

PROFESSIONAL MALPRACTICE

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Law firm unsuccessfully sued for malpractice cross-complains for past-due fees

PROFESSIONAL MALPRACTICE

Attorney

LOS ANGELES COUNTY SUPERIOR COURT

Janis v. Gorry Meyer and Rudd, No. SC079307,
Santa Monica. Gerald Rosenberg. Bench trial: 1 day.
Verdict/judgment: 11/28/2006.

VERDICT/JUDGMENT: \$275,000

The complaint brought by plaintiffs for attorney malpractice was dismissed by the court after a successful motion for summary judgment by Gorry Meyer and Rudd. Gorry Meyer and Rudd then pursued their cross-complaint to a successful verdict in the amount of \$585,000. The judgment consisted of \$275,000 in fees, \$90,000 in attorney fees pursuant to the written fee contract, \$28,000 in costs and \$192,000 in interest pursuant to contract.

TRIAL COUNSEL

Plaintiff: Rick Towne, Lynberg and Watkins, Los Angeles.
Bruce Armstrong, Lynberg and Watkins, Los Angeles.

Defendant: John K. Pierson, Pierson Law Firm, Los Angeles.

FACTS/CONTENTIONS

According to defendant: Plaintiffs Conrad Janis, a 70-year-old actor and heir to the Janis Art Fortune, and his wife, Maria Janis, a 65-year-old actress, retained defendant law firm Gorry Meyer and Rudd (now part of Venable LLC) to pursue a construction defect action against numerous contractors and subcontractors. Gorry Meyer and Rudd was able to secure a settlement of \$1.4 million after one year of litigation. Plaintiffs turned down the offer and hired attorney Rick Towne to act as co-counsel with Gorry Meyer and Rudd.

Plaintiffs stopped paying their bills to Gorry Meyer and Rudd when they hired Towne. Gorry Meyer and Rudd filed a motion to withdraw as counsel of record, which was granted. Towne continued to represent plaintiffs for another 18 months. Towne and plaintiffs failed to show up for the trial in the matter. A default judgment was entered against plaintiffs and defendants were awarded \$300,000 in attorney fees and costs. The award was appealed to the Supreme Court of California, which denied the appeal. Plaintiffs paid the award and then sued Gorry Meyer and Rudd for malpractice.

Gorry Meyer and Rudd countersued for past-due fees. The court granted Gorry Meyer and Rudd's motion for summary judgment. As a matter of law, there was no causation be-

between the damages allegedly suffered by plaintiffs and the work done by Gorry Meyer and Rudd.

John K. Pierson, Esq., on behalf of Gorry Meyer and Rudd, then pursued their cross-complaint to a successful verdict in a one-day court trial, obtaining an award close to \$600,000 on the \$280,000 past due amount. Plaintiffs filed two new trial motions, all of which were denied after extensive briefing and hearings.

CLAIMED INJURIES

NA

CLAIMED DAMAGES

According to defendant: Over \$4,000,000.

SETTLEMENT DISCUSSIONS

According to defendant: No settlement discussions except for Gorry Meyer and Rudd agreeing to payment in full of past due amount and agreeing to waive any claim for malicious prosecution. There was no response from plaintiffs to this offer.

TRIAL EXPERTS

Plaintiff: Not reported.

Defendant: Gregory Ogden, law professor, Pepperdine University, Malibu (310) 506-4611.

COMMENTS

According to defendant: The Pierson Firm began executing on the judgment. Plaintiffs and their counsel failed to appear for their debtor exams. A contempt motion was filed, and on the day of the contempt motion, plaintiffs posted a bond to secure the judgment in the amount of \$875,000. The matter is currently pending an appeal.