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INSIDE

LEGAL REVIEW

ANOTHER COURT WIN FOR BACCARDI

Bacardi has won another round in federal court in its 17-year legal battle to sell rum under the Havana Club name in the United States. **A2**

SANCTIONS UPHELD IN BAD-FAITH CASE

A federal appeals court has upheld sanctions in a patent troll case against a company that filed more than 100 lawsuits and quickly made lowball settlement offers. **A3**

REAL ESTATE REVIEW

FORT LAUDERDALE PROPERTY GETS \$5M

The sale of a Fort Lauderdale building at 6682 NW 16th Terrace tops \$5 million. **A8**

FINANCIAL REVIEW

PROFIT TRIPLES AT MASTEC

Coral Gables-based Mastec said its profit tripled in the second quarter as demand for the industrial contractor's services led to a surge in revenue. **A11**

FIGHTING HACKER 'ARMAGEDDON'

A surge in high-profile hacker attacks this year shows the limits of older security software from Symantec and McAfee, putting pressure on them to revamp their products. **A11**

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DAILY BUSINESS REVIEW

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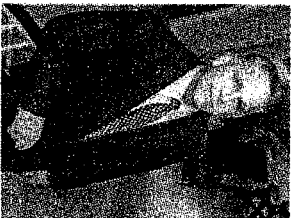
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NEGLIGENCE CLAIM Palm Beach socialite sues Bank of America

**FLAMBOYANT WRITER STUCK
IN OWN FORECLOSURE TALE**

by Adolfo Pesquera, DBR. T.J. Fisher, a flamboyant Southern writer of New Orleans culture and an occasional Palm Beach resident, has her own foreclosure tale of woe.



Timothy W. Schulz represents T.J. Fisher.

Fisher is suing Bank of America for breach of contract and negligence, claiming its Palm Beach branch manager carelessly let her husband commingle funds from his business account in her account without her authorization. That made her an unwitting co-conspirator in an insurance dispute in the eyes of a Baltimore court — to the tune of \$33.3 million.

She claims bank errors cost her millions of dollars and helped put her homes in Palm Beach and in New Orleans' French Quarter into foreclosure. **SEE STORY, PAGE A3**



Like her published work, Tamara "T.J." Fisher's foreclosure tale includes some colorful elements: an ex-Baltimore Ravens defensive end, Hurricane Katrina and Howdy Doody.

HOUSING Sign of improvement

REAL ESTATE

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NEGLIGENCE CLAIM Socialite sues Bank of America for \$70 million

'ECCENTRIC' SOUTHERN WRITER MIRED IN FORECLOSURE SAGA

by Adolfo Pesquera
 apesquera@alm.com

Having marketed herself as an "outrageous and eccentric" Southern writer, it's perhaps fitting that Tamara "T.J." Fisher's foreclosure tale includes some colorful elements: an angry ex-Baltimore Ravens defensive end, Hurricane Katrina and Howdy Doody.

Fisher, a Palm Beach resident with a jarring resemblance to actress Mary Tyler Moore, filed a Palm Beach Circuit Court lawsuit in April against Bank of America, claiming damages of up to \$70 million. She accuses a Palm Beach bank branch manager of letting her husband transfer funds in and out of one of her accounts, which he was not authorized to use.

Those transactions were enough to snare Fisher in a major lawsuit naming her a co-conspirator in a dispute over an insurance settlement that dragged her through federal and state courts in Florida, Louisiana, Maryland and the District of Columbia.

She has accrued more than \$1 million in legal costs and lost millions of dollars in other property interests. She also claims the litigation helped push her homes in Palm Beach and on Bourbon Street in New Orleans into foreclosure.

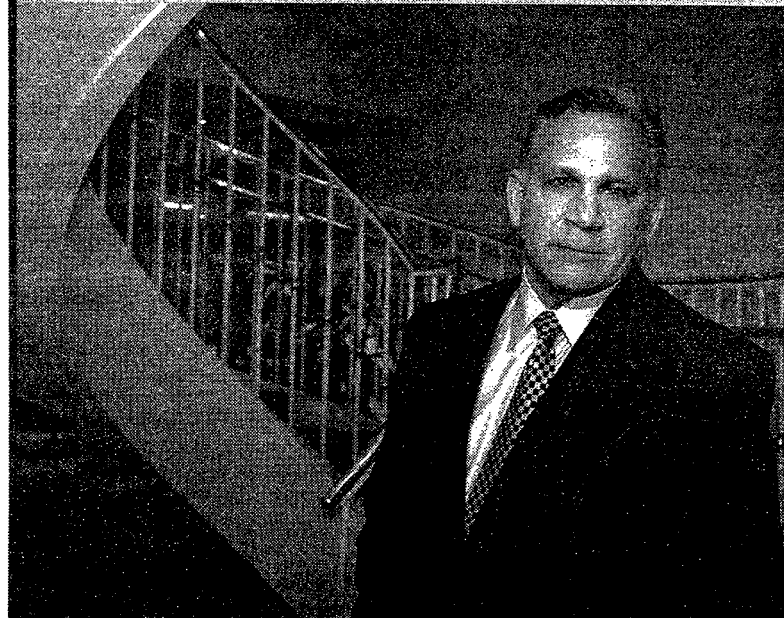
Fisher filed an initial lawsuit and changed attorneys to West Palm Beach solo practitioner Timothy W. Schulz. He amended the lawsuit against the bank July 12.

While Fisher claims Palm Beach as her homestead, she spends much of her time in New Orleans, a city that fascinates her and is the subject of two books she wrote. Her eponymous website framed in purple paisley describes her as "an artistic and complicated woman of illogical duality and intrigue."

She was bringing her second book — "Hearsay from Heaven and



T.J. Fisher, above, claims she has accrued more than \$1 million in legal costs and the litigation helped push her homes in Palm Beach and on Bourbon Street in New Orleans into foreclosure.



MELANIE BELL

"But for that initial opening and transfer in her account, [Michael] McCrary doesn't have grounds to sue her," says West Palm Beach solo practitioner Timothy W. Schulz, above, who represents T.J. Fisher.

SEE FISHER, PAGE A4

refuses

ON APPEAL Infringement claims 'baseless,' court rules

FROM PAGE A3

FISHER: Writer accuses bank of giving husband access to accounts

Hades: New Orleans Secrets of Sinners and Saints" — to market in 2008 when she claims she first learned of unauthorized bank transfers by her husband.

The news came in the form a lawsuit from Michael McCrary, a two-time NFL Pro Bowler and Ravens defensive end who invested in the \$4 million purchase of the aging, vacant 45-story Plaza Tower Building in New Orleans.

Fisher's husband, Stuart, and Baltimore developer Edward Giannasca II were the other two buyers.

UNRECORDED SALE

Giannasca was to oversee a \$100 million renovation and convert the tower into condominiums. Six months later in 2005, Hurricane Katrina caused so much damage the investors gave up the development plan.

Stuart Fisher brokered the building's sale and more than recouped the investment with an \$11 million payout from the property's insurer in 2006.

While the other investors gave Stuart Fisher permission to dispose of the property, he never notified Louisiana of his authority to act as agent for the tower's owners. Half was held by Giannasca Crescent City, which was evenly shared by Giannasca and Fisher. McCrary held

THE PLAYERS

- **T.J. Fisher:** Palm Beach resident, New Orleans chronicler, wife of
- **Stuart Fisher:** Miami and New Orleans real estate developer, one-time partner of
- **Ed Giannasca II:** Baltimore-based developer, one-time associate of
- **Michael McCrary:** former Baltimore Ravens defensive end, real estate investor

the other half through MR Crescent City. Shurt Fisher opened a Crescent City account with Bank of America and from there commingled money with his wife's Biscayne Holdings business account, T.J. Fisher's complaint states. It was Fisher's failure to officially record the tower transactions that got him in trouble with McCrary, and Fisher's use of his wife's account extended his liability to her.

"McCrary believes that Bank of America should never have opened the Crescent City account for Stuart Fisher and that the \$11 million in insurance proceeds should have been distributed

to Crescent City members," Schulz explained in the complaint.

"But for that initial opening and transfer in her account, McCrary doesn't have grounds to sue her," Schulz told the Daily Business Review. "Maryland law provides for a 'long-arm' conspiracy theory. That's how McCrary was able to yank her in."

J. Randolph Liebler, a founding partner in Liebler Gonzalez & Portuondo in Miami, represents Bank of America and manager Peter Kafouros on Fisher's lawsuit. Liebler said he could not comment on the case.

There was no response by deadline to a request for bank comment.

Fisher's claims against the bank and manager include breach of contract, negligence, breach of common law duty of inquiry and breach of duty of disclosure.

KEEPING HOWDY DOODY

McCrary claimed \$60 million in damages in the New Orleans deal, and a Baltimore state trial court awarded a \$33.3 million judgment against the Fishers and Giannasca in June 2008. Since then, Fisher has been working on appeals and related legal fallout in Maryland and other states.

At the time of the judgment, her

3,963-square-foot Palm Beach home at 164 Seminole Ave. was valued at \$4.5 million and her Bourbon Street home in the French Quarter was valued at \$3.5 million. The Palm Beach market value last year was estimated at \$2.6 million. Both were encumbered by the judgment, can't be sold and are in foreclosure.

An art collector, Fisher held distress sales to liquidate possessions. But Schulz said she has so far held on to a prized possession — one of the three original Howdy Doody marionettes.

She also had an equity interest in a Mississippi River waterfront development. Fisher blames damage to her credit for her inability to refinance her stake and stay involved in the project. She divested her interest at an estimated loss of more than \$20 million.

Meanwhile, her appeal in McCrary's lawsuit led to a reversal of the \$33.3 million damage award, but the court still held her liable.

A second trial on damages was held in July 2010, and Fisher is still waiting for the judge's decision.

"It could be anywhere from zero to maybe another \$33.3 million," Schulz said.

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FROM PAGE A3

BAD FAITH: Unanimous decision affirms exceptional case finding

Lourie said the panel agreed with the district court's construction of the patent

Zimmerman did not respond to a call left at his Westfield, New Jersey, office

