

## Consumer Protection Group Of The Year: Greene Broillet

By **Steven Trader**

*Law360, New York (January 17, 2017, 9:57 PM EST)* -- In arguably one of the highest-profile cases of 2016, Greene Broillet & Wheeler LLP's consumer protection team went to bat for famed sportscaster Erin Andrews after she was secretly filmed by a stalker at a Marriott hotel and landed her a \$55 million verdict, earning its place among Law360's practice groups of the year.

Andrews, a reporter for Fox Sports, had sued Windsor Capital Management and West End Hotel Partners claiming they violated her privacy by confirming to stalker Michael Barrett she was staying at their Nashville Marriott at Vanderbilt University hotel in 2008 while on assignment and acquiesced to his request for an adjoining room, where he filmed her naked through a peephole in the door and posted the video online.

The fact that Barrett pleaded guilty to stalking in 2009 presented a challenge in that it gave the hotel operators a convenient scapegoat to pin the blame on, according to Greene Broillet partner Scott Carr, who co-led Andrews' trial team along with firm chairman Bruce Broillet.

However, thanks to a collaborative effort in developing evidence, as well as "courageous" testimony by Andrews herself during the two-week trial according to the litigators, the team was able to poke holes in the operators' defense and sway the Nashville jury, which found them 49 percent at fault and awarded the reporter \$55 million in damages on March 7.

"We talk about it being a victory for her, but even in her mind it was more so a victory for consumers through the country," Carr said. "When something happens like Erin's experience, when you can't have confidence that you're going to be safe when you travel, it causes concern for a lot of people. I'm hopeful that as a result of Erin's bravery and whatever work we were able to do that people can travel and feel safer."

The effects of the verdict have been resounding, the partners said, as hotels have changed their policies and employee training programs with respect to privacy and security, and at least two states have introduced legislation aimed at strengthening anti-stalking laws.

While it's true that the case involved a celebrity, this would have been just as important had the victim



been completely unknown, because keeping people's information private and secure is important for everyone, added Broillet.

"Our philosophy is that when you force the wrongdoer to pay money damages, that has a beneficial effect in society," Broillet said. "It's either do it the right way in the first place or you're going to pay later. So I'm sure hotels around the world are saying we're not about to release private information anymore. That's the essence of consumer protection."

Notably, the Andrews case marked the second time in 2016 the Santa Monica, California-based boutique firm, which consists of 10 partners and five associates, came to the aid of a sexual harassment victim and won big.

In late January, a California state jury slammed Bikram Choudhury and his yoga college with more than \$6.4 million in penalty damages for sexually harassing and wrongly firing his former legal adviser Minakshi Jafa-Bodden, who'd sued the celebrity yogi with the firm's help in June 2013.

Jafa-Bodden, who was hired to work for Choudhury in March 2011, claimed she was retaliated against for investigating a trainee's allegation that Choudhury raped her and for refusing to help with a cover-up. She also alleged the yoga mogul repeatedly demeaned and harassed women, forced her to meet with him in his hotel room at night while female students massaged him, and on one occasion insisted she join him in his bed during a meeting, which she refused to do.

"In our law firm we like to think of ourselves as speaking truth to power, and so when a case like this comes along... What happened here in the Bikram situation looked very, very wrong, and a statement needed to be made about this kind of conduct," Broillet said. "That jury made its statement."

The firm chairman said the lawsuit presented a set of challenges similar to the Andrews case in that it was rife with "he said, she said" arguments at first, though as the team gathered evidence it developed into a strong case.

"Each one of these cases we take on, we just say buckle up because it's going to be a war," Broillet said. "We expect the other side to throw everything at us that they can. We prepare for battle, and go in knowing we have a fight on our hands. But so do they."

--Additional reporting by Cara Salvatore and Bonnie Eslinger. Editing by Bruce Goldman.