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Questions and Comments

VERDICTS & SETTLEMENTS

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Breach of Contract **B** **\$200,000**

For the plaintiff:
Jeremy D. Smith
Benjamin J. Smith
For the defendant:
Steven R. Berardino

L.A. Superior Central
Hon. Holly Kendig

Antitrust
Price Fixing
\$90,000,000 USDC Illinois

Banking
Fraud
Defense L.A. Superior Central

Breach of Contract
Public Contract
\$34,659,185 U.S. Court of Federal Claims

Business Law
Unfair and Deceptive Business Practices
\$800,000 USDC Northern

Trade Secrets
Defense San Diego Superior

Civil Rights
Excessive Force
Defense USDC Eastern

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First Amendment
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Construction
Construction Defect
Defense Ventura Superior

Consumer Law
False Advertising
\$18,200,000 USDC Central

Fraud
\$8,500,000 USDC Central

Fraud
\$2,495 Stanislaus Superior

Unfair Competition
Dismissal USDC Northern

Product Liability
Dismissal USDC Northern



Contracts
Breach of Contract
\$15,207,898 JAMS

Breach of Contract
\$500,000 USDC Northern

Breach of Contract
\$200,000 L.A. Superior Central

Breach of Contract
Defense Ventura Superior

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Employment Law
Race Discrimination
\$290,000 Alameda Superior

Sexual Harassment
\$124,000 Alameda Superior

Disability Discrimination

RESULT DATE: 'Sept. ' 24, 2012

Holiday Rx Inc. v. Chicago Motor Car Corporation (BC445784) 13-JV_285

BENCH DECISION: \$200,000

ATTORNEY Plaintiff - Jeremy D. Smith, Benjamin J. Smith (Krane & Smith, APC, Encino).
Defendant - Steven R. Berardino (Molino & Berardino, APLC, Los Angeles).

FACTS: Plaintiff, Holiday Rx Inc. entered into a written purchase agreement with defendant Chicago Motor Car Corporation for the purpose of purchasing a Lamborghini automobile previously owned by Michael Jordan. The purchase agreement included a provision, which provided that if the transaction was not completed, the entire amount of Plaintiff's deposit could be retained by Defendant as liquidated damages. The purchase agreement required a deposit of \$3,000, which Plaintiff paid.

Approximately one week after the purchase agreement was made, Plaintiff made an additional \$50,000 payment towards the purchase of the automobile. After a dispute, Plaintiff elected not to complete the transaction and Defendant sold the automobile to a third party for a higher price.

At trial, both parties had affirmative claims for breach of contract and declaratory relief.

CONTENTIONS: PLAINTIFF'S CONTENTIONS: Plaintiff contended it was entitled to the return of its \$50,000 payment, but did not dispute Defendant's entitlement to the \$3,000 deposit as liquidated damages.

DEFENDANT'S CONTENTIONS: Defendant contended that it was entitled to keep the entirety of Plaintiff's \$53,000 payment as liquidated damages based on the purchase agreement.

SETTLEMENT DISCUSSIONS: All of the settlement offers from Defendant, involved Plaintiff assuming a portion of Defendant's attorney's fees.

RESULT: Judgment in favor of Plaintiff for \$200,000 (principal amount \$49,990; costs \$4,016; prejudgment interest \$11,190; the Court awarded Plaintiff all of its attorney's fees for \$109,497.

Defendant paid an additional \$24,503 for fees incurred after the initial attorney's fees award on Nov. 15, 2012.

OTHER INFORMATION: Defendant's motion for new trial was denied.

Defendant has fully satisfied the judgment.

FILING DATE: Sept. 17, 2010.

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\$1,950,000 Orange Superior

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Environmental Protection
Preliminary Injunction Denied USDC Northern

Intellectual Property

Trademark Infringement
Dismissal USDC Central

Trademark Infringement
Granted in part USDC Central

Copyright Infringement
Permanent Injunction USDC New Jersey

Trademark Infringement
Preliminary Injunction Granted USDC Central

Legal Malpractice

Breach of Fiduciary Duty
Anti-SLAPP Motion Granted L.A. Superior Central

Personal Injury

Multiple Automobile Accident
\$250,000 Case Not Filed

Premises Liability
\$230,000 Fresno Superior

Auto v. Auto
\$169,289 Orange Superior

Auto v. Auto
\$160,000 San Diego Superior

Auto v. Pedestrian
\$59,742 Orange Superior

Auto v. Auto
\$24,318 Fresno Superior

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Defense San Bernardino Superior

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Probate and Trusts

Breach of Fiduciary Duty
\$280,000 Tehama Superior

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Breach of Fiduciary Duty
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\$50,001 Alameda Superior

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Defense Sonoma Superior

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