

Federal judge swiftly rejects \$18.9 million class-action settlement for Weinstein victims negotiated by N.Y. attorney general

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A Manhattan federal judge swiftly scuttled an \$18.9 million class-action settlement for victims of Harvey Weinstein, declaring Tuesday that the sexually assaulted women were not getting a fair share of the moviemaker's money.

Judge Alvin Hellerstein rejected preliminary approval of the settlement for multiple reasons, noting the disgraced movie producer would not pay any of his own cash to the victims, but would surrender millions of dollars to the class-action lawyers and to cover the legal bills of other defendants in the suit.

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

After the first of eight lawyers spoke, the judge abruptly ended the hearing and suggested the parties take an alternative legal route by getting judgments against the jailed “Pulp Fiction” producer.

“That's what you should be doing instead of wasting your time with phony settlements and attempts to create a class that doesn't exist,” he said. The scrapped deal was negotiated by state Attorney General Letitia James.

“We will review the decision and determine next steps,” said a spokesman for the attorney general. “Our office has been fighting tirelessly to provide these brave women with the justice they are owed and will continue to do so.”

Lawyer Thomas Giuffra, who represents film producer Alexandra Canosa, said the attorney general made a “huge mistake” in supporting the suit. His client has accused Weinstein of rape and sexual assault.

“The attorney general of New York should be ashamed of herself for putting her support behind such an unfair and punitive agreement,” said Giuffra. “My client and I are thrilled with the decision rejecting the class settlement and Judge Hellerstein's refusal to certify this case as a class. Judge Hellerstein recognized all of the flaws of the agreement and class.”

Weinstein, 62, was sentenced to 23 years in prison in Manhattan Supreme Court on March 11 for sexually assaulting his former production assistant Miriam Haley and raping actress Jessica Mann. He faces another trial in Los Angeles on charges from two alleged sexual assaults in Beverly Hills and west Los Angeles in 2013.

The Oscar-winning Weinstein faces a possible life sentence if convicted on those charges.

The proposed victim compensation was part of a \$46.9 million package to resolve the bankruptcy of the Weinstein Co., the groundbreaking movie studio responsible for Quentin Tarantino's "Inglorious Basterds," among other films.

The vast majority of the settlement was directed elsewhere, including \$12.2 million to former Weinstein Co. board of directors members to cover their legal fees and \$7.2 million to cover creditors with claims against the company. Another \$1.5 million was set aside for Harvey Weinstein and brother Bob to defend themselves against three cases not covered by the proposed package.

"We met with the attorney general multiple times to try to show them why this settlement was deeply unfair and would never be approved," said Kevin Mintzer, an attorney representing some of Weinstein's accusers. "They refused to listen to us, and now have to face the consequences of advocating for this atrocious deal."

Prior to ruling, Hellerstein grilled Elizabeth Fegan — an attorney for nine of the women — on the significantly contrasting experiences of plaintiffs in the case.

"Why include women that just met Harvey Weinstein and were not sexually molested?" he asked. "Not every woman was sexually molested, right?"

Fegan argued that any woman in Weinstein's orbit at the Weinstein Co. was in danger by default.

"All of these women were in the zone of danger," said Fegan. But the judge did not see it the same way.

"Some gave up their bodies because of blandishments," said Hellerstein. "Some by force, and some may have done it willingly. And yet your settlement creates an equality."

In December, the Daily News reported that a split had emerged among Weinstein victims over settlement talks. At the time, more than two dozen accusers whose claims were barred by the statute of limitations had agreed in principle to a deal.

A handful of holdouts were unhappy with the terms and expressed frustration with James' handling of negotiations. The deal resolved a 2018 lawsuit by the attorney general's office against the Weinstein Co., including Harvey and his brother, and a class-action suit

brought by the movie mogul's sexual assault victims.

Mintzer, along with Douglas Wigdor and Bryan Arbeit, represent six of Weinstein's accusers and issued a joint statement welcoming the judge's quick 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," said the trio. "On behalf of our clients, we look forward to pursuing justice against Harvey Weinstein and his many enablers."