

Weinstein Accusers Say Insurance Settlement Is a 'Cruel Hoax'

 variety.com/2020/biz/news/harvey-weinstein-settlement-cruel-hoax-1234704790

July 13, 2020

Three women who have sued Harvey Weinstein for sexual assault argued on Monday that the proposed \$46.8 million settlement is nothing more than a “cruel hoax.”

Attorneys for Dominique Huett, Kaja Sokola and Wedil David filed an opposition to the deal, in which they contend that \$15 million will go to Weinstein and the other directors and officers of the Weinstein Co., while the typical Weinstein accuser will receive \$10,000 to \$20,000.

If approved, argue attorneys Douglas Wigdor and Kevin Mintzer, the deal “would result in one of the most one-sided and unfair class settlements in history.”

Alexandra Canosa, another Weinstein plaintiff, filed a separate objection on Monday. Canosa’s attorneys accused the New York Attorney General’s office of trying to “intimidate” her into going along with the settlement, and it called the terms “a sad farce of justice.”

The settlement aims to resolve most of the litigation surrounding the Weinstein Co., which declared bankruptcy in 2018. Under the deal, which was announced on June 30, a pool of \$18.9 million would be set up for class action plaintiffs and their attorneys. Another pool of \$5.4 million would go to individual plaintiffs.

Wigdor and Mintzer allege that the class action attorneys, Elizabeth Fegan and the Hagens Berman law firm, will take about \$5 million in fees. The attorneys contend that those attorneys “had no business filing this case as a class action, litigated it into the ground,” and “shut out ‘uncooperative’ plaintiffs from settlement negotiations.” Once those fees and other litigation costs are deducted, they argue class action claimants will be left with about \$11 million in total.

Huett, Sokola, David and Canosa join Zoe Brock, another Weinstein accuser who filed her opposition to the settlement last week.

Canosa’s attorneys, Thomas Giuffra and Jeremy Hellman, argue that the settlement would absolve the Weinstein Co. and its insurers of liability in their civil case, even though Canosa is not a party to the deal.

“The attempt to create a global settlement in this matter is a transparent attempt by the ‘class’ counsel to loot a huge fee at the expense of the individual survivors and others and should be rejected by the Court,” they argue.

All of the objectors have noted that Harvey Weinstein will pay nothing into the settlement pool, which is being funded instead by a group of insurance companies. Wigdor and Mintzer also argued that the “special master” process for awarding class action claims is unreviewable, and likely to lead to unjust outcomes.

“This is an invitation for inequitable treatment,” they argue.

Attorneys for the Weinstein Co. bankruptcy estate hope to wrap up the case and liquidate the company’s remaining assets by the end of the year.

Attorney Imran Ansari, who is defending Weinstein in several unresolved civil cases, argued that the settlement affords the plaintiffs the best deal they are likely to get.

“The practical reality is that those who opt out of the settlement face an uncertain financial recovery, with The Weinstein Company bankrupt, and Mr. Weinstein defending legal matters, facing debt and judgments, frozen assets, marital and child support obligations, and a line of creditors looking for compensation,” Ansari said in a statement. “Mr. Weinstein’s current and future financial state is far from healthy, not only has his personal liberty been taken from him, but his financial liberty as well.”

Weinstein is serving a 23-year sentence in New York state prison.