

## TRIAL RESULTS



Decades of strategic case development and trial experience.

### O'MEARA SECURES DIRECTED VERDICT IN LEGAL MALPRACTICE CASE

9.9.22

#### 2 MILLION DEMAND REJECTED BY TRIAL JUDGE

(Santa Barbara). Sometimes the defense is so strong that the case is gutted before it makes it to the jury. That is the result in a Santa Barbara matter where WSHB trial lawyer Frances O'Meara prevailed on her motion for a directed verdict following plaintiff's case in chief. Focus on this case now moves to cost recovery given the result and beating the statutory offer to compromise.

"After facing unrealistic settlement demands and a promised prolonged trial, the trial court made the right ruling when they granted our directed verdict motion," said trial veteran Frances O'Meara. In this case, O'Meara represented a law firm charged facing allegations of legal malpractice, breach of fiduciary duty and fraud. WSHB's client was a law firm who previously represented the plaintiff in an underlying employment suit she brought against her former employer. Plaintiff claimed as the only female General Manager of the Western region a large Distribution Center, she was unlawfully discriminated, harassed and retaliated against due to her age, gender and sexual orientation as a straight female.

O'Meara is part of the professional liability team at WSHB. "Frances is a national thought leader in professional liability matters, known for her legal prowess and knowing emerging trends before others," said founding partner Stephen Henning. "She is also an extremely talented trial lawyer, capable of bringing results to most challenging factual and legal matters. This result underscores her brilliance."

"Our client law firm represented the plaintiff in prosecuting the action against her former employer and ultimately, they prevailed in the underlying litigation on summary judgment," said O'Meara. Plaintiff insisted her former lawyers intentionally failed to properly oppose her former employer's motion resulting in the Federal District's court's granting judgment in favor of the employer against the employee.

#### PROFESSIONALS

Frances M. O'Meara

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The plaintiff sought damages against the Law Firm seeking nearly \$2 million which she claimed was the loss of her underlying employment lawsuit against her former employer.

Interestingly, the jury consisted of 12 individuals and four alternates. After Plaintiff rested, Frances moved for a directed verdict motion which was granted by Judge Geck and Judgment entered in favor of the Law Firm. “Interestingly, halfway during trial due to Covid, we lost 5 jurors and the parties stipulated to proceed with 11 empaneled jurors to avoid a mistrial,” said O’Meara.

Frances would like to give special recognition to Holly Teel, Mindy Bae-Kulikov, Steve Caine, Kamala Ayers for their support. She also is grateful for the support of everyone in the IT and office support for their invaluable support. “I love how our firm collaborates, truly works as a team and secures consistent, strong results for our clients.”