

## Representative Cases for Joel Klein, Esq.

### Personal Injury

1. Guest, who was a regular visitor at gambling casino, tripped over beverage cart while getting up from gaming table. Liability and significant valuation differential were at issue. Joel recommended offering plaintiff a lifetime VIP parking pass as part of the settlement, which closed the deal. It provided prestigious VIP parking for plaintiff, which she valued greatly.
2. Multi-party freeway accident, including big rigs, autos and government property. Liability was not at issue. \$1,000,000 policy tendered. Government agency would not accept less than full value (\$380,000) for property damages it incurred, leaving a significant shortfall for other plaintiffs' claims. Case settled after hours of distributive bargaining.

### Employment

1. Plaintiff fired and claimed it was due to his continued efforts to get the company to file MDR (medical defect report) with the FDA and Canada for medical equipment failures. Defendant says firing was due to poor performance and claimed no need to file the MDRs and that the company has passed many reviews by the FDA, etc. Plaintiff wanted to prove company was wrong about the MDR's and once this underlying motive was identified, the case was settled. Plaintiff retained his right to report his perceived misconduct to the appropriate agency (which he would not lose under any settlement) and the company avoided any negative publicity as a result of the lawsuit, which was very important to them in a very sensitive marketing environment. The case settled for \$80k..
2. Plaintiff claimed religious harassment, hostile work environment, age discrimination and wrongful termination. Defendant claimed poor sales performance and because plaintiff was not replaced there was no age discrimination. Defendant claims religious banter was consensual and encouraged by plaintiff. Settled for \$275k.
3. Plaintiff claimed retaliation when demoted from Dean. The school says plaintiff was not up to job. Plaintiff says it was because she was vocal in her objections to a politically controversial speaker at the school. Settled for \$150,000.

**Business/Contract**

1. Plaintiff sued family partnership controller and long-time family friend for embezzlement. Defendant counterclaimed a part interest in parcel of family partnership's real estate, which if true, had a value almost 120 times greater than value of embezzlement claim.. Defendant was willing to drop his claim if the embezzlement claim was dropped. Plaintiff was certain defendant's counterclaim was not valid and would not settle, though his attorney advised him that his chances of prevailing on the counterclaim was 85%, not 100%. Plaintiff was unable to understand risk tree analysis. Joel placed 50 pennies in a paper bag, after marking seven pennies black (14%) and offered to play a game with plaintiff. Joel placed \$50 bill on the table and told plaintiff that if he drew any non-marked penny he could keep the \$50 bill, but if he drew a marked penny he would have to pay Joel \$6,000. Plaintiff refused to play the game. After showing that this was exactly the mathematics associated with the litigation, the matter resolved within an hour.
2. Plaintiff sued to obtain his equitable share of profits in an e-commerce S-Corporation. Defendants were two founders and active participants in the business. They had given plaintiff a 15% stock ownership during startup, to gain his expertise and part time participation. The business became very profitable. Plaintiff has an executive position with another company and did not participate in defendants' business. Defendants were outraged at plaintiff because he "does nothing and did not do what he had promised to do when given his 15%" and he never paid the \$150 for his shares. Defendants utilized salary increases and bonuses to wipe out profits and thereby eliminate stockholder profit distributions. Plaintiff valued his current and future losses at \$350,000. The matter settled for a \$110,000 buy back of plaintiffs stock.