



Mark V. Boennighausen

Counsel

San Jose

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With more than 30 years of courtroom experience, Mark Boennighausen represents companies and individuals in business, civil and commercial litigation matters, with a particular focus on trade secret law and trust and estate disputes.

Mark's litigation work also includes real estate and sophisticated commercial licensing disputes involving technology companies, as well as appellate work in both state and federal courts. He regularly provides counseling to clients on commercial contracts and pre-litigation business negotiations.

Mark was a member of the successful Bank of America trial team in *KC Multimedia v. Bank of America* (2009) 171 Cal.App.4th 939, which established the California trade secret pre-emption doctrine. He successfully represented Morgan Stanley & Co, Inc. in *Affonso v. Metropolitan Life Ins. Co et. al.* 2012 WL 1496192, (N.D. Cal 2012 (NO. C 10-5054 PJH)), where he obtained dismissal with prejudice of an ERISA claim. Mark also secured dismissal at the pleading stage of federal RICO claims against an LLC and member investors, which was affirmed by the Ninth Circuit, *Malley v. San Jose Midtown Development LLC*, 2022 WL 62915 (N.D. Cal. 2022).

Mark's career also includes working as a reporter and executive for American Lawyer Media, where he helped start its online business. Through this experience, he has specific insights in the litigation challenges internet-based companies face.

Areas of Focus

Services

[Litigation](#)

[Trust & Estate Litigation](#)

[General Business & Complex
Commercial Litigation](#)

[Intellectual Property
Litigation](#)

[Intellectual Property](#)

[Financial Services](#)

Sectors

[Financial Institutions](#)

[Technology](#)

Experience

- Represented matriarch in trust and estate litigation against her sons over the distribution and management of assets bequeathed by her husband that grew into a multi-billion dollar family business controlled by two of her five children. The matter resolved shortly before trial.
- Represented spouse in collateral trust litigation that arose out of a divorce proceeding where the validity of a QPRT trust was at issue.

- Represented a high-net-worth client seeking to recover money loaned based on fraudulent representations by two individuals. After a court trial, the client secured a \$1.2 million judgment, including more than \$800,000 in attorney fees and costs.
 - Represented investor in bankruptcy adversarial proceeding purchased from trustee against debtor insiders who had filed bankruptcy instead of litigating state action brought by his client on the merits. Matter resolved at settlement conference thereby ending four years of litigation between the principals wherein client successfully recovered more than \$8 million.
 - Represented public company in International Chamber of Commerce (“ICC”) arbitration and parallel California federal action over non-payment of money by European distributor. After substantive preliminary rulings in the ICC and federal action in favor of client, the matter resolved at mediation.
 - Represented public company in recovering money mistakenly wired to wrong account. Litigation required seeking and receiving *ex parte* restraining order in federal court against recipient who had engaged counsel and sought to negotiate a resolution whereby he would keep the money.
 - Represent business owner in dispute with former employee of disparaging text communications and Instagram posting.
 - Represented software company in class-action privacy litigation regarding tracking of users.
 - Represented East Coast company in litigation against California employee who took confidential company information upon being informed of termination. After filing complaint, secured preliminary injunction against employee prohibiting the use or disclosure of the trade secret information.
 - Assisted in defending a publicly traded company in a trade secret dispute, which settled after the plaintiff lost two motions for a preliminary injunction seeking to prohibit client from selling a wide range of its products.
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Credentials

Education

- University of California - Berkeley, J.D.
- University of Notre Dame, B.A., Government and Computer Applications, with honors

Bar Admissions

- California (1989)
- Colorado (1994)

Court Admissions

- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California

- U.S. District Court for the Western District of Washington
 - U.S. District Court for the District of Massachusetts
 - U.S. Court of Appeals for the Ninth Circuit
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Publications

- *The Price of Harassment* (1994) (book with collection of articles written covering the seminal Weeks v. Baker McKenzie sexual harassment trial)
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Professional Activities

- Santa Clara County Bar Association, Member
- American Inns of Court (William A. Ingram Inn), Member (1989 -1992)

Community Involvement

- Los Altos Education Foundation, Board Member, 2005-2008
- Hutlinger Alliance for Education, Co-founder
- Los Altos Education Foundation, Treasurer, 2008-2010
- Los Altos Citizen Advisory, Finance Committee, 2008-2010
- Cub Scout Pack 76
- PONY Baseball (assistant coach and division director)
- AYSO Referee