

Trump Case Involves Unusual Legal Move

By Catherine Ho
Daily Journal Staff Writer

The hotel magnate famous for booting TV contestants off his reality show has cleaned house of two different law firms representing him in a case brought by a former hostess at Donald Trump's Southern California golf club. The most recent change in counsel comes on the heels of a missed discovery deadline that the two parties are now disputing.

Trump is on his third defense lawyer in the lawsuit, filed in 2008 by Lucy Messerschmidt, who claimed she was fired after complaining about her manager arranging her schedule so that she wouldn't work on days that Trump was visiting — because he liked to see “young girls,” said Messerschmidt's lawyer, Jeffrey Cowan of the Cowan Law Firm in Santa Monica.

Messerschmidt also alleges she and others were denied meal breaks and rest breaks during the two years she worked at the golf club's restaurant.

Trump denies the allegations, and the claims



Donald Trump

“have absolutely no merit,” said George Sorial, managing director of international development and assistant general counsel at The Trump Organization.

Although the case, which is scheduled to go before a Los Angeles Superior Court judge today, is “over common employment claims, it involves a somewhat unusual motion to seek privileged information after Trump's former lawyer missed a disputed discovery deadline. Cowan is now asking Trump to cough up all documents related to Messerschmidt's accusations, including those protected under attorney-client privilege, saying his attorney waived all objections by missing a discovery deadline last year.

The request for emails, phone records, faxes, attorney's work files and any other attorney-client correspondence is overly vague and improperly seeks privileged information, according to papers filed by Trump's current attorney, Glenn Briggs of Hodel Briggs Winter in Irvine. Briggs declined to comment further.

Trump had initially retained Greenberg Traurig partner Michelle Lee Flores, but less than three months later hired labor-and-employment giant Littler Mendelson. Flores declined to comment on why Trump left Greenberg for Littler.

In December, Trump again jumped ship to Hodel Briggs Winter after his second lawyer,

Tony Skogen of Littler, missed a March 31, 2009 deadline to respond to the plaintiff's document requests.

Skogen has claimed the deadline was extended, but that Cowan later changed his mind. Skogen did not return a call or an email seeking comment. But in an Oct. 7 declaration, he said that after a March 24 status conference, Cowan had agreed to extend the deadline, then flipped on his decision.

“Mr. Cowan told me he saw no reason not to grant me more time, and told me to call him and let him know how much time I needed to respond to the discovery,” Skogen said in the declaration. “When Mr. Cowan and I finally spoke, Mr. Cowan informed me that because I had called after March 31, 2009, he was changing his mind and not granting me an extension... At no time did Mr. Cowan tell me that there would be no extension if the particular date of that extension was not confirmed before March 31, 2009.”

Skogen added that he did not waive attorney-client privilege on discovery matters.

However, the plaintiffs claim Skogen called, asking for an extension after the deadline passed, according to a brief filed by Cowan last week.

Los Angeles Superior Court Judge Mark V. Mooney is holding a hearing on the case.

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9th Circuit New Ban

By Rebecca Beyer
Daily Journal Staff Writer

SAN FRANCISCO — The Northern District has a new bankruptcy judge, the 9th U.S. Circuit Court of Appeals announced Wednesday.

The appellate court appointed former federal prosecutor Stephen L. Johnson to fill the vacancy created by the retirement of Les Tchaikovsky, who left the bench at the end of August. Johnson, who started work Monday in San Francisco, had been an assistant U.S. attorney for the Northern District of California in 2002, handling bankruptcy and matters for the government.

Prior to becoming a prosecutor, Johnson worked for seven years as a trial attorney in the U.S. Trustee's Office in San Francisco. He was the lead attorney for that office in the Pacific Gas & Electric Co. Chapter 11 bankruptcy. Before joining the government, Johnson, 49, worked

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