

# Daily Journal

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This week's cases

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Breach of Fiduciary Duty V \$9,236,347

For the plaintiff:  
Samuel Krane  
Jeremy D. Smith  
For the defendant:  
Gregory J. Aldisert  
Christopher P. Fields  
Edward Y. Lee

L.A. Superior Central  
Hon. Rita J. Miller

RESULT DATE: 'Sept. ' 25, 2009

Daniel Taheri, M.D. v. Alex A. Khadavi, M.D.; Alexander Hersel, M.D.; Thousand Oaks Surgery Center (BC398292) 10-JV\_2471

FURTHER DESCRIPTION: Fraud

VERDICT: \$9,236,347

ATTORNEY: Plaintiff - Samuel Krane, Jeremy D. Smith (Krane & Smith, Encino). Defendant - Gregory J. Aldisert (Kinsella, Weitzman, Iser, Kump & Aldisert, LLP, Santa Monica); Christopher P. Fields, Edward Y. Lee (Lee & Fields, APC, Los Angeles).

TECHNICAL: Plaintiff - Barbara Luna, Ph.D., forensic economics, Sherman Oaks.

FACTS: Plaintiff Dr. Daniel Taheri and defendants Dr. Alex Khadavi and Dr. Alexander Hersel agreed that they would collectively develop a surgery center in Thousand Oaks and formed the Thousand Oaks Surgery Center with each owning 1/3 of the shares.

Dr. Taheri and Dr. Khadavi each sold their 1/3 interest in Thousand Oaks Surgery Center to defendant Dr. Hersel. Dr. Khadavi reacquired a 50 percent interest in Thousand Oaks Surgery Center from Dr. Hersel.

CONTENTIONS: PLAINTIFF'S CONTENTIONS: Dr. Taheri alleged that Dr. Khadavi and Dr. Hersel fraudulently induced Dr. Taheri to sell his interest in Thousand Oaks Surgery Center.

DEFENDANTS' CONTENTIONS: Dr. Khadavi and Dr. Hersel alleged that Dr. Taheri had to sell his interest for reasons which were unrelated to Dr. Khadavi and Dr. Hersel.

JURY TRIAL: Length, nine days; Poll, 12-0; Deliberation, one hour

SETTLEMENT DISCUSSIONS: Defendants did not make a monetary offer to settle the case prior to the verdict.

RESULT: Verdict in favor of plaintiff for \$9,236,347.

OTHER INFORMATION: FILING DATE: Sept. 16, 2008.

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**Excessive Force**  
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**Consumer Protection**

\$3,500,000 USDC Northern

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**Breach of Fiduciary Duty**  
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\$1,720,000 Santa Clara Superior

**Loan Agreement**

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**Construction Contract**

Defense Santa Barbara Superior

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**Compensations, Benefits**

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