

VERDICTS & SETTLEMENTS

CIVIL RIGHTS

Attorney refused to allow service dog in his office

WASHINGTON—A Colorado Springs, Colo., lawyer who refused to allow a veterinarian and her service dog to enter his law office for a scheduled deposition in a civil action has agreed to pay \$50,000 to settle a federal discrimination suit.

The Justice Department's Civil Rights Division filed a complaint in the U.S. District Court for the District of Colorado against Patric LeHouillier of LeHouillier & Associates. The suit alleged LeHouillier violated the Americans With Disabilities Act when he refused to allow the woman and her dog—and the woman's lawyer—to enter the LeHouillier law office in December 2006.

LeHouillier demanded the veterinarian, Joan Mumane, prove that her dog, an Australian shepherd, was a certified service dog. LeHouillier feared the dog would soil recently installed carpeting, according to the complaint.

CRIMINAL LAW

Dreier's associate in fraud sentenced to prison

NEW YORK—A former securities broker who helped Marc Dreier dupe hedge funds into making tens of millions of dollars in bogus investments has been sentenced to nearly four years in prison.

plagued in recent years with allegations of government misconduct, a federal judge in Washington on March 30 approved a \$3 million settlement and vacated two opinions that the Justice Department said threatened national security.

The suit, filed in 1994 by a Drug Enforcement Administration agent, has dragged on amid disputes about the state secrets privilege. Plaintiff Richard Horn alleged that then-CIA officer Arthur Brown and Franklin Huddle Jr. of the State Department unlawfully eavesdropped on telephone communications while Horn was stationed in Burma in the 1990s.

In dismissing the case with prejudice, Chief Judge Royce Lamberth of the U.S. District Court for the District of Columbia ordered the Justice Department to notify him whether it will refer allegations of government misconduct to the Office of the Inspector General and to appropriate oversight committees in Congress.



ROYCE LAMBERTH

Cancer center will pay \$12 million in qui tam case

ATLANTA—A whistleblower will collect \$2.6 million in a settlement with a Florida cancer treatment center accused of defrauding Medicare.

The settlement was part of a larger \$12 million payout agreed to by Melbourne Internal Medicine Associates in Brevard

Business Machines Corp., alleging that the open-source operating system Linux was infringing on SCO's Unix copyrights.

Novell had already beaten SCO on some of the major issues on summary judgment. The extended legal battle had also forced SCO into bankruptcy. An appeals court ordered a trial on the issue of ownership, with SCO seeking \$200 million in damages.

Titleist prevails in patent fight over gold ball design

SAN FRANCISCO—After taking a muligan, lawyers at Howrey scored a victory on March 29 for Titleist in a golf ball patent fight.

Following a weeklong retrial, a Delaware jury found that Acushnet Co., owner of the Titleist brand, does not infringe on golf ball patents held by rival Callaway Golf Co. The jury decided that Callaway's four patents on a multilayered golf ball were invalid because of anticipation and obviousness.

Titleist lost the same case in 2007 and was hit with an injunction that barred it from selling its popular Pro V1 line. The company won the chance at a new trial on appeal last year. Callaway had been seeking \$250 million in damages. It first filed suit against Acushnet in 2006.

LEGAL PROFESSION

Former Arnold & Porter partner gets probation

NEW YORK—Peter Cinquegrani, a former Arnold & Porter tax partner, was sentenced on March 30 to three years'

settlement that pays nothing to the class but \$3.5 million in fees to class counsel.

A federal judge approved it nevertheless, finding that counsel provided a substantial benefit to the class because the suit, alleging "material deficiencies" in the proxy statement sent to shareholders before the merger vote, triggered the disclosure of additional information.

Disposing of objections, U.S. District Judge Dennis Cavanaugh held on March 26 that a common benefit was rendered because "extended disclosures permitting the shareholders to exercise a fully informed decision" would not have occurred but for "Class Counsel's hard fought negotiation with Defense Counsel."

TORTS

EarthLink settles class action over termination fees

ATLANTA—Internet service provider EarthLink Inc. has settled a long-running class action alleging that it improperly levied early termination fees against its customers.

Among the settlement conditions, EarthLink agreed to lower its fees, refund half the fees to as many 850,000 potential class members and drop any efforts to collect outstanding fees or report customers owing such fees to credit reporting bureaus.

The settlement also promises to pay \$3.7 million in attorney fees and expenses, and three class representatives will each receive \$7,500 in "incentive awards."

TRUSTS AND ESTATES