Buchalter

Joseph C. Kracht

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Special Counsel

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Areas of Practice & Industry Specialties
Labor & Employment

Joseph C. Kracht is a Special Counsel in the Firm's San Diego office and a member of the Labor and Employment and Commercial Litigation practice groups. His practice focuses on complex civil litigation, employment defense, and civil writs and appeals.

Mr. Kracht has represented clients in both state and federal trial courts, before California's Fourth District Court of Appeal, the San Diego City Council, and in private arbitrations and mediations.

Before practicing law, Mr. Kracht served in the United States Navy.

Professional Involvement

- Founding member, Veterans Bar Association

Representative Matters
Workers' Compensation

- Judgment for American Sign Language provider after three-day bench trial before the Workers' Compensation Appeals Board after former employee claiming $400,000 in lost wages and penalties made allegations of serious and willful misconduct against her former supervisor.

Wage and Hour Claims

- Judgment for local janitorial service after one-day bench trial before the late Hon. Roger W.Krauel, San Diego County Superior Court, appealing a Labor Commissioner's award of $118,000 to former janitor in lost wages and penalties (completely nullifying previous award).
- Award for local medical center after three-day Zoom arbitration hearing (JAMS) where medical doctor asserted more than $1 million in lost wages and contractual revenue sharing; arbitrator awarded client $120,000 on breach of contract cross-claim.

Fair Employment & Housing Act (FEHA)

- Award for telecommunications company after three-day Zoom arbitration hearing (AAA) where former highly-paid salesperson claimed more than $2.5 million in economic and emotional distress damages for alleged racial and sexual discrimination; arbitrator awarded client $175,000 in attorneys' fees for bad faith claims that were "groundless when brought."
- Award for senior living facility after four-day Zoom arbitration hearing (ADR) where former prep cook sought more than $750,000 in lost wages and emotional distress for alleged disability discrimination, retaliation, and wrongful termination.

Gender Discrimination (Unruh Civil Rights Act)

- Through concerted action before the San Diego City Council, forced a private country club operating a male-only restaurant and bar on property owned by the City of San Diego to open its doors to female members.

Federal Civil Rights (42 U.S.C. § 1983)

- $12 million jury verdict for rural hospital serving largely Hispanic patients that had been illegally shut down by California Department of Health Services.

Political Free Speech (anti-SLAPP)

- Dismissal of defamation case on First Amendment grounds for sitting San Diego City Councilmember facing allegations of dishonest campaign flyer made by political opponent; Court awarded councilmember her attorneys' fees and costs.

Patent Infringement

- Protected local biotech firm's "green fluorescent protein" imaging technology in multiple federal cases through the claim construction or "Markman" hearing process leading to several six- and seven-figure licensing agreements in favor of client.
- Dismissal of patent infringement action against a local tech company's imaging and tracking technology for plaintiff's failure to state a claim at the pleading stage.

Trade Secrets

- $2.4 million jury verdict for local student loan financing company after defendants gained access to and stole client's proprietary algorithms and database identifying potential customers in need of student loan financing.

Securities Fraud

- Nonsuit after plaintiff's opening statement on behalf of individual client facing California state securities fraud allegations (where previous claims had already been dismissed via summary adjudication).

Bankruptcy (Adversary Actions)

- Defended client facing three separate adversary actions alleging fraud and other claims in excess of $1.2 million all told: the first dismissed on motion for judgment on the pleadings, the second dismissed on motion to dismiss for failure to prosecute, and the third dismissed under threat of Bankruptcy Procedure Rule 9011 (analog to FRCP Rule 11).

Corporate Dissolution

- Negotiated successful partition of three properties valued at more than $10 million after filing involuntary corporate dissolution action on behalf of client – one of three hopelessly deadlocked LLC members.

Education
Mr. Kracht earned his J.D., *cum laude*, from Thomas Jefferson School of Law and his M.A. in International Policy Studies from the Monterey Institute of International Studies. Additionally, he earned his B.A., *magna cum laude*, in International Studies, also from the Monterey Institute of International Studies.

Bar Admissions

- California

Court Admissions

- United States District Court for the Southern District of California
- United States District Court for the Central District of California