



JOANNE M. FRASCA

Partner

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Office: Irvine

PRACTICE AREAS

Litigation

Appellate

Business Litigation and Dispute Resolution

Insurance Coverage and Litigation

Labor and Employment Litigation

Real Estate Litigation

Shareholder and Corporate Disputes

Labor and Employment

EDUCATION

J.D., summa cum laude, University of Notre Dame

Joseph O'Meara Award for Outstanding Academic Achievement
Notre Dame Law Review B.A., magna cum laude, University of Connecticut
Phi Beta Kappa

ADMITTED TO PRACTICE

California

Federal Court of Appeals for the Ninth and Seventh Circuits

U.S. District Courts for the Southern, Central and Northern Districts of California

Joanne M. Frasca is partner-in-charge of Freeman Freeman and Smiley's Irvine office and a member of the Litigation Department.

» **Business litigation, real estate and employment**

Ms. Frasca has decades of experience handling complex business litigation, real estate and title, and employment disputes in state and federal court. She represents individuals, partnerships, and small to Fortune 500 companies. Clients include real estate developers and landowners, sports agents, financial institutions, and companies involved in franchising and manufacturing. Ms. Frasca's practice includes bench and jury trials, appeals and writs, injunction matters and civil contempt, mediations, and arbitrations in litigation throughout the country. She has extensive experience handling corporate/LLC and partnership control disputes and related litigation.

» **Significant results**

Ms. Frasca has been responsible for obtaining significant results, including the prosecution and defense of high-profile business disputes involving breach of contract, corporate and partnership governance and control issues, employment, insurance, commercial real estate, and environmental matters. Disputes also include claims of fraud, misrepresentation, breach of fiduciary duty and unfair business practices, trademark, copyright, trade secret and unfair competition, professional liability, product liability, and franchise disputes.

» **Honors**

Ms. Frasca has been awarded an AV Preeminent® Rating by Martindale-Hubbell® Peer Review, the highest rating in legal ability and ethical standards.

Representative Clients and Matters

- » Achieved reversal from the Ninth Circuit Court of Appeals of a \$47 million judgment for unfair competition and other related torts obtained by prominent sports agent against a rival agency formed by his former partner.
- » Successful defense of over \$40 million in claims for breach of an alleged partnership agreement, fraud and breach of fiduciary duty against a large Southern California homebuilder in a multi-state litigation, including a six week jury trial, two state court appeals, a Ninth Circuit appeal, an Idaho state court action and appeal to the Idaho Supreme Court.
- » Obtained a verdict in favor of our client after a several week jury trial in a title dispute action establishing over \$1 million worth of prescriptive easements and related claims in favor of our client, the owner of a Hollywood Hills property
- » Obtained a favorable arbitration award that adopted a valuation of shares required to be repurchased by our client under shareholder's agreement that was millions less than the price sought by the opposing party, which was affirmed by the trial court.
- » Representation of minority shareholders in home healthcare franchising companies in various state court litigation involving breach of fiduciary duty, breach of a shareholders' agreement, fraud and other tort claims, including successfully prosecuting charges for violation of court orders freezing millions of corporate funds, resulting in a civil contempt judgment that included a jail sentence.
- » Representation of one of three sibling shareholders of a family owned business in

dispute over management and control of the business, including enforcement of a shareholder buyout agreement and related promissory note

- » Representation of various shareholder and LLC members in disputes over shareholder agreements, including binding arbitration over share valuation
- » Defense of one of two shareholders of manufacturing business over contract, tort and related claims made by other shareholder and former company President following his employment termination.
- » Defense of majority owners of closely held business against various tort, contract and attempted derivative claims breach of an alleged partnership agreement.

Professional & Community Involvement

- » Orange County Bar Association | Gender Equity Committee | Co-Chair | 1998 - 2001
- » Orange County Bar Association | Business Litigation Section
- » Association of Business Trial Lawyers
- » LEAP | Founding member of the Board of Directors

Presentations & Publications

- » "Guidelines for Judicial Officers" and "Avoiding the Appearance of Bias" Handbooks | California's Judicial Council Advisory Committee on Access & Fairness |
- » "How to Handle a Trade Secrets Trial" | Association of Business Trial Lawyers of Orange County | November 12, 2014
- » CLE seminars | Orange County Bar Association |