

# HOWARD S FREDMAN

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## EDUCATION

- **Columbia University School of Law**, J.D. Degree (cum laude, 1969).
  - Recipient, Moot Court First Year Brief Prize.
  - Finalist Harlan Fisk Stone Moot Court Honors Competition.
  - Represented Columbia Law in Quadrangular Moot Court Competition.
- **Princeton University**, A.B. Degree (History Major - 1966).
  - News Editor, *The Daily Princetonian*.

## PRACTICE AREAS - RATING

- Mr. Fredman specializes in complex business trial and appellate litigation, including contract disputes, fraud, business torts, fiduciary breach, defamation, real estate and partnership disputes, banking, antitrust, trade secrets and trademarks, with an emphasis on Federal Court Practice. He also acts as a Mediator for the U.S. District Court.
- Recipient of AV Rating from Martindale-Hubbell; Avvo Rating of 10 ["Top Attorney"]

## ADR EXPERIENCE

- Attorney Settlement Officer/Mediator for U.S. District Court, C.D. Cal., since 2001; recipient of Certificate of Recognition in 2002 for handling most mediations District-wide.
- **L.A. Superior Court Pro Bono Mediation Panel** served 2003-July 2013. Mediated more than 100 cases, with about a 45% settlement or partial settlement rate on court-assigned mediations.
- Attended annual mediation training by U.S. District Court for past 20 years.

## PRIOR EXPERIENCE

- Partner, **FREDMAN LIEBERMAN PEARL LLP** (& predecessors, June 2002-present)  
**Law Offices of Howard S Fredman**, Los Angeles (August 1999-June 2002).
- **Partner, Frandzel Share Robins & Bloom, L.C. (formerly Frandzel & Share)**, Los Angeles (1990-1999; associate 1987-90). Practice emphasized complex business trial and appellate litigation in state and federal courts, including business torts, lender liability, banking, trademark, unfair competition, trade secret, and antitrust.
- **Attorney, Senior Attorney and Counsel in Major Litigation Unit of Atlantic Richfield Company**, Los Angeles (1975-1987). Business defense and antitrust, trademark, securities, and Department of Energy litigation; counseled in the antitrust area; and was responsible for litigation disclosures in SEC 10K and 10Q filings.
- **Associate, McCutchen, Doyle, Brown & Enersen**, San Francisco (1970-75). Practice included business litigation and counseling in areas of trademark, antitrust, securities and product liability.
- **Law Clerk to Hon. Milton Pollak**, U.S. District Judge, S.D.N.Y. (1969-1970).

## CAREER HIGHLIGHTS

- **Summary Judgment for Defendants** in *Odish v Cognitive Code*; Federal District Court found that contracts entered into by Michigan attorney with tech start-up were voidable because of counsel's ethical violations.
- **Defense verdict** for Defendant Rosenberg following jury trial in *Tobinick v. Rosenberg* - action for trademark infringement, unfair competition and false advertising involving hidden text on Internet; Plaintiff demanded \$400,000; Defendant offered \$50,000; jury determined there was no likelihood of confusion, that Plaintiff's trademark was invalid, and there was no unfair competition.
- **Successfully tried** *First Charter Bank v. Fred C. Sands* - bank's rescission action based on fraud; settled action as to Mr. Sands for \$2 million; awarded judgment against co-defendants, reduced to \$491,000 following appeal.
- **Settled** *In re MDL-417 Marine Construction Antitrust* case for \$7 million for ARCO.
- **\$675,000 jury verdict**, including punitive damages of \$500,000, in *Bobrick v. Global* (fraudulent transfer matter) and successfully defended verdict through state court of appeal.

- **Defense judgment** in *United Pacific Ins. Co. v. The Chase Manhattan Bank* (action for imposition of constructive trust and conversion by surety against secured lender relating to \$300,000 progress payment on construction project).
- **Defense judgment** in *Devon Industries v. American Medical Manufacturing, Inc.* in district court (alleged trade secret and trade dress misappropriation in medical products field) and successfully defended judgment through Ninth Circuit.
- **Defense judgment** in *In re Parker North American Corp.: Weber v. First Interstate Bank of Nevada* (defended shareholders' suit arising out of bankruptcy court receivership proceeding) and successfully defended judgment through Ninth Circuit.
- **Defense judgment** in *Elliott v. Bank of America* (action by judgment creditor against secured lender who allegedly colluded with a guarantor to divert assets).
- **Defense judgment** in *Netzero v. Call Systems, LLC* (action by trademark owner against proprietor of vanity number for alleged trademark dilution, tortious interference and unfair competition).

## REPORTED DECISIONS

- *Travelers Insurance v. Madonna*, 914 F.2d 1364 (9th Cir. 1990)(holding that district court abused its discretion in staying federal court action pending decision in parallel state court proceeding; case established limits of Colorado River abstention doctrine).
- *Gryczman v. 4550 Pico Partners*, 107 Cal.App.4th 1, 131 Cal. Rptr. 2d 680 (2003)(holding that delayed discovery rule applies to toll statute of limitations in breach of contract action arising out of right of first refusal to purchase real property).
- *Batzel v. Smith*, 333 F.3d 1018 (9<sup>th</sup> Cir. 2003), *rehearing and rehearing en banc denied*, 351 F.3d 904, cert. denied, 124 S.Ct. 2812, 159 L.Ed.2d 246, 72 USLW 3568 (2004)(holding that 47 U.S.C. §230 immunizes Internet service provider who republishes defamatory matter only if it was reasonable for provider to believe that e-mail containing defamatory matter was provided for the purpose of publication on the Internet).
- *Dial 800 v. Fesbinder*, 118 Cal.App.4th 32, 12 Cal.Rptr.3d 711 (2004)(holding that Superior Court had subject matter jurisdiction over interpleader action despite disputing parties' submission of case to religious tribunal in Israel).
- *Gould v Kettler*, 22 Cal.App.5<sup>th</sup> 593 (2018)(holding SLAPP statute did not apply to CFP Board and Litigation Privilege did not apply to defamatory statements to employer).

## LEADERSHIP, LECTURING, & BAR ACTIVITIES

- Beverly Hills Bar Assn. (BHBA): President (2015-2016); various offices 2011-present; Board of Governors (2007-2011); Chair, BHBA Resolutions Committee (2007-2009); Delegate to Conference of California Bar Associations (2005, 2007-2009, 2011); Chair, BHBA Delegation to Conference of California Bar Associations (2008 & 2009).
- Los Angeles County Bar Association (LACBA): Member, Board of Trustees (2012-2013); Chair, Antitrust Section (1986-1987) and remains an active member of its Executive Committee (1983-present). Headed Section project to publish interviews of U.S. Magistrate Judges (1994); Nominating Committee (1986; 2013, 2015); Delegate to State Bar Conference of Delegates (1987 & 1988).
- Past President, SCBL Inn of Court (2010-2011), previously Program Chair/President-elect.
- Speaker on ADR in U.S. District Court for BHBA (June 2012)
- Speaker for California CEB on trade secret issues at advanced seminar on Intellectual Property Litigation (1999); Speaker on Anti-SLAPP issues before BHBA (2004 & 2005).
- Faculty of Practicing Law Institute programs regarding products liability defense (1982), deposition skills (1986) and negotiation skills (1987 & 1988), and has also lectured in Los Angeles on antitrust issues (e.g. 1994 "Defining The Relevant Market Post-Kodak").
- Editorial Advisory Board to California Causes of Action (James Publishing 1998).
- Member of American Bar Assn. (Litigation Sections); Antitrust Section of State Bar of California.

## CIVIC ACTIVITIES

- Mentor, Princeton's [National] Schools Committee (2010-2014)] and Area Chair of Alumni Schools Committee for San Fernando Valley (1994-2018t); for greater LA Area (1992-1994) [coordinating interviews for L.A. area applicants to Princeton], previously Treasurer, Princeton Alumni Council (2001-2003); Member at Large, (2003 -2005); Committee to Nominate Alumni Trustees (1998-2001); Strategic Planning Committee (1997-1998); President, Princeton Club of Southern California (1994-1996).
- Library Minyan of Temple Beth Am (head Gabbai after serving 10 years as Gabbai).