

# Jury to hear \$70M lawsuit vs. Bank of America after 3-year battle

🌐 [Behind the gates and under the royal palms of Palm Beach](#)  
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David prevailed over Goliath with the stroke of a judicial pen when a Florida judge affirmed author TJ Fisher's right to a trial by jury in her landmark case against Bank of America (BoFA) (NYSE:BAC). Fisher's BoFA \$70 million case filed in April of 2011 had been mired in years of lengthy delays and court proceedings associated with the behemoth financial institution's multiple legal filings seeking to strike her jury demand. Attorney Patrick W. Maraist, Esq. represents Fisher.

"I am overwhelmed with relief and gratitude the case can now move forward," Fisher said Monday. "This has been a long journey, with a war of attrition waged against me. Fisher, who is championed by a sole practitioner, adds, "I'm fighting against the unlimited resources of Bank of America."

The axis of Fisher's suit against BoFA rests on ex-Baltimore Raven's football player Michael McCrary's \$60 million lawsuit and subsequent default judgment of \$33.3 million against her and her LLC. Fisher alleges her inconceivable far-reaching legal odyssey with McCrary began with improper BoFA transactions between the Palm Beach branch bank and her husband, events that she had no control over but was later held legally responsible for. Fisher is also suing to reclaim a tally of *her* multi-million-dollar losses and financial ruin incurred during seven years of litigation with McCrary.



Prior to the contentious Fisher/McCrary scorched-earth litigation that has traveled through 14 separate courts in five states and Washington, D.C., TJ Fisher and McCrary met once at a storied New Orleans post-Hurricane Katrina surprise [birthday party](#) bash held in Fisher's honor. McCrary launched his legal firestorm takedown against her within the year.

*Rolling Stone* contributing editor Matt Taibbi penned the magazine's darkly telling harsh exposé of BoFA entitled "[Bank of America: Too Crooked to Fail](#)." The article's scathing subheadline reads: "The bank has defrauded everyone from investors and insurers to homeowners and the unemployed. So why does the government keep bailing it out?" The catchphrase "Too Big" has stuck as a megabank pop-culture nickname.

A North Carolina [U.S. Magistrate](#) on Monday green-lighted the U.S. Securities and Exchange Commission (SEC) to pursue a new lawsuit against BoFA for \$855 million of mortgage securities that soured during the global financial crisis. The suit is expected to pursue claims that BoFA "negligently made material misrepresentations and omissions." The government is doubling down its fight against Wall Street banking fraud.

Meantime, a recent [federal study](#) found that large U.S. banks do enjoy an unfair "too-big-to-fail" advantage in the financial market. The economic researchers and feds concur with the journalists: big banks do get all the breaks. This could influence industry regulator watchdogs that implement tough new Wall Street rules. As one of the nation's largest and most profitable banks BoFA is considered to be one of the "Big 4."

[The 15<sup>th</sup> Judicial Circuit of Florida](#) court records reveal one of many tactics colossal BoFA used to sidetrack and waylay Fisher's case against the bank was to represent to the court that Fisher's Market Street Properties Palm

Beach LLC had waived its right to a jury trial through a customer account-holder agreement. Yet the company never ever had a BofA account. This maneuver delayed Fisher's case getting to court by several additional years at a time when Fisher struggles to survive difficult circumstances and subsist.

"My legal representative devotes a significant portion of his practice to helping victims of corporate America ravenousness," Fisher says. "He is committed to shake the pillars of Big Business and battle Wall Street giants, when his clients have been wronged," she adds.

The truth as a righteous weapon and stone hurled from a slingshot can hit a giant in the center of his forehead and defeat him, despite his armor and shield, explains attorney Al M. Thompson Jr. of New Orleans, Fisher's longtime legal counsel.

When it comes to courtroom jury trials, a big bank's power and prowess does not always sway the jury. A recent federal jury trial against [Bank of America Corp.](#) concluded with the bank being found liable for "Hustle" mortgage fraud involving Fannie Mae and Freddie Mac in an \$848.2 million case over defective mortgages sold by its Countrywide unit. This major win for the U.S. Justice Department and federal prosecutors was one of the few courtroom trials stemming from the financial crisis.

Experts predict that BofA's dramatic high-stakes loss in the so-called "Hustle" case tried before a federal court jury in a Manhattan district court may help persuade more mighty banks of Wall Street to settle lawsuits rather than face jury trials.

Fisher's recent Florida state court ruling awarding her individually and her LLC a jury in her pivotal court case now paves the way for the proceedings to fast track to trial.

Although Fisher does not enjoy the financial wherewithal of the U.S. Government in bringing a case against BofA, still, she is confident of the outcome of her case.

"I'm taking the bank to court, a jury will now hear my case, and I plan to win," Fisher vows, in the uneven lineup of the underdog pitted against the corporate giant. "I am fighting for my life. People want to hear my story. Big Banking and bankers have behaved badly and not just in my case."

When a Florida jury returned a [\\$67M verdict against TD Bank](#) in an unrelated case, Florida attorney and money-laundering expert Charles Intriago said, "There's very little jury sympathy for a bank, and right now is a rough time for a bank to be in front of a jury." In the case against TD bank, the bank later lost their motion for a new trial when they attempted to nullify the original jury award.

The case against TD and Fisher's case against BofA both center on the disastrous unintended consequences to others when banks negligently and recklessly breach specific established banking protocol. Jury verdicts in the favor of plaintiffs against large faceless financial institutions indicate that jurors will not hesitate to hold banking corporations accountable for the devastation they inflict and the damage they cause, if the underlying facts in the case are compelling and the case against the bank is proven.

Jury selection and trial in Fisher's case is slated to begin in August.

Fisher's long-running chockablock litigation narrative has already garnered years of media attention, leaving a watershed of carnage in the wake. A-listers, financial titans, socialites and gossipers call it "a doozey saga" worthy of a reality show and feature film.



Despite Fisher's quintessential "Book of Job" epic free-fall...from the longtime prominent Town of Palm Beach and French Quarter resident status to virtual poorhouse pauper...she remains positive and upbeat about the future.

"I'm on my journey," she says. "I agree with author Rabbi Benjamin Blech's words, 'The seemingly haphazard, random, and arbitrary events that comprise the story of our lives begin to form a coherent and purposeful narrative when we view them from a divine perspective. With the wisdom of retrospective insight I have countless times learned to acknowledge that coincidence is but God's way of choosing to remain anonymous.'"

For now, BofA attorneys are pushing to finalize foreclosure on her decades-old Palm Beach homestead prior to her trial date against BofA, a move which would effectively leave Fisher and her three pet dogs homeless before she finally gets her day in court.

Fisher has previously sold her remaining clothes and shoes to keep going and bring her legal battle to conclusion. "I can't collapse now!" Fisher says, always keeping her ready smile and trademark sense of humor nearby.

Fisher has chronicled her story via a series of videos posted on her [TJ Fisher YouTube channel](#), for those watching and following her "\$60M Dollar Woman" plight unfold. She says she wants there to be a permanent record and account of the tale of the "Plaza Tower Matrix," as she dubs it, in her own words and perspective. Regardless of how the story ends, she intends for her struggles and tenacity to leave a mark for others to use as a guidepost. The site is open to fans, foes and media watchers of Fisher who seek the story hidden behind the headlines.

No word yet whether ex-NFLer McCrary will make a South Florida appearance and take the stand in Fisher's \$70-million case against BofA, a case rooted in McCrary's litigation and eight-figure default judgments against Fisher. For McCrary to recover any portion of his judgment against Fisher, she must prevail in her suit against BofA.

BofA previously reached a confidential settlement with McCrary's powerhouse attorneys on the lawsuit they filed against the bank in separate litigation concerning consequences from the same bank account and chain of events that Fisher is suing over. Fisher promises to prove how alleged wrongdoings in BofA banking procedure between a bank vice president and her husband unpinned then unleashed the hand grenade that imploded and destroyed her life.

"I'm so cannibalized, I can never be made whole again," Fisher admits, "I just want to do what is right, get up from this nightmare horror I've endured and persevered, and go on with my life." Fisher's resilient spirit has a positive effect on others.

To receive a jury trial against one of the country largest banks is a rarity. The bigger the bank the more likely the bank will prevail in depriving private individuals of their [Seventh Amendment right](#) to jury trial in civil cases where a plaintiff seeks a remedy for a legal injury. Constitutional rights are removed through mandatory arbitration, a "judicial referee" or bench trial — thus effectively taking away legal power and the right to a day in court. Conversely, U.S. Government agencies, attorneys general offices and the United States Department of Justice (USDOJ) generally obtain jury trials when filing civil lawsuits against financial institutions.

Fisher says she expects her case and impending courtroom battle to follow the arc of the beloved Biblical account of the clash between David and Goliath. She feels certain her single attorney will best banking giant BofA's teams of blue-chip lawyers, white-shoe law firms and reams of legal counsel. David felled a mighty warrior giant with nothing more than a stone and a sling. Sometimes improbable and miraculous victories occur.

The second largest bank holding company in the United States by assets, [BofA](#) has incurred an estimated [\\$60 billion tab](#) during the past few years to resolve a wide variety of civil and criminal suits, probes, investigations, penalties and fines from across the country. The 2013 payout tally stood at [\\$42 billion](#) and counting. Many legal woes plaguing BofA stem from the bank's alleged role in the American economic financial capital crisis and subsequent severe global recession of a U.S. housing market boom "bubble burst" disaster and subprime mortgage industry collapse. More than a year ago, [U.S. bank legal bills](#) already reached \$103 billion, for lawyers and legal

costs since the financial crisis shook the international markets. That sum equates to bankers spending \$51 million a day in legal defense.

“There may be a sense that financial institutions have gotten away with a lot and maybe now is the time to catch up,” said Daniel Hurson, a former U.S. prosecutor and SEC lawyer.

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.

#### [DOWNLOAD LEGAL DOCUMENTS](#)

For more information on TJ Fisher, please visit:

<http://www.tjfisher.com/>

<http://www.tjfisher.net/>

#### MEDIA CONTACT:

Anne O’Brien

PR firm: Bourbon Media

Email: [bourbonmedia@gmail.com](mailto:bourbonmedia@gmail.com)

Phone: (504) 408-1535

#### MEDIA CONTACT:

Glenn Selig

PR firm: The Publicity Agency

Email: [glenn@thepublicityagency.com](mailto:glenn@thepublicityagency.com)

Phone: (813) 708-1220