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Ex-Napoli Bern Atty Seals \$4M Win In Fee Fight With Firm

By **Emma Cueto**

Law360 (October 26, 2018, 9:00 PM EDT) -- A former Napoli Bern Ripka & Associates partner has won a California federal court's sign-off on a \$4 million award he won in arbitration over referral fees he claimed the now-defunct plaintiffs firm owed him.

The court on Wednesday awarded Marc I. Willick \$3.3 million in damages, plus \$724,000 in prejudgment interest and \$44,000 in sanctions against Napoli Bern. The award closes out Willick's claims against Napoli Bern but does not end his right to pursue claims against any of the other firms connected to name partner Paul Napoli that are listed in the suit.

The final judgment comes a month after the court initially granted Willick's **motion to confirm** the arbitration award over Napoli Bern's objections. The firm has since appealed the decision to grant that motion.

Willick first filed suit against his former firm, which he left in December 2012, in state court before the suit was moved to federal court and then arbitration. Willick alleged that when he joined the firm in 2011, it agreed to pay him a portion of the fees it received from cases steered toward the firm by Willick's designated "referral sources."

Napoli Bern never paid him any referral money, Willick alleged.

Napoli Bern, which was based in New York, **split into two** in 2015 as part of a settlement between two of its warring name partners. It faces **another ongoing suit** alleging it failed to pay referral fees to Maryland attorney Mary Keyes.

According to court documents, the arbiter in the Willick case agreed that Willick was entitled to an accounting and appointed Ernst & Young to conduct it. Despite being told to cover the cost of the accounting, however, Napoli Bern failed to provide the firm with a retainer fee, court documents said.

After hearing from both sides, the arbiter issued a tentative ruling against Napoli Bern, according to court documents. The law firm then paid Ernst & Young \$110,000 and argued that the sanctions — which would effectively grant Willick a win on his breach of contract claim — were no longer necessary, court documents said.

The arbiter, however, entered a final judgment against Napoli Bern, including termination sanctions and \$44,000 in monetary sanctions, court documents said.

Counsel for all parties did not respond Friday to a request for comment.

Napoli Bern is also **facing a suit** in California federal court from Evanston Insurance Co. over the Willick award. The insurer argues it is not on the hook to pay the \$4 million.

Willick is represented by James Lewis Goldman and Colin Rolfs of Miller Barondess LLP.

Napoli Bern is represented by Stephen J. Erigero, Tahereh Mahmoudian and Kimberly Cederquist of Ropers Majeski Cohn & Bentley.

Bern is represented by Traci S. Lagasse and Kelly Drew Folger of Andrews Lagasse Branch & Bell and Clifford Robert of Robert & Robert PLLC.

Napoli is represented by Todd E. Crutch of Fraser Watson & Crutch.

The case is Marc I. Willick v. Napoli Bern Ripka & Associates et al., case number 2:15-cv-00652, in the U.S. District Court for the Central District of California.

--Editing by Joe Phalon.

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