

Bank of America loses 11th hour motion; Jury to hear \$70M ‘sleeper’ case

 *Financial scandal inside the rich, cloistered island of Palm Beach*

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Like to put your bank on trial before a jury? Score one for the little guy.

David defeated Goliath inside a [15th Judicial Circuit of Florida](#) courtroom when Southern author [TJ Fisher](#)’s sole practitioner bested giant Bank of America (NYSE:BAC) in a state court special-set hearing. [Judge Catherine Brunson](#) rejected the mammoth bank’s last-minute maneuver to silence and end Fisher’s \$70 million lawsuit. The bank’s Motion for [Summary Judgment](#) met with Judge Brunson’s decision, “Motion denied.” The court issued its August 22 ruling against Bank of America after the bank’s attorneys argued their ill-fated motion at an August 4 hearing and the court took the matter under advisement.

The judge’s ruling means Fisher will finally get her day in court against one of the nation’s “Big Four” banks. The onetime wealthy islander Fisher, now mired in foreclosure proceedings and a \$23 million default judgment debt, was scheduled for her high-profile court face-off against the bank on August 18 but Judge Catherine Brunson granted a continuance in the case. A five-day jury trial will be rescheduled for six jurors to hear the case.

Spunky and fearless, Fisher has persevered to stay afloat and battle the financial titan for three years. Fisher says serious banking blunders inalterably sealed her into a dominoes-effect nightmare legal odyssey and financial ruin, led by ex-Baltimore Ravens NFL player Michael McCrary.

After Bank of America opened a Florida business account for Fisher’s spouse with improper LLC verification, McCrary sued Fisher. The Raven successfully noosed Fisher into his \$60 million litigation against her husband in Baltimore and defaulted her for \$33.3 million. Fisher lost everything.

Fisher, who is known for award-winning prose about New Orleans and has maintained a part-time residence on storied Bourbon Street in the French Quarter for many years, says she is grateful for the opportunity for jury trial.

Attorney [Patrick W. Maraist, Esq.](#) represents Fisher. Maraist has filed multiple still unresolved pre-trial pleadings against the bank for compound discovery failures, citing the bank’s “bad faith” pattern of stonewalling, culling records and not producing key documents.

Fisher seeks a sufficient jury award verdict against Bank of America to extinguish McCrary’s interest accruing, now \$23 million plus, judgment against her, with additional compensation for damages and losses she suffered during the seven-year legal quagmire.

[George J. Sukatos, Esq.](#) — Bank of America Assistant General Counsel responsible for managing the bank’s litigation team in the US — signed recent court filings in Fisher’s case on behalf of the megabank. Since the financial crisis began, big banks are setting aside [\\$51 million](#) a day in legal fees, for lawyers and litigation, and for settling claims.

“I’m pleased to see the Bank of America court document filing in my case wasn’t robo-signed,” Fisher says. “Mr. Sukatos’ signature appears genuine.”



The behemoth financial institution, with unlimited resources, previously fought Fisher for years to deny her a jury trial. Bank of America sought a bench trial. The bank finally lost their longstanding motion to defeat a jury trial in early 2014. Their initial [Motion to Dismiss](#) Fisher's case was denied in 2011.

Bank of America, the nation's second largest bank by assets with [\\$2.17 trillion](#) in assets, has been the subject of numerous Department of Justice probes and [lawsuits](#). The bank has paid more than [\\$60 billion](#) of settlement claims related to its conduct in a ramp-up to the financial crisis. The bank is being pressed to pay billions more to settle an onslaught of litigation. Nine months after a jury ruled against the bank in the government's "Hustle" fraud case, on July 30 a New York federal judge ordered Bank of America to pay [\\$1.3 billion](#). The bank has agreed to pay [\\$16.6 million](#) in a separate sanctions case, and the Department of Justice also seeks [\\$16.65 billion](#) in unrelated mortgage fraud penalties, as the bank strives to move forward and emerge from the shadow of legal problems and skirmishes.

Fisher's case against Bank of America interconnects with the McCrary litigation timeline. Once McCrary obtained a \$33.3 default judgment against Fisher, he then sued Bank of America over the same bank account he sued Fisher over, leaving Fisher to try and survive the continuing legal drama and personally devastating nightmare with no way out.

In 2011, Fisher sued Bank of America over McCrary's judgment against her, plus her millions of dollars of losses. Within two months of Fisher's suit against Bank of America the bank settled McCrary's seven-figure lawsuit against the bank, but that did not halt Fisher's case against the financial institution because McCrary's judgment against Fisher remained valid and enforceable.

Court pleadings in the Fisher vs. Bank of America case show the bank has recently lost a series of key rulings on discovery issues regarding their quest to secret and not produce pivotal files, records and information relative to her case, McCrary and Palm Beach Bank of America employee Peter Kafouros. Both Fisher and Bank of America name Vice President and Branch Manager Kafouros as a fact witness.

Predicting the jury trial verdict outcome in this high-stakes case? Like consulting a popular parlor game and fortunetelling device the Ouija Board, experts say. No one knows for sure. All bets off.

"I'll tell my nightmare story and let the jury decide," says Fisher. "I believe people will be interested."

"You do anything in Palm Beach and it has the potential to make national news because of the prominence and wealth of those involved," said a Town of Palm Beach official in 2011. "People are intrigued by Palm Beach."

Fisher has lived in Palm Beach for most of her life and owned her ocean-block homestead house for 17 years. She admits the hushed enclave of wealth prefers to stay out of the limelight, but the spotlight is about to shine on the island's banking procedures, and the consequences of bad banker conduct.

Miami law firm [Liebler, Gonzalez & Portuondo](#) represents Bank of America in the Fisher lawsuit. The same lawyers also lead the foreclosure action against Fisher's home in the 15th Circuit.

Fisher says she looks forward to the legal fireworks ahead in the looming courtroom battle against a powerful bank often dubbed "[too big to fail](#)" and "[too crooked to fail](#)."

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For more information on TJ Fisher, please visit:

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