

Weinstein Settlement Eviscerated as Unfair ‘Waste of Time’ by Judge

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MANHATTAN (CN) — Shredding an \$18 million proposed settlement with the convicted producer’s former studio, a federal judge called it impossible Tuesday to certify a class of women who say Harvey Weinstein sexually harassed them.

Urging attorneys for the women to focus on more immediately executing upon Weinstein’s assets, U.S. District Judge Alvin Hellerstein said this morning it would be a better course of action “instead of wasting your time with phony settlements and attempts to create a class that doesn’t exist.”

Louissette Geiss, a screenwriter who says Weinstein turned their pitch meeting into an unwanted masturbation session in his office hot tub, is the lead plaintiff behind the December 2017 suit.

At the hearing Tuesday, the Clinton-appointed Judge Hellerstein remarked that he found it “obnoxious” Weinstein’s defense fund would receive money ahead of the victims under the terms of the proposed settlement.

“This is not a class action. You want to test me? Make a motion,” the judge brusquely advised Elizabeth Fegan, an attorney for Geiss.

Since a 2017 expose in The New York Times, Weinstein’s former production company The Weinstein Co. has faced a barrage of lawsuits like Geiss’ that accuse the studio board of facilitating a sex enterprise that allowed Weinstein to regularly assault and abuse women he met under the premises of pursuing work in Hollywood.

Among other terms, the settlement that Hellerstein refused to endorse Tuesday would set \$12.2 million aside to reimburse The Weinstein Company’s board of directors, including Harvey Weinstein, for legal expenses.

“No need for objections to settlement I am not approving,” Hellerstein said at the 20-minute teleconference.

Immediately following the teleconference, Douglas Wigdor, an attorney for six nonparty opponents of the settlement, lauded 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,” Wigdor said in a statement. “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.”

Wigdor filed objections with the court in a letter Monday.

“Allowing Class Counsel to capitulate to an unreasonable settlement because of the inadequacies in their case and so they can collect fees from a common fund is wrong,” Wigdor wrote. “Certifying a class that manifestly does not meet the required certification standards because it would neatly wrap up a corporate bankruptcy is wrong.”

Three of Wigdor’s clients — Wedil David, Dominique Huett and Kaja Sokola — have pending cases against Harvey Weinstein or his former companies and associated individuals. The other objectors Wigdor represents are Rowena Chiu, Zelda Perkins and Tarale Wulf.

Judge Hellerstein has released only a 1-page order denying approval of the settlement but said a memorandum decision is forthcoming.

In March, a New York judge sentenced Weinstein to 23 years in state prison Wednesday for two forced sex acts perpetrated against women in the entertainment business in 2006 and 2013.

Representatives for Harvey Weinstein did not immediately respond to request for comment.

The proposed settlement would have provided a fund of \$18,875,000 from Weinstein’s insurers for the benefit of all women who met with Weinstein in person to audition for or to discuss involvement in a project to be produced or distributed by The Weinstein Company Holdings LLC, or a subsidiary, on or after June 30, 2005.

Any women employed by The Weinstein Company Holdings LLC or a subsidiary, whether full-time, part-time, temporarily, as an independent contractor, or as an intern, would qualify for class membership.

The proposed settlement class also included a separate subclass of women who met with Harvey Weinstein in person, before June 30, 2005, to audition for or to discuss involvement in a project to be produced or distributed by

Miramax LLC, The Walt Disney Company and Buena Vista International Inc., among related entities, or in a meeting or event facilitated, hosted, or underwritten by those studios.

Victims with a so-called tier 1 claim would be eligible for an award of \$7,500 to \$150,000, while tier 2 claimants would be eligible for an award of \$7,500 to \$750,000. Both tiers were subject to pro-rata adjustments.

In making a claim on the settlement, would-be class members would have to provide, in narrative and checklist form, information about the nature and scope of their alleged experience with Harvey Weinstein or associated parties.