## Daily Tournal FEBRUARY 19, 2020

## **Top Verdicts**

The largest and most significant verdicts and appellate reversals in California

## TOP PLAINTIFFS' VERDICT BY DOLLAR

## Wark Entertainment Co. et al. v. Twentieth Century Fox Film Corp.



DANIEL A. SAUNDERS

as forensic accounting led law-

yers for its stars and producer to

persuade a JAMS arbitrator to

award them nearly \$179 million

for fraud and breach of contract

by distributor Twentieth Century

The plaintiffs' lawyers at Ka-

sowitz Benson Torres LLP said it

was the largest arbitration award

ever issued in a profit participa-

because we were dealing with

net-profits accounting, all the

relevant documents were in the

hands of our adversaries and un-

known to us, and we aimed to

prove fraudulent intent," said lead

plaintiff lawyer John V. Berlinski.

"This case was a challenge

Fox Film Corp.

tion dispute.

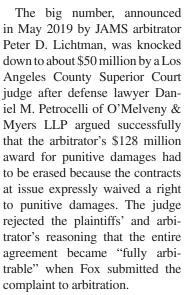
orensic anthropology was

the focus of the popular

TV series "Bones," even



JOHN V. BERLINSKI



The parties later settled on undisclosed terms, Berlinski said.

"It is imperative for arbitrators to scrupulously abide by the parties' arbitration agreement,"



KIMBERLY A. MEYER

Petrocelli said, "particularly as to limits on arbitral authority."

Daniel A. Saunders, the Kasowitz partner who served as plaintiffs' co-lead counsel, said he and his team endured tough discovery battles to find the evidence they needed. "In addition, our case at the hearing was presented through our calling our opponent's executives as witnesses. We'd deposed most of them, but hostile witnesses, to get information from people who are trying to make the best case they can for their own company." Wark Entertainment Inc. v. Twentieth Century Fox Film Corp., 1220052735 (JAMS Los Angeles, filed April 8, 2016); BC602287 (L.A. Super. Ct., filed Nov. 30, 2015).

The Kasowitz team's success at

case INFO

Arbitration, breach of contract

JAMS, Los Angeles County Retired Judge Peter D. Lichtman, as neutral \$178.965 million

**Plaintiffs' lawyers:** 

Kasowitz Benson Torres LLP, John V. Berlinski, Daniel A. Saunders, Kimberly A. Meyer, Alexandra E. Siegel and Candace Frazier

Defense lawyers: Munger Tolles & Olson LLP, Glenn D. Pomerantz; O'Melveny & Myers LLP, Daniel M. Petrocelli, Molly M. Lens

our case at the hearing was presented through our calling our opponent's executives as witnesses. We'd deposed most of them, but it's a unique challenge to rely on hostile witnesses, to get information from people who are trying proving its claims through hostile witnesses was reflected in the arbitrator's ruling. Lichtman wrote, "A myriad of explanations by the Fox witnesses cannot account for their complete disregard for obvitous and uncontroverted facts."

Saunders said, "The conventional wisdom is that arbitrators tend to be more favorable to defendants. So this outcome was particularly satisfactory for us and our clients."

-John Roemer