

## Frank J. Silvestri, Jr.

Counsel

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Clients seek out Frank's no-nonsense guidance when it comes to complex business disputes.

He has litigated partnership and corporate controversies including breach of fiduciary duty, corporate governance, and securities claims; unfair trade practice, business tort, and antitrust claims; health care matters; and real property claims. Controversies Frank has handled recently include:

- Represents a provider of mortgage loan due diligence services in litigation against a loan originator who refused to pay any of our client's invoices for services that it performed on over 1,800 loans, claiming that the services were deficient. After a bench trial, the court held that our client was entitled to recover the full amount of the unpaid invoices plus statutory interest and offer of compromise interest, resulting in a judgment for double the amount of the invoices themselves. The case is currently on appeal
- Represented a closely held corporation sued by preferred stockholders who alleged a violation of their redemption rights, defeating the stockholders' motion for an injunction to enforce their claimed board-stacking rights
- Defended a title insurance company in a class action seeking to stop the defendants from using allegedly unauthorized title agents, which supposedly caused commissions to be diverted from authorized agents; after years of litigation, the U.S. Court of Appeals affirmed the dismissal of the case for lack of subject matter jurisdiction
- Represented a provider of online educational materials in an action involving both a payment dispute with a vendor of automated, online essay grading services arising out of the unintended issuance of more than 1,000 grades per essay for several hundred essays and claims for copyright infringement
- Represented a hedge fund sued for securities fraud and related claims in state and federal courts for investing members' money with an entity that was later learned to be operating a multibillion-dollar Ponzi scheme
- Served as an expert witness regarding the standard of care in a legal

### Services/Industries

- Litigation & Trial
- Business & Commercial Disputes
- Real Estate Litigation
- Appellate

malpractice case and regarding the reasonableness of attorneys' hourly rates sought on fee applications

- Appointed to serve as Special Master to conduct settlement conferences and to resolve a discovery dispute in federal court cases in Connecticut, as counsel to hospital medical staff committees conducting peer review hearings, and as a private mediator and arbitrator
- Represented clients in a number of matters in which subpoenas were served on Connecticut companies to obtain discovery for use in litigation in a foreign country

Frank claims the firm record for greatest latitudinal distance traveled. He has been hundreds of miles north of the Arctic Circle watching polar bears in the waters off the Norwegian archipelago of Svalbard; to Antarctica to see penguins, seals, whales, ice, ice, and more ice; and halfway in between, interacting with iguanas, giant tortoises, and sea lions in the Galapagos.

### **Education**

- Yale Law School (J.D.)
- Georgetown University (A.B., *summa cum laude*)

### **Public Service**

- United States Naval Reserve, Active Duty (1968-1971)

### **Bar Admissions**

- Connecticut

### **Memberships**

- Chair, Civil Practice and Local Rules Committee (2002-2004); Co-chair, Federal Practice Section (2004-2006); Member, Task Force on Confidentiality and the Courts (2004-2007); and Member, Connecticut Bar Association (present)
- Fellow, American College of Trial Lawyers; Chair, Federal Civil Procedure Committee (2016-2018); Chair, Connecticut State Committee (2012-2014)
- Member, Business Torts Litigation Committee; Commercial and Banking Litigation Committee, Section of Litigation, American Bar Association
- American Inns of Court
- Federal Bar Council
- Member, District's Grievance Committee (2005-present); and Member, Civil Justice Advisory Group of the United States District Court for the District of Connecticut (1996-2000)

### **Honors**

- AV Preeminent Rated by Martindale-Hubbell
- Named a Local Litigation Star for General Commercial and Securities by *Benchmark Litigation*

- Recognized in *Chambers USA: America's Leading Lawyers for Business* under Litigation: General Commercial
- Listed in *The Best Lawyers in America*® under Commercial Litigation, Arbitration, Litigation - Health Care (2001-2019, 2024), and Litigation - Securities (2024)
- Ranked among the *Top 50 Super Lawyers in Connecticut* by *New England Super Lawyers*® (2008-2016)
- Selected by peers for inclusion in *New England Super Lawyers*® under Business Litigation, Personal Injury - Medical Malpractice: Defense and Health Care (2006-2020)
- Raymond B. Green Award for Outstanding Service to the U.S. District Court for the District of Connecticut's Grievance Committee
- Top Lawyer in Fairfield County in Commercial Litigation by Moffly Media

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, [click here](#).

### **Clerkships**

- U.S. Court of Appeals for the Second Circuit, Hon. J. Joseph Smith

### **Court and Other Admissions**

- U.S. District Court for the District of Connecticut
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Supreme Court