.

Bar Admissions

- Washington

Court Admissions

- U.S. District Court Eastern District of Washington
- U.S. District Court Western District of Washington
- U.S. District Court District of Alaska
- U.S. District Court District of Hawaii
- U.S. Court of Appeals for the Ninth Circuit

Community

- Foundation for Washington State Courts, Board Member, 2018-Present
- King County Bar Foundation

– Officer, 2017-Present
– Board of Trustees, 2014-Present

- Western Washington University College of Humanities Advisory Council, 2010-present
- Co-Founder and counsel to Washington Committee for Ethical Judicial Campaigns, 2008-present
- One of the founding members of www.VotingForJudges.org, 2006
- Washington State Bar Association Judicial Evaluation Committee, Member, 2011-present