

Pendley part of legal team receiving Public Justice's 2019 Trial Lawyer of the Year award



Pat Pendley

LAJ lifetime member **Patrick W. Pendley** is a member of the legal team that Public Justice honored with its 2019 Trial Lawyer of the Year award at that organization's July 29, 2019, Annual Gala & Awards Dinner at the USS Midway in San Diego, California. The legal team represented a class action that began almost twenty years ago, earned a settlement for consumers, and shed light

on corruption in politics.

Pendley is an attorney with Pendley, Baudin & Coffin, L.L.P., of Plaquemine.

In 1999, the law firm of Lief Cabraser, along with co-counsel, filed a nationwide class action in Illinois state court accusing State Farm of using lower-quality automotive parts from non-brand manufacturers to repair the vehicles of about 4.7 million policyholders. In 1999, the legal team won a \$1.2 billion verdict against the insurance company, and the intermediate appeals court largely affirmed the verdict before State Farm asked the Illinois Supreme Court to revisit the decision.

While that Supreme Court was reviewing the case, plaintiffs began to suspect that State Farm was providing significant funding to the successful 2004 state Supreme Court campaign of Judge Lloyd Karmeier. In wake of those concerns, the team filed a motion requesting that Karmeier recuse himself from the case.

In opposing that motion, State Farm argued that it had not contributed money, directly or indirectly, to the judge's campaign. Justice Karmeier ultimately refused to recuse himself, and, by his own account, "broke the deadlock" when he voted to overturn the billion-dollar verdict in its entirety.

Then in 2009, the U.S. Supreme Court decided *Caperton v. A.T. Massey Coal Co.*, in which the court found that in a similar case, a company's contributions to a judge's

campaign and the judge's refusal to recuse himself violated the plaintiffs' due process rights. Relying on *Caperton*, the original *Hale v. State Farm* team proceeded to investigate further and filed a motion to withdraw the original mandate in the Illinois Supreme Court, citing new evidence.

The court refused, relying on State Farm's renewed insistence that it had not made any contributions to Karmeier's campaign.

The legal team remained convinced, however, that State Farm was lying, and its investigation revealed that the company had funneled millions of dollars to the Karmeier campaign through intermediaries like the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and the Illinois Republican Party.

In 2012, counsel filed a new action alleging that State Farm had engaged in a RICO conspiracy. The action described the company's furtive scheme to seat a sympathetic justice and alleged that State Farm engaged in mail fraud (a predicate of the RICO conspiracy) when it denied in pleadings that it had not funded the Karmeier campaign.

State Farm argued repeatedly that the plaintiffs could not prove that the company funneled money to the Karmeier campaign. State Farm further alleged that there was no RICO causation because the Illinois Supreme Court ruled unanimously on certain issues in the original case and that the statute of limitations barred the plaintiffs' case.

Despite State Farm's arguments, the legal team survived motions to dismiss, certified a nationwide class, defeated multiple summary judgment motions, overcame three separate appeals to the Seventh Circuit, and secured significant pre-trial *in limine* victories.

The parties briefed more than one hundred contested motions, deposed sixty-eight witnesses, and prepared for what was to be a six-week trial. Just days after the trial began — and mere hours before Justice Karmeier was scheduled to testify — the parties reached a \$250 million non-reversionary settlement.

Hats Off

The settlement employed a state-of-the-art distribution process that will ultimately pay nearly 1.5 million class members automatically, without the need to submit a claim form.

Others on the team were Robert Clifford and Kristofer Riddle of Clifford Law Firm, Chicago, Illinois; Elizabeth Cabraser, Robert Nelson, and Kevin Budner of Lief Cabraser Heimann & Bernstein LLP, San Francisco, California; Steve Blonder and

Jonathan Loew of Much Shelist, Chicago, Illinois; Tom Thrash of Thrash Law Firm, Little Rock, Arkansas; Gordon Ball of Ball Law Firm, Knoxville, Tennessee; Don Barrett and Richard Barrett of Barrett Law Group, Lexington, Michigan; Erwin Chemerinsky of Berkeley Law School, Berkeley, California; George Bellas of Bellas & Wachowski, Chicago, Illinois; and Brent W. Landau of Hausfeld LLP, Philadelphia, Pennsylvania.

Lake Charles VA clinic to be renamed for Douglas Fournet

The Lake Charles VA Clinic is being renamed for Douglas Fournet, a U.S. Army first lieutenant who gave his life during the Vietnam War and was posthumously awarded the Medal of Honor. **Cooper Fournet**, a relative of Douglas Fournet and an associate attorney at Hoffoss Devall, LLC in Lake Charles, was presented with a signed copy of the bill to rename the facility

the Douglas Fournet Department of Veterans Affairs Clinic.

During the war, Fournet charged into danger to cut the control wires on an enemy mine and lost his life acting as a human shield for other soldiers. He is the only person from Southwest Louisiana to receive the Medal of Honor.



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Delise and Hall is pleased to announce that

Jeannette Monet Delise

has joined the firm.

A 2018 graduate of the LSU Paul M. Hebert Law Center, Jeannette clerked for the U.S. District Court for the Eastern District of Louisiana.

Her practice at Delise and Hall will focus on personal injury, maritime and criminal law cases.



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