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Top Verdicts 2005

# Plaintiff Power

**E**leven angry juries delivered more than a billion dollars worth of verdicts that make up the Daily Journal's 2005 list of Top Plaintiff Verdicts. Of course, by the time judges and appellate courts are finished with them, these verdicts are likely to be significantly less. But the reduced dollar figures don't necessarily lessen the rebuke these fact-finders delivered — much of it aimed at some of the world's biggest corporations. Wal-Mart, the world's biggest retailer, was slapped with a \$172 million wage-and-hour verdict in Oakland, and Toshiba, the Japanese electronics behemoth, was hit with a \$465 million trade-secrets verdict in Santa Clara. A number of California's top plaintiffs' lawyers agreed 2005 was a quiet year for tort claims. But Santa Monica-based Browne Greene predicted 2006 is "going to be a hot year."

## Blanks v. Seyfarth Shaw - \$38.3 million

**K**arate champion Billy Blanks punched his former attorney and firm with a malpractice case that resulted in a \$38.3 million jury award for damages.

Blanks accused the firm of Seyfarth Shaw in Los Angeles and partner William H. Lancaster of fraud and negligence.

"The matter is on appeal, and we remain fully confident that we'll be vindicated fully," Lancaster said. Lancaster has a clean record with the State Bar of California and has not been sanctioned by his firm. *Blanks v. Seyfarth Shaw*, BC30855 (L.A. Super. Ct., filed April 4, 2005).

The malpractice case arose out of a lawsuit against Blanks' former accountant, Jeffrey Greenfield, who, according to Blanks, also said he was a talent agent and promised to take care of Blanks' talent agency work.

Blanks, who invented tae bo, paid Greenfield \$11 million but, after discovering that Greenfield wasn't a licensed talent agent, demanded his money back.

Greenfield kept the money. Blanks sued, hiring Lancaster.

Lancaster, according to the complaint in the malpractice case, should have presented his claim before the state Labor commissioner but mistakenly filed it in the Superior Court.

"Blanks realized he had been paying Seyfarth for no good reason,



ROBERT LEVINS/Daily Journal

James R. Rosen of the Law Offices of James R. Rosen in Beverly Hills represented tae bo inventor Billy Blanks in a legal malpractice claim.

so he fired them, but it was too late," said lead plaintiffs' attorney James R. Rosen of the law offices of James R. Rosen in Beverly Hills.

The state Labor commissioner ruled that the former accountant had violated the Talent Agencies

Act but held that Blanks couldn't recover the money because the case had been filed after the deadline.

The plaintiff in the malpractice case said Lancaster and his firm hid the fact that the Labor commissioner had original jurisdiction

over the claim against Greenfield. That way, Blank's former attorney could bill more hours and make more money, Blank's malpractice case said.

The defense, led by Joseph Connolly of Moscarino & Connolly in Los Angeles, said that's untrue.

"Lancaster pursued an appropriate litigation strategy that Blanks had approved of," Connolly said.

For example, the court case allowed the attorneys to gather evidence through discovery; a case before the Labor commissioner would not have allowed that, Connolly said.

The jury trial lasted 32 days, and the jury ordered Seyfarth to pay \$9.3 million for legal malpractice, \$500,000 for breach of fiduciary duty, \$10 million for fraudulent concealment and \$15 million in punitive damages.

The judge reduced the jury award by \$9.3 million, to \$29 million, ruling that the negligence and fraud allegations were part of the same claim. Judge Susan Bryant-Deason also awarded \$2.1 million in attorneys' fees.

Plaintiffs' attorneys were Rosen and Adela Carrasco of the Law Offices of James R. Rosen.

Connolly, John M. Moscarino and Paula Greenspan of Moscarino & Connolly in Los Angeles represented the defense.

— Peter Zuckerman

## Bakley v. Blake - \$30 million

**E**ric Dubin, a plaintiffs' lawyer with a solo practice in Irvine, was 39 when he pressed Robert Blake in a Los Angeles Superior Court