

# Frank Busch

## Partner

San Francisco

## Details

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Frank Busch is an experienced litigator who has represented parties of every size in complex trial and appellate matters. Frank has experience with all phases of discovery, motion practice, mediation, arbitration, trial, and appeal, including leading successful trial teams and winning oral argument before the Ninth Circuit. A creative and strategic problem-solver who is passionate about technology and informed by his Computer Science degree, Frank understands his clients, their business models, and their products and services. He also understands his clients' need to protect their confidential information in a world where companies rely on that confidentiality to protect their critical intellectual property. Frank represents companies, along with state and local governments, in a broad range of disputes including software, contracts, unfair competition, and trade secret issues in both California state court and federal courts across the country.

Frank also has deep experience in probate litigation, having represented both beneficiaries and fiduciaries in many litigated matters, including will contests, trust contests, accounting actions, attorney-in-fact litigation, and other related matters. In probate litigation, Frank leverages his significant civil litigation experience to ensure that his clients receive the strong and effective representation their dispute requires. Frank served as lead trial counsel in large probate disputes that led to multi-week trials in both 2021 and 2023.

Frank also has an insider's view of government law enforcement practices, having contributed to an investigation by the Northern District of California United States Attorney's Office and the Department of Justice's Mortgage Backed Securities Working Group that achieved a \$2.6 billion settlement agreement with Morgan Stanley. This amount was at the time the largest sum ever recovered in a civil case investigated by the United States Attorney's Office for the Northern District of California.

Prior to joining Coblentz, Frank was a founding partner of Wagstaffe, von Loewenfeldt, Busch & Radwick LLP.

Frank is a member of the Bar Association of San Francisco, where he serves as a member of the Judiciary Committee and as a Co-Chair of the Estate Planning, Probate and Trust Litigation Subsection. Prior to those appointments in 2024, Frank served as Chair and as a member of the Litigation Section Executive Committee in 2023. As Chair, he met monthly with the leadership of the San Francisco Superior Court. He served as Vice Chair in 2022 and Secretary in 2021.

Frank's civil procedure experience is further reflected by his role as a lead author of the California Pretrial Civil Procedure Practice Guide and contributing author to the Federal Civil Procedure Before Trial practice guide published by Matthew Bender, a platform designed to provide efficient and accurate guidance to practitioners in any federal district, or California superior, court. It is one of the key practice guides available on the LexisNexis research platform. Frank's clients benefit from his up-to-the-minute knowledge of key civil procedure issues resulting from his work on this resource.

Frank is admitted to practice before the United States Supreme Court, the Supreme Court of California and California State Courts, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the 9th Circuit, the U.S. District Court for the Central District of California, the U.S. District Court for the Eastern District of California, the U.S. District Court for the Northern District of California, the U.S. Bankruptcy Court for the Northern District of California, and the U.S. District Court for the Southern District of California.

Frank earned his J.D. from the University of Chicago Law School in 2008. He received his B.A. in Computer Science (with distinction) and History from Yale University in 2005.

## Notable Representations

*In re The Sherman Juster and Susan A. Juster Revocable Trust*, No. 23PR00201 (Mendocino County Superior Court): Obtained summary removal of putative trustee before trial, to protect client from conduct allegedly driven by the interests of adverse beneficiaries.

*Schoenmann v. Schoenmann*, No. 22-03024 (Northern District Bankruptcy Court): Secured Schoenmann trial victory in subsequent bankruptcy matter filed by debtor, prevailing by summary judgment.

*Schoenmann v. Schoenmann*, No. 22-cv-09156 (CA Northern District): Defended *Schoenmann* trial victory by obtaining affirmance on appeal from summary judgment in bankruptcy matter filed by debtor.

*Sarlo v. Sarlo*, No. CV0002766 (Marin County Superior Court): Defeated Elder Abuse Restraining Order petition seeking to prevent client from further contact with her father (a Holocaust survivor and early venture capitalist who co-founded Walden Venture Capital). After nine days of trial, the Court squarely rejected the claim of abuse.

*In re Estate of Donn R. Schoenmann*, No. PRO1801087 (Marin County Superior Court): Court's tentative decision entered December 27, 2021, indicating total victory for Frank's clients following three-week trial.

*Straughter v. Concord Music*, No. 5:19-cv-01360-JFW-SHK (C.D. Cal. Jan. 11, 2021): Represented law firm targeted with sanctions demand well in excess of \$400,000. Obtained complete denial of motion.

*Shenzhenshi Haitiecheng Sci. & Tech. Co. v. Rearden*, No. 18-16859, 2020 U.S. App. LEXIS 24193 (9th Cir. July 31, 2020): Represented a major technology incubator in defense against claims brought by foreign company regarding ownership of technology used to create realistic facial animations for major motion pictures such as *Beauty and the Beast* and *Deadpool*. Obtained affirmance of a complete defense verdict.

*Cty. Inmate Tel. Serv. Cases*, 48 Cal. App. 5th 354 (2020): Represented County of San Mateo against statewide consolidated constitutional claims arising out of inmate phone services. Obtained complete affirmance of demurrer.

*Seagate Technology LLC v. eSys Distribution, Inc., et al.*, No. CV-160181 (Santa Cruz Superior Court, 2019): Obtained order vacating judgment of \$170,862,174, and quashing service, freeing client from both judgment and future participation in the litigation.

*Delta V Forensic Eng'g, Inc. v. Delta V Biomechanics, Inc.*, 402 F. Supp. 3d 902 (C.D. Cal. 2019): Obtained complete defense verdict on summary judgment in trademark dispute.

*Myrtle St. Flats LLC v. City of Vallejo*, No. 2:17-cv-1662-JAM-KJN (Eastern District of California, 2019): Obtained summary judgment order establishing city's liability to real estate developer for wrongful seizure because developer had previously secured necessary approvals.

*Mocha Mill, Inc., et al. v. Port of Mokha, Inc., et al.*, No. 18-cv-02539-HSG (Northern District of California): Obtained dismissal, with prejudice, of federal claims brought against clients based upon allegations related to the import of Yemeni coffee featured in the recent Dave Eggers book *The Monk of Mokha* on first Rule 12 motion.

*County Inmate Telephone Service Cases*, No. 4897 (Judicial Counsel Coordination; Los Angeles Superior Court): Obtained order sustaining demurrers in full, without leave to amend, and fully disposing of the entirety of a consolidated set of cases on first demurrer.

*Jogani et al. v. Jogani et al.*, No. BC290553 (L.A. Superior Court): Obtained a complete pre-trial defense verdict on allegations that client's property—consisting of real estate claimed to be worth over \$1B—was held pursuant to an oral partnership agreement compelling the majority of those holdings to be distributed to the plaintiff and cross-complainants in the action.

*Shenzhenshi Haitiecheng Sci. & Tech. Co. v. Rearden LLC*, No. 15-cv-00797-JST, 2017 U.S. Dist. LEXIS 128105, at \*4 (N.D. Cal. Aug. 11, 2017): Represented a major technology incubator in defense against claims brought by foreign company regarding ownership of technology used to create realistic facial animations for major motion pictures such as *Beauty and the Beast* and *Deadpool*. Obtained a complete defense verdict following a bench trial confirming that client owned all intellectual property and physical assets at issue.

*Lopez v. Cook*, 533 F. App'x 763, 764 (9th Cir. 2013): Briefed and argued appeal on behalf of inmate held in solitary confinement for over a decade without committing any violent act; adverse jury verdict vacated.

*Barrios v. Holder*, No. 10-71617 (9th Cir. Dec. 9, 2010): Briefed appeal on behalf of asylum applicant wrongly placed in expedited deportation proceedings; defeated government's motion to dismiss the appeal and thereafter obtained formal grant of asylum.

## Honors & Awards

Frank has been recognized as a leading lawyer for Business Litigation, Civil Litigation, and Intellectual Property by Super Lawyers since 2019.

## Professional Activities

Frank is a member of the Bar Association of San Francisco Litigation Section, where he served as Chair and as a member of the Executive Committee through 2023. As Chair, he met monthly with the leadership of the San Francisco Superior Court. He served as Vice Chair in 2022 and Secretary in 2021.

Frank is admitted to practice before the United States Supreme Court, the Supreme Court of California and California State Courts, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the 9th Circuit, the U.S. District Court for the Central District of California, the U.S. District Court for the Eastern District of California, the U.S. District Court for the Northern District of California, the U.S. Bankruptcy Court for the Northern District of California, and the U.S. District Court for the Southern District of California.

## **Publications & Speaking Engagements**

- Lead author, California Pretrial Civil Procedure Practice Guide, The Wagstaffe Group
- Contributing author, Federal Civil Procedure Before Trial practice guide, The Wagstaffe Group
- Speaker, “Probate and Trust Litigation Year in Review – 2025,” The Bar Association of San Francisco Estate Planning, Probate and Trust Litigation Subsection, San Francisco, CA (January 14, 2025)
- Speaker, “Fiduciary Representation and Ethical Landmines,” Continuing Education of the Bar Webinar (February 8, 2024)
- Speaker, “Taming the Wild West,” The Bar Association of San Francisco Estate Planning, Probate and Trust Section, Probate Litigation Subcommittee, San Francisco, CA (November 14, 2023)
- Moderator and Speaker, “Annual Bench Bar Conference: AI and the Law,” The Bar Association of San Francisco, San Francisco, CA (November 1, 2023)
- Moderator, “State of the Court Address,” featuring Presiding Judge Massullo and Judges Schulman, Wiss, and Bolanos, and Court CEO Riley; The Bar Association of San Francisco Litigation Section, San Francisco, CA (October 17, 2023)
- Between 2018 – 2020, moderated and spoke on panels regarding the use of digital investigators to support high tech litigation, representation of international litigants in California state court, early mediation in IP litigation, and the IP BYTES Trademark Law panel for The Bar Association of San Francisco Litigation Section, San Francisco, CA

## **Education**

- J.D., University of Chicago Law School (2008)
- B.A., Yale University (2005) Computer Science (with distinction) and History