



Richard (Rich) J. Frey

Member of the Firm

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Rich Frey is a seasoned business litigator and trial lawyer who knows when to leverage his client's advantage to get the best result. Rich has a long track record of high-profile wins in pivotal trade secret and mobility disputes, complex business litigation, and wage and hour class actions. He commands respect from plaintiff's counsel who know he won't let his clients be intimidated, and from other law firms who often bring him in to drive home a win. When other lawyers say it can't be done, he reads the legal landscape and explains risk in business terms to help his clients make critical decisions.

Rich has developed deep experience in trade secret and employee mobility cases involving insurance brokerages, talent agents, banks, and private equity firms. In commercial disputes, Rich represents limited liability companies in contentious breakups involving breach of contract, fiduciary duty violations, or employee ownership claims. Even in the face of multimillion-dollar wage and hour class action claims, clients trust Rich's proactive and strong approach to either shut down the case early or settle it favorably. Rich is representing the California Business and Industrial Alliance (CABIA) in suing the State of California to invalidate the Private Attorneys General Act (PAGA). The *Santa Clara Law Review* described this case as the most important challenge to PAGA yet. Rich is advocating for the state to fulfill its constitutional role in enforcing labor laws and not abdicate its responsibility to private attorneys and citizens, which has resulted in thousands of PAGA cases filed each year.

Experience:

- Representing CABIA in suing the State of California to invalidate PAGA on constitutional grounds. Currently on appeal after being heard in Orange County Superior Court, Rich is arguing that permitting employees to claim workplace-wide Labor Code violations and demand civil penalties from an employer violates California's constitution, and resulted in an unfair system that compels employers to settle regardless of the merits.
- Obtained a very favorable result in a trade secret and breach of fiduciary duty case in federal court between a Chinese joint venture and a former U.S.-based employee, who caused a patent to be put in his relative's name

and set up a competing business in China. A significant part of the successful strategy included winning two spoliation motions and obtaining significant evidentiary sanctions. Rich also defeated the employee's counterclaims.

- Led the representation of a group of employees who left a bank to join another bank. The former bank sued the employees, claiming they violated trade secret laws and breached fiduciary duties by leaving to join an alleged competitor in the health care lending space. After several motions and many contentious months of litigation, Rich was able to secure a dismissal of the claims against his clients.
- Successfully prosecuted whistleblower and retaliation claims on behalf of the departed CFO of a private software company. The CFO had an ownership claim in the business but was fired abruptly and placed in a position of losing his ownership claim. Rich was able to leverage his reputation and ability to ultimately go to the trial to obtain a complete payout of the ownership interest with no downward adjustments despite the business being a private company.
- Secured a significant attorneys' fee award in a state action on behalf of a national insurance brokerage group arising out of a threatened trade secret and breach of contract claim by another broker. Confronted with a possible claim by an out-of-state company in Texas, Rich successfully sued in California and convinced the trial court to ignore the Texas forum selection clause. Ultimately, Rich secured a declaratory judgment that his client had not violated any laws or breached a non-compete clause in the contract. The icing on the cake was successfully enforcing the attorneys' provision in the contract, so that his client also recovered the majority of its expenses in bringing the action.

Education

- Pepperdine University School of Law (J.D., cum laude, 1994)
 - Dean's Merit Scholar
 - Senior Staff Member, *Pepperdine Law Review*
- University of California, Santa Barbara (B.A., cum laude, 1991)

Bar Admissions

- California

Practice Areas

- Business Litigation
- Class Actions
- Corporate and Securities Litigation
- Employment Litigation
- ERISA and Benefit Plan Litigation

- Government Investigations/Civil & Criminal
- Labor & Employment Litigation
- Labor Management Relations
- Mergers, Acquisitions & Divestitures
- Trade Secrets & Employee Mobility
- Wage and Hour

Industries

- Health Care and Life Sciences Industry
- Technology, Media & Telecommunications

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Memberships

- Children's Burn Foundation, Board of Directors
- Good Shepherd School (New Orleans, LA), Annual Golf Tournament, Co-Chair

Recognition

- *The Legal 500 United States*: Labor and Employment Disputes (Including Collective Actions): Defense (2019-2021), and Workplace and Employment Counseling (2020)
- *Los Angeles Business Journal*: Top Litigator[®] in Los Angeles (2018)
- *Southern California Super Lawyers*: Employment & Labor: Employer, Civil Litigation: Defense, and Entertainment & Sports (2007 and 2010 to 2020)