

# The Legal Intelligencer

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## Boeing Sued Over Ethiopian Airlines' 737 Max 8 Crash

BY MAX MITCHELL  
*Of the Legal Staff*

A lead attorney in the Philadelphia Salvation Army building collapse litigation filed suit against Boeing on behalf of a woman who died during the March crash of a 737 Max 8 plane in Ethiopia.

Andrew Stern of Kline & Specter in Philadelphia filed the lawsuit Wednesday in the U.S. District Court for the Northern District of Illinois on behalf of the estate of Manisha Nukavarapu, an Indian citizen who was a legal resident of Tennessee at the time of the crash. The suit alleges products liability, negligence, breach of warrant and civil conspiracy.

In a footnote, the complaint said the plaintiff also intended to sue the U.S. Federal Aviation Administration under the Federal Tort Claims Act for alleged

*Boeing continues on 8*

## Longtime Drinker Biddle Dealmaker Joins Hogan Lovells in Philadelphia

BY LIZZY MCLELLAN  
*Of the Legal Staff*

Robert Juelke, a longtime Drinker Biddle & Reath partner and former corporate and securities practice chair, has left for Hogan Lovells' Philadelphia office.

Juelke, an M&A and capital markets lawyer, is now a partner at the global firm, which opened its Philadelphia location in 2010. In addition to his practice group leadership at Drinker, he previously served as the firm's executive partner and chair of the compensation committee. He spent 25 years at the firm.

Most of his practice involves representing insurance and financial services companies, including offshore businesses that



Photo by Diego M. Radzinski

are acquiring U.S. businesses, he said. His principal client is Bermuda-based Enstar Group, he said, and the Pennsylvania Real Estate Investment Trust is another client.

He said he expects his clients to follow him for M&A work, though some other kinds of matters may stay with Drinker Biddle.

*Hogan Lovells continues on 10*

## Man Sues Over Taping Of Nonsexual Massage In Sting Ensnaring Kraft

BY RAYCHEL LEAN  
*Law.com*

A man who visited the same spa that entangled New England Patriots owner Robert Kraft and 24 others in a prostitution investigation has had trouble relaxing since discovering his nonsexual massage was

*Massage continues on 10*

## As Blockchain Booms, Firm Recruiting Tries to Keep Up With Attorney Demand

BY MP MCQUEEN  
*Corporate Counsel*

It's no secret that blockchain and cryptocurrency are fast-growing specializations within the financial industry—JPMorgan Chase & Co. just tested its own digital currency—and law firms are busily snatching up lawyers with expertise in the emerging fields.

Major, Lindsey & Africa managing director Brian Burlant, who recruits for law firms and in-house legal departments, said it's been hard to keep up with demand for attorneys who understand the promise and risks associated with the technologies, as well as those with expertise in digital privacy.

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# PEOPLE IN THE NEWS

## ELECTED AND APPOINTED



### BLANTON

**Melissa S. Blanton** was re-elected and **Nadine Doolittle** was elected by the partners of **Schnader Harrison Segal & Lewis** to the firm's governing body, the executive committee.

Blanton also chairs the finance practice group and is a member of the real estate practice group.

She represents financial institutions in various types of residential, retail and office development projects, in syndicated secured real estate credit facilities, and in the structuring, drafting and negotiation of workout and forbearance agreements.

She also represents investors and institutional clients in complex real estate sales and acquisitions.

Doolittle also chairs the tax and wealth management department, focusing her practice in the area of trusts and estates.

She has experience drafting complex estate planning documents including wills, grantor retained annuity trusts,

qualified personal residence trusts, charitable remainder trusts and insurance trusts.

In addition, she handles estate and trust administration, including probate, post-mortem planning, accountings and tax returns.

**Fox Rothschild** announced that it appointed new leadership to three of the firm's departments and offices as well as seven practice groups.

The appointments within the firm's Philadelphia office include **Peter J. Tucci** as co-chair of the corporate department, **Michael J. Kornacki** as chair of the hotel law practice group, **Brian J. Levin** as co-chair of the retail industry practice group, and **Craig R. Tractenberg** as co-chair of the franchising and distribution practice group.

Tucci handles a variety of corporate matters, both domestic and international, including mergers and acquisitions, private equity transactions, corporate finance, joint ventures, insurance and reinsurance transactions.

A former member of the firm's executive committee, he serves as chair of the firm's international practice group and previously served as co-chair of the mergers and acquisitions practice group.

Kornacki focuses on commercial leasing, lending and borrowing transactions; acquisition and development of real property; and preparation and review of construction agreements.

He has experience in the industries of retail and office leasing, hospitality, cellular tower leasing, residential development transactions and planned community and condominium formation.

Levin is a real estate attorney who represents a range of commercial landlords, tenants, buyers, sellers and receivership companies.

He represents clients in a variety of commercial properties in both urban and suburban settings.

Tractenberg handles complex business disputes involving intellectual property, licenses, business torts and insolvency issues.

His practice centers on developing and protecting the financial and brand equity of franchise companies.

He regularly structures new franchise programs, many of which are international.

**Joseph F. Kessler**, a **Dilworth Paxson** partner and chair of its real estate practice group, joined the **General Building Contractors Association's** government affairs committee.

As one of America's oldest trade associations, GBCA aims to advance commercial construction in the Philadelphia region by serving as a voice and a critical resource. Dilworth is an affiliate member.

The government affairs committee monitors and addresses legislative, regulatory and public policy matters, keeping GBCA in the forefront of topical and emerging issues that impact the industry on local, state and national levels.

Established in 1891, it is the Philadelphia chapter of the **Associated General Contractors of America** and provides more than 250 member companies with access to advocacy, networking opportunities, safety services, education and training programs.

## ANNOUNCEMENTS

The Legal and Pennsylvania Law Weekly are looking for verdicts and settlements to report.

If you're a plaintiffs or defense attorney who has obtained a verdict or settlement in Pennsylvania county or federal court recently, email Zack Needles at [zneedles@alm.com](mailto:zneedles@alm.com).

All potential items for People in the News should be addressed to **Aleeza Furman** at The Legal Intelligencer, [afurman@alm.com](mailto:afurman@alm.com)

## The Legal Intelligencer

### Insurance Bad Faith In Pennsylvania - 18<sup>th</sup> Edition

By *Richard L. McMonigle, Jr. - Post & Schell, P.C*

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## REGIONAL NEWS

## Ponzi Schemer Hit With \$87M Judgment in Civil Suit by Investors

BY CHARLES TOUTANT

*New Jersey Law Journal*

A federal judge has entered an \$87 million judgment against convicted Ponzi schemer Eliyahu Weinstein in a suit by investors who funded his phony real estate ventures.

The judgment represents money that was solicited by Weinstein for real estate investments but was not used for the purpose that was promised. The judgments were entered against Weinstein and his company, Pine Projects, in connection with investments made by five parties toward 10 real estate investments.

The plaintiffs first sued Weinstein over the fraudulent real estate deals in 2008. But the civil case was stayed from November 2010 until October 2016 while criminal proceedings against Weinstein were pending.

Weinstein was sentenced to 264 months in prison in February 2014 for running a real estate investment fraud scheme that caused \$200 million in losses following his guilty plea in January 2013 to one count each of money laundering and conspiracy to commit wire fraud. In December 2014, he was sentenced to an additional 24 months for defrauding investors in connection with the initial public offering of Facebook stock

and for laundering proceeds of the real estate scheme. That came after he pleaded guilty to an additional count of conspiracy to commit wire fraud, one count of committing wire fraud while on pretrial release, and one count of money laundering. He also faces restitution orders totaling more than \$221 million.

U.S. District Judge Anne Thompson of the District of New Jersey granted partial

On Tuesday, Thompson entered judgment for \$21.4 million in damages to Wolinetz, \$42.5 million to Park Capital Funding, \$3.9 million to H&N Associates, \$12.7 million to Aretz Associates and \$7.4 million to HDW 2005.

Authorities said Weinstein, of Lakewood, New Jersey, convinced victims that he had inside access to certain real estate opportunities that allowed him to buy a particular

which he belonged, exploiting his knowledge of its customs and practices to further his scheme, in what's known as "affinity fraud," the U.S. Attorney's Office for the District of New Jersey said. He took advantage of the Orthodox Jewish community's practice of engaging in transactions based on trust, and without paperwork, to obtain money from his victims without substantial records, authorities said.

Prosecutors said he used the plaintiffs' funds for charitable and religious contributions, in order to elevate his reputation in the Orthodox Jewish community, and spent it on luxury cars, credit card bills, gambling trips to Las Vegas, jewelry and watches, and million dollars' worth of antique Judaica and other artwork.

Patrick Rocco of Fleischman, Bonner & Rocco in Summit, New Jersey, representing the plaintiffs, had no comment. His co-counsel, William Scherer of Conrad & Scherer in Fort Lauderdale, Florida, did not return calls about the case.

Another case involving a victim of Weinstein's fraud is awaiting a hearing before state Supreme Court. Moshe Meisels, a real estate investor from England, claims Fox Rothschild improperly transferred \$2.4 million from the firm's trust account to Weinstein.

*Ponzi Schemer continues on 10*

*Authorities said Weinstein convinced victims that he had inside access to certain real estate opportunities that allowed him to buy a particular piece of property at a below-market price.*

summary judgment in January to the plaintiffs in the civil suit, Harvey Wolinetz and four corporations, Park Capital Funding, HDW 2005, H&N Associates and Aretz Associates. The amount of damages was left to be determined later. The plaintiffs' motion was unopposed, as Weinstein, who is pro se and incarcerated in a federal prison, did not respond to the motion.

piece of property at a below-market price. He represented to victims that they were investing in various apartment complexes, shopping centers and vacant land in New Jersey, New York, Pennsylvania, Georgia, Florida and Tennessee.

Bolstering his fraud by creating various false documents, he targeted victims from the Orthodox Jewish community to

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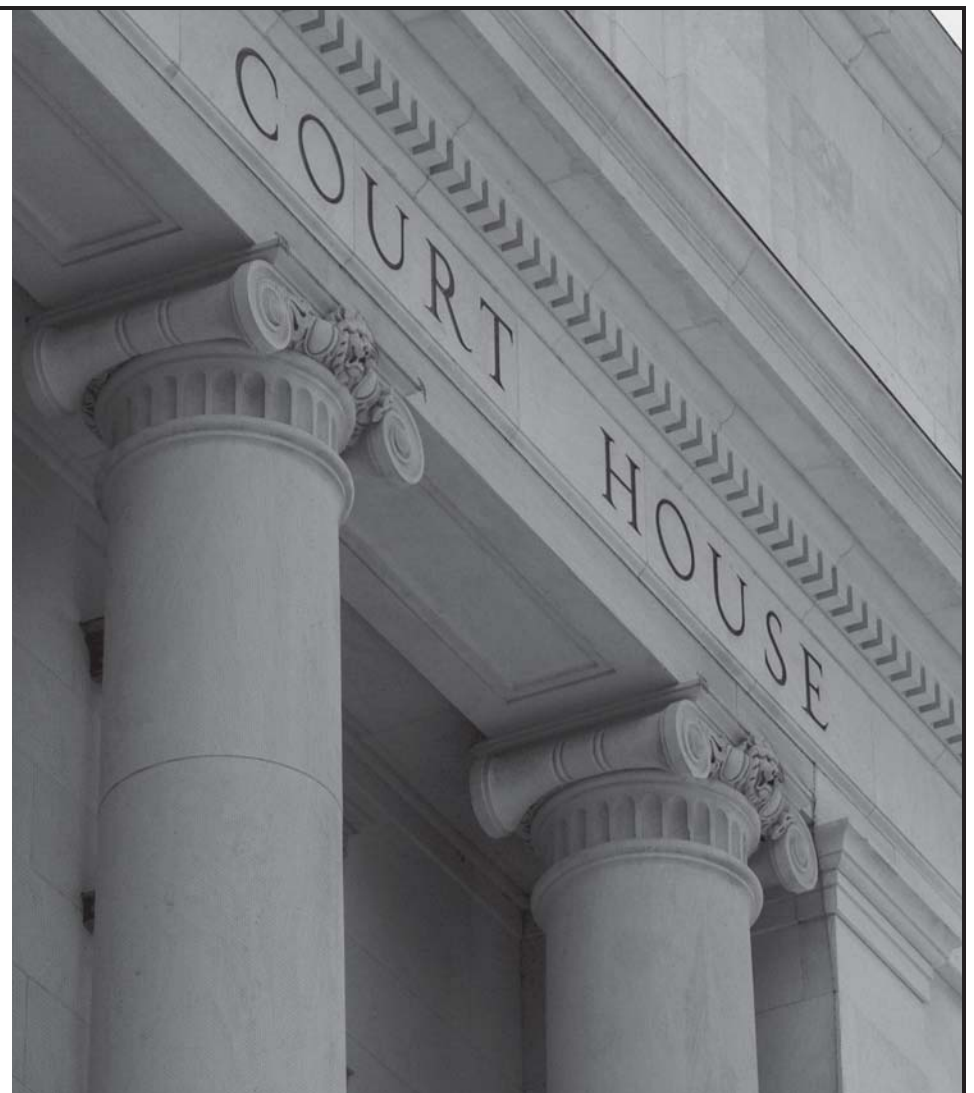
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## NATIONAL NEWS

## Feds Bust Phony Lawyer Whose Website Cribbed From Cravath

BY JACK NEWSHAM

*New York Law Journal*

A 23-year-old man from Tennessee was arrested Tuesday and charged with pretending to be a high-powered New York City attorney, partly by copying and pasting lawyer biographies from the website of Cravath, Swaine & Moore.

John Lambert was charged in Manhattan federal court with wire fraud and conspiracy for allegedly taking upward of \$16,000 under false pretenses from consumers and businesses who found him online. In some cases, Lambert, under the fictional identity of lawyer “Eric Pope,” simply abandoned his clients, authorities said.

As of Wednesday morning, a profile for “Pope and Dunn,” Lambert’s purported law firm, was still available on the freelancing website Upwork. The profile linked to a defunct website whose archived version from 2017 includes a snazzy logo and claims the firm “protected” more than \$380 million for more than 2,000 clients. It also lists five “attorney” profiles that appear to have been partly copied from Cravath’s website.

One of the supposed lawyers, Howard Whittington, is described as helping banks “in a wide variety of domestic and international financial transactions, including financing of mergers, acquisitions, recapitalizations and spin-offs, working capital financings and various special-purpose financings.” That phrase appears word-for-word on the Cravath profile of retired partner James Cooper.

Pope and Dunn’s website also called its supposed lawyer Gregory Shapiro “one of the foremost leaders in the field of intellectual property, including intellectual property management and strategy, the development of global intellectual property norms, laws



Screenshot of an archived image from the website of “Pope and Dunn.”

and practices as well as commercialization and enforcement of innovation-based assets.” That is just one word off from the Cravath profile of partner David Kappos.

Another phony Pope and Dunn lawyer, Robert Knight, used material from the Cravath profile of corporate partner Mark Greene. An archived copy shows that whoever made Knight’s profile even left a reference to “Mr. Greene” in Knight’s biography.

“Lambert was just a wolf in sheep’s clothing, swindling his victims of their hard-earned money,” U.S. Attorney Geoffrey Berman said in a statement. “Now, Lambert is in need of a real attorney as he must answer for his alleged crimes.”

Lambert’s real attorney, a Tennessee public defender, declined to comment. Court records show he was released on a \$20,000 unsecured bond and ordered to appear in New York on April 29.

According to the complaint filed by an FBI agent, Lambert lived in North Carolina but used spoofed telephone numbers to make it seem like he was in New York as

part of the scheme, which ran from August 2016 until April 2018. The case was partly built on information from a co-conspirator who used the Shapiro identity to do phony legal work, the complaint states.

Lambert’s alleged victims included a printing company, a skincare company, an information technology consulting company and consumers who were having issues with a credit ratings agency. One of the consumers took money from his or her 401(k) account to pay “Pope” more than \$10,000, but the phony lawyer eventually stopped responding to emails, the agent said.

It’s not clear if Upwork is the same freelancing platform referred to in the complaint, but the website’s profile for Pope and Dunn lists eight jobs done by its business manager, “Eric P.,” and several apparent customers posted satisfied reviews. The website listed the firm’s hourly rate as \$120 and its “job success rate” as 75 percent.

A Cravath representative didn’t respond to a request for comment.

*Jack Newsham can be contacted at jnewsham@alm.com. •*

## Longtime Dell Lawyer Joins Ingredion as General Counsel

BY SUE REISINGER

*Corporate Counsel*

Going from tech to taste, Janet Bawcom has left a 20-year in-house law career at Dell Technologies Inc. to become general counsel and corporate secretary of Ingredion Inc.

Bawcom replaces longtime Ingredion general counsel Christine Castellano, who resigned under pressure, effective Feb. 1. Castellano, who joined Ingredion in 1996, also carried the titles of senior vice president, corporate secretary and chief compliance officer.

In its Monday announcement about Bawcom, Ingredion said she will be responsible for all legal and regulatory affairs and serve as the corporate secretary of the board of directors. She will report to Jim Zallie, president and chief executive officer of the Fortune 500 company, based in suburban Chicago. Ingredion provides ingredients for foods, beverages and other products in over 120 countries.

Bawcom could not be reached for comment Wednesday, but she posted on her LinkedIn page: “Very excited to be joining the team at Ingredion Incorporated!” It was followed by several posts from in-house counsel congratulating her.

In over 20 years at Austin-based Dell, Bawcom rose to senior vice president; corporate securities and finance counsel; and assistant secretary. She joined the company in 1999 after working 10 years as a corporate and tax lawyer in private practice in Dallas, first with Locke Lord and later with Gardere Wynne Sewell.

*Ingredion continues on 8*

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## TRANSPARENCY LAW

## FOIA: From Principle on Paper to Actual Practice in Mueller Report

BY TERRY MUTCHLER

*Special to the Legal*

I never thought I would write the words: “I agree with Mitch McConnell.”

The U.S. Senate majority leader from Kentucky recently blocked a bipartisan resolution calling for the release of Robert Mueller’s full investigative report on the Senate floor. His rationale? Timing.

“It’s not unreasonable to give the special counsel and the Justice Department just a little time to complete their review in a professional and responsible manner,” McConnell had said.

Assuming that the senator is honest about this explanation, and his vote is not pretext for permanently blocking access, I agree with him.

Look, I’m just as eager as the rest of the American public to lay eyes on the culmination of Mueller’s investigation—and believe that the law will enable citizens to do just that.

However, having spent six years as the executive director of the Pennsylvania Office of Open Records and now handling public records cases around the country, I’m all too familiar with the legitimate time and effort sometimes required to pour over voluminous records and thoroughly



TERRY MUTCHLER

*is the managing partner of Mutchler Lyons, the nation’s first transparency law firm devoted to helping media and corporations obtain public records in real time. She served as the founding executive*

*director of Pennsylvania’s Office of Open Records and a board member of the National Freedom of Information Coalition. She can be reached at terry.mutchler@mutchlerlyons.com*

review legal exemptions to disclosure. Mueller took two years to compile a report. The U.S. Department of Justice needs time to review the report to decide what portions of the report are and are not public.

This isn’t just a matter of common sense or bipartisan kindness, it’s a matter of federal code—which gets to the heart of my point. Like many other people, I watched the news shows on both sides of the ideological spectrum, listened to legal experts, law professors and journalists talk about the report. What I found most astonishing in this national conversation on transparency, is that no one speaks of the actual law that is the fulcrum for release of this record—the Freedom of Information Act.

In the hours of often belabored commentary about the report and the sound bites about commitment to “open and honest government” none of the talking heads on MSNBC, Fox and PBS, and the other networks—mentioned the 50-year-old law that actually mandates release of public records.

Congress endowed citizens with a statutory right, an enforceable right, of access to records housed within the executive branch of government. FOIA provides the public with the right to request access to records from any federal agencies.

The U.S. Supreme Court held that the law is designed to “ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”

In short, the justices said, FOIA is a means for citizens to know “what their government is up to.”

What that means is that any person can file an FOIA request to obtain the Mueller

report. You don’t have to be a lawyer, a journalist or even have a reason for wanting to see the record. The DOJ must respond to you in writing and must disclose requested information unless it falls under one of nine exemptions protecting interests such as personal privacy, national security and law enforcement, according to law. Agencies

have 20 business days to respond—the legal reason I agree with McConnell regarding giving justice and Mueller time to review the record.

While the Justice Department may find certain components of the report permissibly withheld, wholesale withholding generally does not comport

with the law. There’s a long history of the White House objecting to release of public records, wrongly citing national security interests—think Pentagon Papers, Abu Graib photos or the 9/11 report.

Any portion of the Mueller report that is rightly withheld, the government must explain why. The public should receive a line-by-line analysis and details of the types

*Transparency Law continues on 8*

*In short, the justices said, FOIA is a means for citizens to know ‘what their government is up to.’*

## The Legal Intelligencer

### Wrongful Use of Civil Proceedings and Related Torts in Pennsylvania

George Bochetto, David P. Heim and John A. O’Connell — Bochetto & Lentz, P.C.

Robert S. Tintner — Fox Rothschild LLP



#### Wrongful Use of Civil Proceedings and Related Torts in Pennsylvania

Over the past decade or so, Pennsylvania has seen a significant (if not explosive) increase in lawsuits that, at their core, complain that some other lawsuit was “wrongful” or “abusive.”

Yet despite the dangerous waters in which litigators swim every day, and despite the fact that “wrongful use” cases have for centuries been debated in the courts, there are few, if any, resources available to provide a comprehensive review of the body of law upon which wrongful use litigation is built. *Wrongful Use of Civil Proceedings and Related Torts in Pennsylvania* is intended to provide that comprehensive review, compiled by author George Bochetto of Bochetto & Lentz, P.C. and his colleagues, based upon years of experience and a close study of the jurisprudence.

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# IMMIGRATION LAW

## Litigation: A Worthy Option to Help Save Immigration Cases

BY ANDREW J. ZELTNER

*Special to the Legal*

Even a casual observer of the business immigration landscape knows that it is only becoming more difficult to obtain authorization to work in the United States. The Trump administration has made no secret of its stated goal of reducing legal immigration by 50 percent, and it has made progress toward that goal by issuing requests for evidence (RFEs) and denials at an alarming rate. Moreover, both employers and foreign nationals continue to face lengthy adjudication delays, or in some instances, even a failure for a decision to ever be reached by U.S. Citizenship and Immigration Services (USCIS). In addition, the Department of Homeland Security is again in a state of transition. Recently, Homeland Security Secretary Kirstjen Nielsen was forced to resign and top officials at USCIS also appear to be on the way out of the administration in the coming weeks. While President Donald Trump's replacement nominees are not yet known, there is no doubt that they will be even more aggressive in pursuing the administration's agenda. This chaotic environment has left many foreign nationals, and their employers, feeling like they have no viable recourse when facing an agency



**ANDREW J. ZELTNER** is an associate in Klasko Immigration Law Partners' Philadelphia office. He handles a wide array of corporate immigration matters including those involving the processing of permanent resident applications (green cards) on behalf of multinational corporate and individual clients, including labor certification applications, immigrant visa petitions and adjustment of status applications.

that seems to view its mission as to "delay or deny" requests to work in the United States. As such, attorneys and employers are becoming willing to challenge government action in court when warranted, and are succeeding in getting adverse decisions reversed.

Many USCIS RFEs and denials contain errors of law and facts and represent ideal cases for potential litigation. Indeed, litigation in federal court may be the only option to save a case after receiving a denial from USCIS. As with all potential cases, the path to filing an action should start with evaluating the opportunity for success. Clearly, factual or legal adjudication errors, and identifying inconsistencies with prior decisions

are all positive factors. Moreover, USCIS often fails to acknowledge or adequately address supporting evidence, including expert opinion letters, which can also provide a strong basis to lodge a challenge in federal court.

With these realities in mind, it becomes critical for employers and attorneys to prepare case filings with the notion that litigation may become necessary. With very limited exceptions, employers cannot supplement the record during litigation, so utilizing the initial filing and any RFE response to "create the record" that one would like to litigate is a golden opportunity that should not be discarded. In addition, many practitioners are under the impression that they must exhaust all administrative remedies before pursuing a case in federal court. To the contrary, a case may be filed directly in federal court upon receiving an initial denial from USCIS; and it is not required to file an appeal with the

Administrative Appeals Office (AAO). In fact, this can be a poor strategic decision, as very few cases are overturned in favor of the petitioning employer at the AAO. The AAO can also take several months to issue a decision and litigation may represent a more expeditious strategy.

Litigation also comes with the distinct advantage of having the case reviewed by a U.S. attorney and federal judge, who often do not share the same restrictive legal or policy views that are currently being advanced by those at USCIS. This disparity can work in the employer's favor by leading to a prompt settlement, as the assigned U.S. attorney may simply not want to be the one willing to defend a difficult agency position in court. Moreover, early settlements are much more likely to occur when "strong" cases are filed, as the government has proven loathe to risk having actual published decisions on the record

*In this adjudicatory environment, it is an option that is worthy of serious consideration and may be the last chance a client has to obtain a favorable outcome.*

signed U.S. attorney may simply not want to be the one willing to defend a difficult agency position in court. Moreover, early settlements are much more likely to occur when "strong" cases are filed, as the government has proven loathe to risk having actual published decisions on the record

*Immigration Law continues on 8*

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## Ingredion

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“Janet is an accomplished leader with an extensive background managing global legal, regulatory and compliance issues,” Zallie said in the announcement. “Her strong business acumen and impressive range of legal expertise will be a tremendous asset to Ingredion as we focus on driving our business forward.”

Bawcom holds a bachelor’s degree in business administration from the University of Oklahoma and a law degree from Southern Methodist University.

The company did not list any troublesome legal matter pending in its Feb. 25 annual

financial filing with the U.S. Securities and Exchange Commission. The filing said, “We are currently subject to claims and suits arising in the ordinary course of business, including labor matters, certain environmental proceedings, and other commercial claims.” It added it did not expect outcomes of these legal matters to be material.

Ingredion filed an 8-K form with the SEC on Dec. 14, 2018, stating it had entered into a confidential separation agreement with then-general counsel Castellano that would take effect Feb. 1. Castellano could not be reached for comment Wednesday.

The filing said Castellano was to receive payments totaling about \$660,500. That was broken into one payment of \$416,108,

or about \$35,000 less than her base salary for 2018; plus a \$120,406 cash incentive bonus; and another payment equal to the value of 1,248 shares of company stock Jan. 31, which at \$99 per share, equaled about \$124,000.

She also was to receive continued insurance coverage for 12 months, about \$8,500 for outplacement services, and up to \$10,000 to the Bellows Law Group in Chicago for “legal fees incurred in connection with this agreement.”

The release agreement also included noncompetition, nonsolicitation, confidentiality and release provisions, according to the filing.

*Sue Reisinger can be contacted at sreisinger@alm.com.* •

## Transparency Law

continued from 5

of documents or information being withheld along with an explanation as to how the material is exempt from disclosure.

In my view, the American people are legally entitled to obtain a copy of the report, but like the investigation itself, the process of disclosing the report must fall within the parameters of the law.

We are supposed to be a country of laws. Let’s follow the law on this one. Let’s take

FOIA from principle on paper to actual practice and let it be a “means for citizens to know what their government is up to.” As the Supreme Court said—that phrase should not be dismissed as “convenient formalism.” •

## Immigration Law

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that directly contradict their policy goals of limiting immigration. In these instances, USCIS has simply approved such cases (thereby ending the entire litigation) before a response to the complaint is ever required to be filed.

Of course, litigation may not represent the best initial strategy due to costs and business needs. In a given case, it may make sense to refile a case or file a motion to reopen, in order to have the case reviewed by a different immigration

examiner. When weighing the option of litigating in federal court, there are many variables to consider, including a client’s willingness to pursue the case after receiving a denial. However, the foreign national beneficiary may be able to maintain lawful immigration status while the case is pending, which can be critical for key employees. Unfortunately, one of the largest obstacles to filing a case can lie in convincing the petitioning employer to be a plaintiff, as many employers are wary of the potential media exposure of litigation or are fearful of retaliation by the Trump administration. While it is understandable that some employers would be apprehensive

and fearful of government retaliation, there have been no indications that USCIS has the desire, intent or even the resources to retaliate. In fact, the opposite appears to be true, as USCIS has seemed to have a grudging respect for the distinct minority of practitioners and employers willing to pursue litigation and has often been eager to settle cases.

In sum, litigation will not be the immediate answer for every USCIS denial. However, in this adjudicatory environment, it is an option that is worthy of serious consideration and may be the last chance a client has to obtain a favorable outcome. •

## Boeing

continued from 1

negligence in improperly certifying the plane.

Nukavarapu, who was a medical resident at East Tennessee State University, was killed along with 156 others when a Boeing 737 Max 8 that had been set to fly from Ethiopia to Kenya crashed March 10. The circumstances of the Ethiopian Air flight’s crash bore resemblances to that of another 737 Max 8 aircraft owned by Lion Air that crashed Oct. 29, killing 189 people.

Along with Stern and Elizabeth Crawford of Kline & Specter, Joseph Power of Power Rogers & Smith in Chicago and R. Wayne Culbertson in Kingsport, Tennessee, are representing Nukavarapu.

Stern, who focuses on representing plaintiffs in complex litigation, was a lead attorney in the high-profile lawsuit against the Salvation Army stemming from a building collapse that left seven dead and 12 injured. That litigation ended with a

\$227 million settlement, and Stern’s client, Mariya Plekan, was awarded \$95.6 million from that amount. Stern said at the time that her award was the largest recovery for an injured individual in Pennsylvania history.

When reached for comment Wednesday, Stern said he did not want to comment about Nukavarapu’s case beyond the complaint, but added that he “looks forward to prosecuting this case on behalf of the victims of this otherwise preventable catastrophe.”

A spokesman for Boeing declined to comment about the lawsuit directly, but said, “Boeing extends our heartfelt condolences and sympathies to the families and loved ones of those onboard Ethiopian Airlines Flight 302. As the investigation continues, Boeing is cooperating fully with the investigating authorities.”

The complaint in *Kondaveeti v. Boeing* focuses on alleged problems with the plane’s automated flight control system, which is called the Maneuvering Characteristics Augmentation System. The system is meant to help stabilize an airplane to stop it

from stalling. But, the complaint alleges, the system on the 737 Max 8 improperly forced planes into unwarranted dives at low altitudes. Specifically, the complaint said the system relied on only one sensor and failed to properly account for the flight characteristic changes that occurred with the plane’s more powerful engines.

The complaint, which was filed by Paul Kondaveeti as administrator of Nukavarapu’s estate, also contended that Boeing did not tell the airlines that additional training was needed about the MCAS, and failed to take adequate steps once problems with the aircraft began to arise.

“Defendant Boeing’s conduct was outrageous and was the direct cause of this disaster, which otherwise would not have occurred had there been compliance with basic principles of safe aircraft design and pilot training,” the complaint said.

The lawsuit also seeks punitive damages. *Max Mitchell can be contacted at 215-557-2354 or mmitchell@alm.com. Follow him on Twitter @MMitchellTLI.* •

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## Hogan Lovells

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Juelke has been behind a number of nine-figure transactions, according to his biography on Drinker Biddle's website. He has worked on multiple such deals for Enstar, such as its \$692 million acquisition of Torus Insurance Holdings in 2013, its \$181 million acquisition of Household Life Insurance Co. of Delaware in 2012, and its \$252 million acquisition of Seabrings Holdings that same year.

Given the nature of his practice, "Hogan's global footprint was incredibly

attractive to me," Juelke said. "I'm joining a global firm ... with deep industry expertise in the areas that are beneficial to my clients."

He said Ginny Gibson, who managed the Philadelphia office until partner John Duke took over that role earlier this year, reached out to him about 10 months ago. He was content at Drinker and not looking to move, he said, but after he heard more about Hogan Lovells "it just made a lot of sense" to join an international law firm.

Duke said the firm is dedicated to its presence in the city, but isn't looking to simply add head count to the office.

"We recognize there are very strong practitioners in the Philadelphia market [and we have] the ability to grow here strategically," he said. In pursuing that strategy, Duke said, "Bob checks all of those boxes."

Drinker Biddle has seen several prominent Philadelphia partners defect in the last year: a commercial litigation team that went to Cozen O'Connor in April of last year, and five class action partners with a national practice left for Akin Gump Strauss Hauer & Feld in July.

But Drinker Biddle also added a large group of litigators earlier this year from Carlton Fields, in Washington, D.C., and Hartford, Connecticut. The

14-partner group, led by James Jorden, represents financial institutions, life insurance companies, mutual funds and investment firms.

"Bob has long been a member of the Drinker Biddle family and we appreciate his years of service, leadership and numerous contributions to our firm," Drinker Biddle CEO Andrew Kassner said in a statement Wednesday. "More than a partner, he has been a mentor and friend to many of us. Those relationships continue and we wish Bob well."

Lizzy McLellan can be contacted at 215-557-2493 or [lmclellan@alm.com](mailto:lmclellan@alm.com). Follow her on Twitter @LizzyMcLell. •

## Massage

continued from 1

taped during an undercover sting, according to a federal lawsuit filed Monday by attorneys at Reed Smith in Miami and the Law Offices of Tacopina & Seigel in New York.

The plaintiff, referred to as John Doe, claims Jupiter, Florida, Police Department lead detective Andrew Sharp and Palm Beach County State Attorney David Aronberg violated his rights by spying on him "in a state of undress" at the Orchids of Asia Day Spa.

The complaint, filed in the Southern District of Florida, claims the spying constituted "a gross abuse of power that is

shocking to the conscience." It relies on the U.S. Constitution, which protects citizens' right to privacy, due process and freedom from unreasonable searches.

The plaintiff had his massage in January. But police began investigating in October, according to the lawsuit, after finding numerous posts about the spa in an online forum discussing sexual experiences at illicit massage parlors. Initial reconnaissance revealed that only men were walking in, though the spa's services appeared to be aimed at women. The lawsuit claims the lead detective, Sharp, then had a government health inspector search the spa and interview its staff without a warrant.

Plaintiffs counsel, Edward M. Mullins of Reed Smith in Miami and Joseph Tacopina

of the Law Offices of Tacopina & Seigel in New York, did not respond to requests for comment before deadline. But their court filings claim police already had "overwhelming evidence" of prostitution at the spa when they installed secret cameras Jan. 18, the day before their client's massage.

Police staged a "suspicious package" scare to set up their monitoring equipment, according to the complaint, which claims there was no basis for their "unnecessary and obtrusive" five-day surveillance.

The complaint said officers had already tailed clients on their way out of the spa, pulled them over for traffic violations and interviewed them about paying for sexual encounters. They'd also rummaged through

the spa's trash—sometimes finding napkins that tested positive for semen—and collected bills, bank accounts and income reports that pointed to prostitution.

Police raided the Orchids of Asia Spa on Feb. 19, arrested two managers and later charged Kraft and others with misdemeanor counts of soliciting prostitution. Doe was not accused of any wrongdoing, but his suit comes after prosecutors argued at an April 12 hearing that tapes of innocent clients fit under the public records umbrella.

Kraft and 14 other defendants have asked West Palm Beach Circuit Judge Frank Castor to stop their surveillance cameos from being released.

Raychel Lean can be contacted at [rlean@alm.com](mailto:rlean@alm.com). •

## Ponzi Schemer

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After Weinstein convinced Meisels to invest in property in Irvington, New

Jersey, Weinstein directed Meisels to transfer funds into Fox Rothschild's attorney trust account. Some of the funds later ended up in the coffers of Weinstein's businesses, and \$75,000 of it went to Fox Rothschild.

In June 2018, the Appellate Division said Meisels has standing and can pursue a claim for conversion against Fox Rothschild. The appeals court affirmed dismissal of Meisels' claim that Fox Rothschild committed a breach of its

fiduciary duty. The law firm appealed, and in November 2018, the Supreme Court agreed to take the case. No date for arguments has been announced.

Charles Toutant can be contacted at [ctoutant@alm.com](mailto:ctoutant@alm.com). •

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## Blockchain

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Blockchain's applications extend far beyond heavily publicized cryptocurrencies such as bitcoin and Ethereum, and include accounting, supply chain logistics, health care and advertising.

"What I am seeing in blockchain and in crypto is that firms are cautiously making forays into this space—feeling out for talent, trying to assess where are the trends from their clients coming; so it is very much a work in progress and everyone expects the weight of business to increase," Burlant said. "We have also seen lawyers entering this space from regulatory practices or government, specifically securities regulation and white-collar/investigations practices, as regards to cryptocurrencies in particular," he added.

Mary K. Young, a partner at Zeughauser Group, the law firm consultancy, said privacy law has also grown tremendously, "and my own experience backs that up, based on marketing research I did a year ago and also my experience with clients.

Most global and national firms have added significant capabilities in privacy and data security in the last five years," she said.

Examples of recent lateral moves across these fields include Andrew "Drew" Hinkes, who joined Carlton Fields' chain and digital currency practice in Miami as of counsel earlier this year, while also serving as chief legal officer for investment tech firm Athena Blockchain Inc.; J.R. Lanis, who arrived at Polsinelli in Los Angeles as a shareholder and chair of the West Coast corporate and securities practice from Drinker Biddle; and David Katz, a partner in Adams and Reese's privacy, cybersecurity and data management practice who joined the firm in Atlanta in February from Nelson Mullins Riley & Scarborough.

"I think that the blockchain space was extremely popular for lawyers toward the end of 2017, and then the cryptocurrency crash happened, and a lot of lawyers who were working in crypto or blockchain went back quietly to whatever they were doing before, like Silicon Valley in the 90s," Lanis said. "Those who have stuck with

it will continue to see a lot of activity in this area."

Privacy law is heating up as more and more countries and states regulate enterprises that store and utilize vast amounts of personal data and transmit it via the internet, Burlant said. The European Union's General Data Protection Regulation, which took effect last May, and the similar California Consumer Privacy Act signed into law last year and effective January 2020, are examples of burgeoning data privacy regulation across the globe. A proposed amendment to California's law also would give a private right of action to consumers within the state whose rights are violated under the law, which potentially could expose companies to a flood of lawsuits.

Young said lateral hiring is increasing at both large and small firms as they try to build up their practices in data privacy and security. Firms are also promoting associates with relevant expertise from within both their corporate and litigation ranks. She said lawyers starting their careers can prepare by seeking out firms known for their privacy or blockchain/cryptocurrency practices.

"A person coming out of law school can look for a firm known for this, a marquee name. They do the work for people who can train them. It is very complex work because it involves technology and technical knowledge."

A science and technology background, or at least familiarity, is a plus for anyone hoping to get a foothold in this growing specialty, but practitioners are not all science and tech majors, Burlant said. "For law students and those early in their legal careers, coupling a practical business approach with a working understanding of the technology is a good way to go," he said. "Emerging and Fortune 500 companies are taking the lead in applying these technologies; there will be opportunities in representing clients in both sectors."

He said demand is such that even lawyers from law schools outside the usual "Top 14" have been able to parlay specialized expertise into Big Law firms.

But he advises, "don't focus on the crypto, focus on the blockchain. It will be a game changer."

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