

# New judicial mandate in \$70M case pits author vs. Bank of America in Summary Jury Trial

 TJ Fisher filed David-versus-Goliath lawsuit against the bank after a ruinous \$33.3 million default judgment

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TJ Fisher waiting for justice in Palm Beach, Fla.

Views from the [15th Judicial Circuit of Florida](#)'s 13-floor courthouse eastside windows frame the yacht-trafficked Intracoastal Waterway, a posh sliver of land known as the tony town of Palm Beach, the storied island of millionaires and billionaires, and the sparkling blue Atlantic Ocean beyond. Here in this pink-marbled building, jurors will soon hear facts and pass judgment on the longstanding face-off between two high-profile town denizens. Who? Author [TJ Fisher](#) vs. [Bank of America Corporation](#) (NYSE:BAC). The county courthouse is ground zero for South Florida "Gold Coast" colorful legal dramas. Palm Beach is one of those places where having an eight- and nine-figure net worth is common. Being broke and battling a titan is rare.



Squaring off in the courtroom showdown, in one corner sits a natural person plaintiff, a slim blonde embattled and tens of millions in debt from eight years of litigation, a netherworld of misery and torment created by Bank of America branch office negligence (she says). In the opposing corner rests her adversary, a faceless Big Bank defendant and trillion-dollar-asset company, a public corporate entity that denies any legal liability or culpability in her tangled financial nightmare and legal quagmire (they say). Both sides have been in the press, a lot.

Fisher's case will be argued by her sole-practitioner. A private-practice Miami law firm of 68 lawyers and their support-staff of team members is set to present the bank's defenses. The behemoth financial institution also has an in-house global general counsel and legal department.

It's a Gordian Knot that only the hand of God can undo, Fisher says, that plus a judicial gavel and an impartial jury of fact-finders.

The [Honorable Catherine Brunson](#)'s recent ruling sets in motion the required conditions for a compulsory non-binding [Summary Jury Trial \(SJT\)](#), according to court papers. In this novel mechanism to encourage case settlement, six jurors will be selected to participate in an abbreviated "[mock trial](#)" set for September 14. The parties' presentations will be limited to summary statements of evidence. Each side will have one hour for attorneys to argue the case, with no witness allowed to speak, says Judge Brunson's recent court order compelling the parties to participate in the SJT. Jurors will not hear testimony from TJ Fisher, Bank of America representatives or any other witnesses from the [witness stand](#). The judge is also requiring a subsequent forced second [mediation](#) session.

Mandatory SJT is a controversial and sometimes contentious form of Alternative Dispute Resolution ( [ADR](#)) designed to persuade parties to settle out of court and avoid lengthy [jury trials](#) and the [appellate process](#).

Fisher sued the bank after ex-[Baltimore Ravens Michael McCrary](#)'s team of heavyweight lawyers hauled Fisher into Maryland court over a [limited liability company](#) bank account Fisher's husband, a McCrary associate, wrongly opened in Palm Beach without proper authority or required documentation but with the branch manager/bank president's approval and endorsement.

In the twisted nightmare saga that spans South Florida, to Baltimore to New Orleans, and places in between, Fisher, who had no part in her spouse and the bank officer opening the Florida account in question, found herself at the receiving end of a landmark \$33.3 million [default judgment](#) levied against her in Maryland state court. Over the course of fighting-with-her-hands-tied-behind-her-back litigation, she has lost everything but still owes a large, eight-figure multiplying debt now equivalent to the purchase price of a posh oceanfront mega-mansion.

“This hellish nightmare has defamed and savaged me for eight years,” Fisher says, “my life is ruined and everything about me ravished, but I’m still standing.”

McCrary, through Crescent City Estates, LLC, also sued Bank of America over the same wrongful account opening he sued Fisher over, the account Fisher is now suing Bank of America over. The bank settled McCrary’s lawsuit claims in 2011, two months after Fisher filed suit. McCrary’s bank settlement does not automatically legally invalidate his outstanding judgment against Fisher. Fisher remains on the hook and liable for the amount the Maryland judge decreed when defaulting her personally and her LLC.

Judge Brunson’s court order provides that should the forced SJT and second-time mediation session between Fisher and Bank of America fail to settle the case, the dispute between opposing parties then proceeds to regular jury trial.

“People like scandalous legal thrillers and highfliers who crash and fall from grace stories,” the once prominent but still feisty Fisher says. “Those who get crushed to ash and dust, and survive, interest us, but only if they keep going and there’s a good ending.”

[Patrick W. Maraist, Esq.](#) represents Fisher in her lawsuit against Bank of America.

Fisher admits she does not know where she finds the strength, courage and stamina to stay buoyant and upright in her longtime, seemingly endless fight against America’s second largest financial institution, but she does. “I’ve survived the unsurvivable fallout of scorched earth litigation. Standing up for myself against those who’ve wronged me, and rallying against bullies who prey on the weak is in my DNA,” Fisher insists, with conviction. “I don’t give up, I don’t back down. I’m stronger than I know.”

NFL linebacker [Dwight Freeney](#) recently joined the long list of aggrieved litigants who have sued Bank of America with bombshell allegations, including the U.S. Department of Justice. Freeney filed suit against the bank for a \$20 million loss. “BofA’s deceitfulness is at the heart of our lawsuit,” said his attorney Jeffrey Isaacs.

The bank has also in the past been accused of “massive fraud,” predatory tactics, schemes, race bias, gender bias, toxic mortgages, defrauding investors, misleading customers, disability discrimination, destroying and altering key documents. The bank has paid billions in fraud fines.

Calls to break up the “too big too fail” megabank have been sustained since the 2007-09 housing and financial crisis.

TJ Fisher walking to church, Easter morning, Palm Beach, Fla.

Bank of America has booked at least [\\$70 billion in legal expenses](#) to settle disputes stemming from before and during the financial crisis, according to a recent *Reuters* update. An \$8.5 billion settlement with mortgage securities investors — the bank's largest related to the financial crisis — got court approval in March.

Long-suffering Fisher believes Bank of America is well versed in the art of how to block and tackle, and repeat, stall and delay and roadblock, to prevent cases against them from moving forward. Fisher was first granted a hard-won jury trial in March 2014, after the bank fought long and hard for three years to deny a jury in this case and impose a judge-only [bench trial](#).

Fisher's initial 10-day August 2014 trial scheduled before a jury was continued at the ninth hour, upon the bank's [Motion to Continue](#).

Eight months later, her "real jury trial" is not yet been set back on the court-calendar docket, and now the presiding judge in the case has directed a mock trial occur first. Fisher is up against a time crunch, and running out of time.

"Every day is time of the essence for me," Fisher says. "To keep my case going against Big Four banking royalty has been a near impossible feat." Fisher says it is her nature to show a "good face" to the world and "best foot forward" as she struggles to survive unbearable circumstances with grace and composure. Faith, hope and fortitude lead her on, her friends say.

"Bank of America has the money, power, legal teams and unlimited resources to drag out my court proceedings into infinity. Banks believe they're omnipotent and unbeatable. They play pass the buck, grind people up, and pretend nobody knows anything, like they are not responsible for their part in helping destroy peoples lives and reputations. But I do have a face. I am not faceless number as they want me to be, and I have the truth of what happened to me on my side. The jury will see this. They will understand and believe me. I am not a quiet victim. My own situation validates the worst horror story imaginable that can unexpectedly happen to family members, or business partners, when banks negligently do not follow their own internal rules and state and federal banking laws, regulations and guidelines."

As is the case with the court-litigant plaintiffs who lack unlimited resources, every delay hinders the ability to see this case through to conclusion.

Fisher's sole-member Market Street Properties Palm Beach, LLC is her co-plaintiff.

Meanwhile, Bank of America and their attorneys seek to [foreclose](#) Fisher out of her Palm Beach homestead of nearly 20 years before she has her day in court against the banking giant. Strong-minded Fisher acknowledges that she is determined to give a face and a voice to her legal claims. Phone-book-thick court documents indicate Fisher has preserved the impossible to have her compelling story be heard and adjudicated before a real jury with the power to render a binding verdict.

"I have been silenced for so long, court order dictate I will continued to be silenced in the "mock jury," but I cannot be silenced forever. I've waited for years and years take the witness stand."

After Bank of America received the continuance in Fisher's August 2014 jury trial, a postponement of the overriding case against them, they then accelerated their separate parallel foreclosure case against Fisher to a bench trial before Judge Brunson in November 2014. Fisher says a miracle occurred. The foreclosure case was dismissed. A second foreclosure action was then enlivened for another bench trial in February 2015, however again Fisher



received a last-minute miraculous reprieve. The case was continued.

During the sequence of litigation, Bank of America's mortgage on Fisher's home passed through to [U.S. Bank \(U.S. Bancorp\)](#). Both banks share the same law firm in competing court cases with Fisher.

[Liebler, Gonzalez & Portuondo](#) defends Bank of America in Fisher's \$70 million suit against them, and alternatively, the firm has also been pursuing Fisher in U.S. Bank's foreclosure against her. To add to the mix, U.S. Bancorp previously [sued Bank of America](#) to repurchase toxic loans. Both banks, as dual trustees, were sued separately by National Credit Union Administration Board in the same matter but denied liability in the case. The banking defendants reached a [\\$69 million settlement](#) with the NCUA in 2014.

Now that Fisher's looming foreclosure is back on the fast track while her case against Bank of America does not yet have a firm binding jury trial date set, Fisher is unsure which trial will get scheduled first. Fisher prefers to keep matters in [state court](#) but says if she has to take both cases into the bankruptcy court, it will not favor either Bank of America or U.S. Bank, as they may erroneously believe.

"At this point, nothing will favor these banks, particularly Bank of America," she says.

[Michael Vater, Esq.](#) and the [Ticktin Law Group, PA](#) represent Fisher in foreclosure proceedings.

"A smile goes a long way," says Fisher.

Fisher says friends and strangers respond favorably to her genuine smile and upbeat attitude. "I'm not a 'woe is me' kind of person," she explains. She and her three dogs and two parakeets continue to reside in her longtime Palm Beach homestead ocean-block home, in the property's decaying small two-room wooden cottage guesthouse. The main house only has a few sticks of furniture, all that are left from her former life. "I'm hanging in there," she says, "I'm a survivor. I'm on my journey. Many people are pulling for me. I will prevail."

The McCrary-Fisher case, the fallout of which caused Fisher to have to file suit against Bank of America, dragged Fisher through civil court proceedings in 14 separate states, federal and appellate courts in Maryland, Louisiana, Florida, Virginia and Washington, DC.

Fisher says her battle against major banking giant Bank of America best fits the Malcomb Gadwell quote — "Giants are not what we think they are. The same qualities that appear to give them strength are often the sources of great weakness."

In a picture-book town thick with *Shiny Sheet* socialites, manicured hedges, hibiscus blossoms, flaming bougainvillea, tall palm trees and sparkling swimming pools, the jury will soon speak on this Palm Beach story.

Fisher is a member of the Writers Guild of America (WGA), Directors Guild of America (DGA), Producers Guild of America (PGA), Dramatists Guild of America (DG), Authors Guild (AG), National Academy of Television Arts and Sciences (ATAS), Screen Actors Guild (SAG), Actors' Equity Association (AEA), and other professional guilds and organizations.

For more information on TJ Fisher, please visit: [TJ Fisher.com](#) and [TJ Fisher.net](#).

DOWNLOAD LEGAL DOCUMENTS: [Document #1](#), [Document #2](#)

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