

Lawsuit Abuse Fortnightly



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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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Bananarama

A California judge dismissed a personal injury case against Dole Food Co., saying the plaintiffs' lawyers fabricated the claims. "What occurred here is not just fraud on the court but blatant extortion of defendants" by a Los Angeles plaintiffs' lawyer and cohorts in Nicaragua. "I cannot in good conscience allow this case to continue," the judge said.

The case is among 40 currently pending in Los Angeles, filed on behalf of thousands of banana workers in Nicaragua, involving claims Dow caused them to be exposed to a pesticide that made them sterile. The ruling came after the judge found Nicaraguan lawyers had collected 10,000 men in one case alone and taught them how to claim sterility and to blame it on Dole. "In fact, many of the men had never worked for Dole, and many weren't sterile. Some even had multiple children," the *American Lawyer* wrote.

Source: Ben Hallman, "Finding Plaintiffs Lawyers Committed Fraud, Judge Dismisses Tort Cases Against Dole and Dow Chemical, American Lawyer, April 27, 2009 via overlawyered.com

The Lawyer Made Me Do It

A Beloit, Wisconsin teenager who was busted for three felony burglary charges allegedly said he was just trying to raise money to hire a lawyer to defend him on several prior criminal charges.

A resident in nearby Janesville caught the youth in a car in his garage and tackled him, the complaint alleges, holding him until police arrived. The teen indicated he was in serious legal trouble and "was trying to get money to help pay for a lawyer," the complaint said. Prior to his apprehension, the teen had been charged with a drug violation, disorderly conduct, and several instances of theft.

Source: "Motive for break-ins?" Beloit Daily News, April 24, 2009 via overlawyered.com

ZIPping Their Lips

Class-action suits are sprouting up in California against retailers who ask customers for their ZIP codes. California law prohibits businesses from asking for "personal identification information" during a credit

card transaction. Cases are being filed against stores who ask for any information at all—even ZIP codes. The law requires penalties of \$250 for the first violation and \$1,000 for additional offenses, even if the customers weren't harmed.

Attorneys Daniel A. Rozansky and Scott M. Pearson of Stroock & Stroock & Lavan LLP in Los Angeles wrote, "Not only does this discourage companies from operating in California, but it also causes businesses to pass on these costs to consumers."

Source: Daniel A. Rozansky and Scott M. Pearson of Stroock & Stroock & Lavan LLP, Los Angeles, "Sued for seeking a ZIP code, San Francisco Chronicle, April 8, 2009

Net Loss

Quinnipiac University in Hamden, Connecticut is being sued by some female athletes and coaches for ending its volleyball program.

The American Civil Liberties Union is representing the plaintiffs, who claim the university is depriving women of equal athletic opportunities in violation of federal law, while male students have more opportunities. The team finished the last season with a record of five wins and 30 losses.

Source: Associated Press, "Quinnipiac sued over elimination of volleyball," April 17, 2009 via FacesOfLawsuitAbuse.org, a project of the U.S. Chamber Institute for Legal Reform

No Small Claims

An Illinois lawyer—now in business school—may have his license suspended for three years and could face disbarment after falsifying his law school transcripts and other documents dating back to his law school application.

The lawyer, who graduated from the University of Chicago Law School, failed to mention when he applied to UC that he flunked out of medical school and that a lecturer found he had plagiarized a paper. He doctored his transcript to eliminate "C" grades when he applied to Sidley Austin LLP, a top international firm, for a summer internship.

A state bar hearing board recommended the

suspension, but the head of the Illinois Attorney Registration and Disciplinary Commission will appeal and seek disbarment. Sidley lawyers found the deceptions after a partner received the lawyer's resume from a headhunter containing the lawyer's real grades, recognized the lawyer's name, and investigated.

Source: Ameet Sachdev, "Lawyer faces sanctions for fudging law-school transcripts - Head of state disciplinary commission calls for his disbarment for deceptions," Chicago Tribune, April 28, 2009 via jonathanturley.org

Cursing a Blue-Haired Streak

A 78-year-old Wisconsin woman is suing the Monroe, Wisconsin senior citizens center after she was barred from it for violating the center's code of conduct.

She alleges the center violated her right to free speech and its code of conduct is unconstitutional after the center wrote her saying she failed to treat others with respect, used abusive language, and physically threatened others. The center said they'd let her back in if she completed an anger management course.

"She, in my view, is entitled to [compensation], but her main goal is to be able to enjoy the senior center," said her attorney.

Source: Barry Adams, "Woman, 78, sues to get back in senior center card game," Wisconsin State Journal, April 9, 2009 via FacesOfLawsuitAbuse.org, a project of the U.S. Chamber Institute for Legal Reform, April 1, 2009

Can't Stop the Music

A former New York composer is suing the Brooklyn Philharmonic alleging it "butchered" his composition rather than pay orchestra members overtime wages.

The composer, now a professor at the University of Virginia, paid the orchestra \$70,000 to play his piece, called "Gaian Variations." But it ran more than two hours, so they asked him, mid-performance, to cut part of it out. He did, but later, "the conductor just stopped and walked offstage," the composer said. "It was completely bizarre because we had agreed on a different solution."

"For me, I would drop the case in five seconds if they would just play it again," he said. The orchestra has been plagued with financial problems.

Source: Alex Ginsberg, "Bitter 'Suite' Battle," New York Post, April 13, 2009

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