

Lawsuit Abuse Fortnightly



January 2009 (Volume 8, No. 2)

Real examples of how predatory trial lawyers profit by depriving victims of justice and undermining the Rule of Law in the United States.

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Looniest Lawsuits

The Citizens Against Lawsuit Abuse “sick of lawsuits” campaign against frivolous litigation has announced its “top five ‘looniest lawsuits’ of 2008.”

#5 — A New York man’s suit against a strip club after he was injured when the heel of a stripper’s shoe struck him in the eye during a lap dance.

#4 — A \$54 million suit by a Washington, DC woman against Best Buy because the store allegedly lost her computer. She admits this sum is “unreasonable,” but it’s no coincidence her damages claim is for the same amount as a notorious “lost pants” lawsuit (see #2).

#3 — A Connecticut woman’s suit against L’Oreal for emotional trauma because she accidentally dyed her natural blond hair brunette with one of the company’s products. She claims she had to take antidepressants and had to wear hats to hide her hair.

#2 — The famous \$54 million lawsuit by a former Washington, DC administrative judge against his dry cleaners over a lost pair of pants. The suit has been tossed out by every court that’s heard it so far, but defending it cost the owners of the dry cleaners so much money in legal fees they had to close two of their three stores.

#1 — A woman whose suit concerns a rhinestone-encrusted item of thong underwear described as “slingshot-like” from Victoria’s Secret. She claims a rhinestone was launched from the underwear into her eye.

Loony lawsuits are “ridiculous lawsuits that make us laugh, but that are more sad than funny because they are actually true,” according to “sick of lawsuits.” “And the worst part is: they cost everyone money.”

Source: <http://www.sickoflawsuits.org/news/topfivelooniestlawsuitsof2008.htm>

Legal Actions Speak Louder than Words

A Beaumont, Texas woman is suing her doctor, claiming his rudeness caused her to have a heart attack.

In the suit, filed December 30, 2008, the woman claims her doctor has “an exaggerated sense of self-importance and a feeling of superiority to other people” and should be required to go through psychoanalysis. She says she suffered additional stress

because the doctor allegedly refused to sign papers for a handicapped accessibility tag for her auto. She’s claiming unspecified medical expense damages, taxicab fare due to lack of the handicapped tag, and damages for pain and emotional distress for the times she was forced to ride the bus.

In a suit filed a week earlier against her lawyer, she claims he “assaulted” her with “sarcasm.” And in November 2008 she sued (now former) President George W. Bush claiming he caused her to be homeless due to mismanagement at the Beaumont Housing Authority.

Source: Kelly Holleran, “Woman claims local doctor’s rudeness caused her to have heart attack in his office,” *Southeast Texas Record*, January 7, 2009

Service Man

Hooters engaged in gender discrimination when it failed to hire a male applicant for a serving position, the applicant alleges in his federal lawsuit against the restaurant chain.

Federal courts ruled more than 10 years ago that Hooters was free to hire only females as “Hooters Girls,” but the new suit alleges the man just wants to be a food server, not a Hooters Girl. Hooters says the suit is an attempt at a money grab.

Source: Lauren Williamson, “Local man sues Hooters for gender discrimination,” *KRIS-TV*, January 14, 2008, via iamlawsuitabuse.com, a project of the U.S. Chamber Institute for Legal Reform

Class-Action Reaction

“This case is finito,” wrote Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit of a class-action lawsuit brought eight years ago by 1.6 million homeowners whose mortgages were held by Fleet Mortgage Corporation.

The suit alleged Fleet transmitted the homeowners’ personal information to telemarketers who along with Fleet tried to sell them financial services. The case was brought even though the homeowners bought nothing and had no damages.

“We are disheartened that the litigation by the information-sharing class has been allowed to draw on

for eight years, when it has no merit It is an example of the typical pathology of class-action litigation, which is riven with conflicts of interest,” Posner wrote. “The lawyers for the class could not concede the utter worthlessness of their claim because they wanted an award of attorneys’ fees. The lawyers for Fleet were reluctant to argue the utter worthlessness of the claim because they were able to negotiate a settlement that cost their client virtually nothing—provided they did not take such a strong stand that it jeopardized the class lawyers’ shot at a generous award of attorneys’ fees. ...”

Source: NMC “This case is finito,” folo.us, December 30, 2008, via overlawyered.com

Flight Suits

It will be easier to sue airlines for flight delays and get more damages under rules proposed by the U.S. Department of Transportation last month.

The rules would apply to planes that pull away from the gate but stay on the tarmac. Passengers can already sue under tort law for injuries they suffer from delays; the new rules would label delays as a breach of contract and “chronic” delays as a deceptive trade practice.

Source: Matt Phillips, “Flight delays could result in lawsuits,” Wall Street Journal, January 12, 2009

Biting the Invisible Hand

A class-action lawsuit has been brought in the United States against Wal-Mart by persons in China, Bangladesh, Indonesia, Swaziland, and Nicaragua who work for companies selling goods to the retailer. They allege Wal-Mart was unjustly enriched by this practice and is liable to them because their employers violated applicable foreign labor laws.

A California federal district court dismissed the claim, but the plaintiffs appealed to the U.S. Court of Appeals for the Ninth Circuit, where the Washington Legal Foundation and Allied Educational Foundation filed an amicus brief.

“Simply stated, the crux of appellants’ unjust enrichment claim is that Wal-Mart should have agreed to pay its suppliers more” and that “by paying more, Wal-Mart would have assured higher wages and better working conditions for its foreign suppliers’ foreign employees,” the foundations wrote. They added the claim makes no sense “because the foreign suppliers, not Wal-Mart, were the ultimate beneficiaries of any unjust enrichment derived at appellants’ expense.”

Source: Brief of Washington Legal Foundation and Allied Educational Foundation as Amici Curiae in Support of Appellee, Urging Affirmance, Jane Doe I et al. v. Wal-Mart Stores, Inc., No. 08-55706, December 12, 2008

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Published by The Heartland Institute,
a nonprofit 501(c)3 organization founded in 1984.
Phone 312/377-4000, fax 312/377-5000
Back issues are available online at www.heartland.org.
Publisher: Joseph L. Bast
Editors: Maureen Martin, Diane Carol Bast

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