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Top Verdicts

The largest and most significant verdicts and appellate reversals in California

TOP DEFENSE VERDICTS

Shailesh Jogani v. Haresh Jogani

For years, before the high court in Bombay and the Los Angeles County Superior Court, Shailesh Jogani fought his brothers over partnerships within the family's businesses. He accused his brother Haresh of renegeing on an oral agreement that resulted in a loss of \$250 million of his share in real estate holdings. Haresh maintained the partnership never existed. *Shailesh Jogani v. Haresh Jogani* BC564146 (L.A. Super. Ct., filed Nov. 25, 2014)

With the help of Rick L. Richmond and AnnaMarie A. Van Hoesen, partners at Jenner & Block LLP, Haresh convinced a jury to side completely with him. Associates Nayiri K. Pilikeyan and Camila A. Connolly rounded out the defense team.

The jury decided Shailesh couldn't sue Haresh due to the lapse of statute of limitations.

The defense verdict was rendered May 31, 2019. Los Angeles County Superior Court Judge Mark V. Mooney entered the final judgment on Oct. 8, 2019 after denying Shailesh's request for declaratory relief and equitable estoppel.

Mooney, in post judgment rulings, found that Shailesh admitted during testimony to committing perjury. The doctrine of unclean hands clearly played a large role in Mooney's decision, Richmond pointed out, and served as a remarkable defense.

Jogani said the oral agreement came into existence in 1995 but he



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FROM LEFT TO RIGHT, CAMILA A. CONNOLLY, RICK L. RICHMOND, ANNAMARIE A. VAN HOESEN, NAYIRI K. PILIKYAN

didn't file a case until November 2014. The trial itself was challenging and interesting, especially for the defense, as they came late into the litigation and had to get up to speed on all the evidence in a few months.

Much of the witness testimony also had to be translated, as several spoke Gujarati, and the court had a limited amount of interpreters.

While the language barrier might have lengthened the trial and complicated Shailesh's cross examination, Richmond and the team managed to impeach him 25 times on stand. The judge, too, admonished Shailesh from the bench 27 times, and struck 41 of his answers as non-responsive, Richmond said.

Another challenge, which ended up being an opportunity for the defense, was having to track separate prior proceedings involving

similar allegations involving different business disputes that took place in India, including the Bombay high court, according to Van Hoesen.

In the related cases, several witnesses gave contradictory testimony many of which were recorded in a mixture of languages and had different interpretations, said Van Hoesen.

It gave the defense a secret weapon and helped obtain excellent impeachment materials, after overcoming the obstacles to gather, master and put it all together for the Los Angeles case, Van Hoesen said.

"Some of the impeachment material from India revealed there was no partnership, and Shailesh said so," she said. "He claimed differently here in the United States and that the partnership included the real estate business,

case INFO

**Breach of contract
Los Angeles County
Superior Court Judge
Mark V. Mooney**

Defense lawyers:
Jenner & Block LLP,
Rick L. Richmond,
AnnaMarie A. Van Hoesen,
Nayiri K. Pilikeyan,
Camila A. Connolly

Plaintiff's lawyers:
Ecoff Campain & Tilles
LLP, Lawrence C. Ecoff,
Yaron M. Tilles, Alberto J.
Campain

but in India, he admitted there was nothing."

Partners Yaron M. Tilles and Lawrence C. Ecoff of Ecoff Campain & Tilles LLP represented Shailesh Jogani. Richmond and Van Hoesen extended their respects to Ecoff and Tilles, noting that they were great, competent trial lawyers.

"They did a nice job for their client and did the best they could do given the difficult facts," Richmond said.

The plaintiff's team could not be reached for comment.

— Gina Kim