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Frank W.
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Special Counsel

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Focuses on complex commercial litigation, particularly in the areas of shareholder activist litigation, M&A litigation, and corporate control and corporate governance disputes.

Frank has represented public companies, private companies, individuals and financial services industry clients, including financial institutions, hedge funds and private equity funds in a wide range of commercial disputes involving claims for breach of contract, fraud, breach of fiduciary duty and fraudulent transfer.

He also regularly represents lenders, owners/operators and investors in commercial real estate disputes.

Practices

LITIGATION

REAL ESTATE

SHAREHOLDER ACTIVISM

SHAREHOLDER DISPUTES

Bar Admissions

New York

Court Admissions

US Supreme Court

US District Court, Southern District of New York

US Court of Appeals, Second Circuit

US Court of Appeals, Third Circuit

US Court of Appeals, Seventh Circuit

Education

University of Pennsylvania Law School, J.D.

- Senior Editor, *University of Pennsylvania Law Review*

University of Pennsylvania, B.A.

- *magna cum laude*
- Dean's List
- Assistant Editor, *Aeconomica Undergraduate Economics Journal*

Representations

- Politan Capital Management and CalSTRS in a Delaware Chancery Court action challenging preclusive advance notice bylaws adopted by Masimo Corporation, which the judge described as a “consequential” case for corporate governance that achieved “very substantial corporate benefits” for Masimo’s stockholders.
- Four members of the Republic First Bancorp, Inc. Board of Directors in corporate control dispute involving successful expedited appeal to the Third Circuit Court of Appeals.
- Daniel Plants in Delaware Chancery Court litigation involving corporate governance disputes at Cutera, Inc.
- Axar Capital Management and Andrew Axelrod in Delaware Chancery Court litigation challenging take-private transaction involving StoneMor, Inc.
- Ruane, Cunniff and Goldfarb in numerous federal court and arbitration proceedings in New York and Missouri alleging breach of fiduciary duty under ERISA.
- Patriarch Partners in Delaware Chancery Court action relating to disputes with new manager of Zohar Funds.
- Black Diamond Capital Management and Spectrum Investment Partners in disputes relating to the bankruptcy of Allied Systems Holdings Inc. in state and federal courts in New York and Delaware.
- Investment fund and other shareholder defendants in fraudulent transfer litigation relating to the bankruptcies of Tribune Media Company, Lyondell Chemical Company and Boston Generating LLC.
- Mack Real Estate Group in various disputes concerning numerous commercial real estate properties.
- GEMS Americas in litigation concerning a build-to-suit lease for a school location in New York City.

- Investment fund in disputes involving bankruptcy proceedings of a portfolio company in the District of Delaware.
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Publications

- “3rd Circ. Says Pa. Judge Erred in Appointing Bank Custodian,” *Law360*, July 7, 2022 (featured)
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Memberships

- New York County Lawyers Association
- New York State Bar Association