

FROM THE COURTS

Girardi Keese's Cases Transferred After Girardi Drops Objection



Erika Girardi, seen here with husband Tom Girardi, had insisted there wasn't enough information to determine whether the trustee was "maximizing value" for the estate and its creditors.

by Amanda Bronstad

A Girardi Keese bankruptcy trustee is set to transfer more than 150 lawsuits filed over transvaginal mesh devices and concussions of professional football players to other law firms after Erika Girardi abruptly dropped her objection.

The trustee, Elissa Miller, wants to transfer the National Football League and mesh lawsuits to other firms that have agreed to share fees with the Girardi Keese estate. But Girardi, the estranged wife of Girardi Keese partner Tom Girardi, insisted the trustee isn't getting enough for the estate.

"Ms. Girardi has a 12th grade education, was never a GK attorney, and had no role in the operation or management of GK. Ms. Girardi was, however, married for approximately 20 years to Thomas Girardi, whom we understand is the 100% equity holder of GK," wrote Evan Borges, of Greenberg Gross in Costa Mesa, California, an attorney for Erika Girardi, who also stars on Bravo TV's reality show "The Real Housewives of Beverly Hills."

Under California community property law, she retains interest in maximizing the value of the estate, Borges wrote.

A "preliminary investigation" based on input from Girardi Keese competitors indicates that the firm's "portfolio of cases should be extremely valuable, and potentially sufficient to pay all legitimate creditors in full," he wrote.

Miller, a partner at SulmeyerKupetz in Los Angeles, defended the transfer arrangements. She also insisted that Erika Girardi had no standing to bring speculative objections that not only are "devoid of any evidence" but could derail efforts to recoup assets for the estate. Last month, Miller sued Erika Girardi, who, armed with new lawyers, has challenged the appointment of Ronald Richards & Associates in Beverly Hills, California, special litigation counsel to the trustee.

On Monday, Erika Girardi withdrew her objection "after reviewing information received from the Chapter 7 trustee."

Miller has reached agreements with numerous firms this year to take over thousands of cases left pending after Los Angeles-based Girardi Keese was forced into involuntary bankruptcy by several creditors. The potential assets of Girardi Keese include the firm's pending cases, many of which have settled and could provide attorney fees to the bankruptcy estate.

Pittsburgh's Goldberg, Persky & White, which was co-counsel with Girardi Keese on hundreds of other NFL cases that were part of multidistrict litigation in Pennsylvania's Eastern District, agreed to take over another 100 lawsuits going through the settlement process. Lawyers from that firm, along with Miami's Russomanno & Borrello and Girardi, had signed a 2018 promissory note for nearly \$10.7 million tied to a loan from Virage SPV 1 LLC, one of several litigation finance firms now listed as creditors. The trustee's proposed transition agreement stated that Girardi Keese owed nearly \$2 million in costs to Goldberg Persky and Russomanno & Borrello.

Jason Luckasevic, a partner at Goldberg Persky who vouched for those costs in a declaration, declined to comment.

Los Angeles-based Nadrich & Cohen and The Oshman Firm in New York have agreed to take over 52 mesh cases—30 against Johnson & Johnson's Ethicon Inc. and 22 against Boston Scientific. Together, the firms have already represented more than 1,000 mesh clients in other cases.

"First thing is first—and that is to get the court to sign the order and move forward and go essentially from the beginning because Girardi's firm hasn't done much on these cases in years," Jeffrey Nadrich, who filed an Aug. 3 declaration supporting transfer of the mesh cases to his firm, said. He said some of the cases date back to 2010. "These people have been waiting and been in limbo," he said.

U.S. Bankruptcy Judge Barry Russell of the Central District of California had initially scheduled a hearing on Erika Girardi's objection for Tuesday. It was closed to the public because many of the fee percentages and settlement amounts in the filings are redacted. A June 9 motion to transfer the NFL cases said the estate would collect 25% of any contingency fees.

Erika Girardi, in her objections, insisted there wasn't enough information to determine whether the trustee was "maximizing value" for the estate and its creditors, "or improvidently giving away value based on a false premise of urgency." She suggested the trustee retain experts in the field to better evaluate the amount Girardi Keese already spent in the cases.

Her lawyer, Borges, did not respond to a request for comment.

Amanda Bronstad is the ALM staff reporter covering class actions and mass torts nationwide. Contact her at abronstad@alm.com.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **August 25, 2021, beginning at 6:00 PM** to consider the approval of the First Amendment to Settlement Agreement between the City of Doral and Viewpoint Outdoor, LLC, as assigned to SDE Media, LLC. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 21-

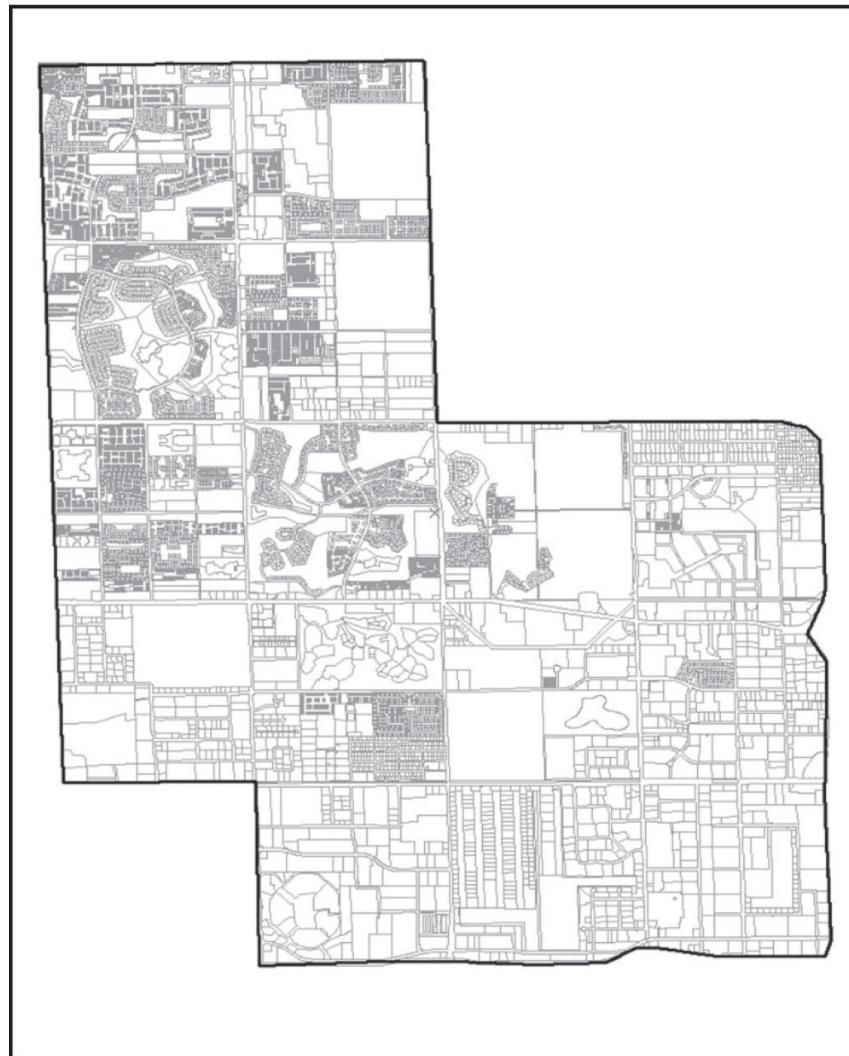
A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF DORAL AND VIEWPOINT OUTDOOR, LLC, AS ASSIGNED TO SDE MEDIA, LLC; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-08-DOR-07

APPLICANT: City of Doral

REQUEST: The City Manager's Office respectfully recommends that the Mayor and City Councilmembers approve the First Amendment to Settlement Agreement between the City of Doral and Viewpoint Outdoor, LLC, as assigned to SDE Media, LLC.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral