

Harvey Weinstein Settlement On Hold Because... It Kind Of Sucked

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Judge Alvin Hellerstein ditched the preliminary approval of a proposed settlement in the Harvey Weinstein matter today, deciding that a \$46.8 million compensation fund with funds set aside to help Weinstein fight off any accuser who doesn't join the settlement didn't make a whole lot of sense.

And Judge Hellerstein didn't pull punches when describing his feelings about the structure of the deal:

“The idea that Harvey Weinstein can get a defense fund ahead of the claimants is obnoxious,” he said. “The idea you can regulate the claims of people not in the settlement — I can't subscribe to that.”

The whole effort seemed flawed from jump in a matter where decades of abuse appears to have taken place. The agreement seemed like a rush job to secure releases for the Board members. Hellerstein refused to let this become a class action where a special master would assign value to the claims of women with wildly disparate stories.

The result was welcomed by lawyers representing individual women against Weinstein. From The Hollywood Reporter:

Douglas H. Wigdor and Kevin Mintzer, who represent several women who accuse Weinstein of abuse and harassment, were the first attorneys to issue a statement following Hellerstein's decision. “We have been saying for over a year and a half that the settlement terms and conditions were unfair and should never be imposed on sexual assault survivors,” it reads. “We were surprised that class counsel and the New York Attorney General did not recognize this fact but are pleased that Judge Hellerstein swiftly rejected the one-sided proposal. On behalf of our clients, we look forward to pursuing justice against Harvey Weinstein and his many enablers.”

This opinion has ripple effects in other litigations. The NYAG gender discrimination action was going to be resolved as part of this settlement — that presumably will be back on. Insurance litigation over Weinstein's company policies will also see new life. From Variety:

“There's been numerous discussions in various circles about what to do next,” said Jeffrey Schulman, who represents Weinstein in the insurance case. “This remains quite fluid... I think we're all going to need to sharpen our pencils and figure out what to do next.”

