

In L.A., an insurance trial can take a film noir turn

The story went like this: On a rainy December afternoon in Los Angeles, a man named Harry opened the door to his jewelry wholesale business. Outside, a salesman awaited, wearing dark sunglasses and a cap pulled over his forehead.

The salesman lifted his umbrella toward the ceiling — blocking the security camera — and entered the sixth-floor office. He said he was from a Hong Kong company and wanted to show some merchandise.

Once inside, he revealed a gun, bound Harry's wrists and ankles, and then emptied the safe of \$1.2 million in diamonds and other jewelry.

The thief was never caught, and the owner sought to recover the loss of the inventory from Lloyd's of London.

Enter Sheppard, Mullin, Richter & Hampton partner Andre Cronthall on behalf of the underwriters at Lloyd's. Cronthall, along with other investigators, convinced a Los Angeles County Superior Court jury last month that the robbery was

staged.

"It's probably the most fun I have had in a trial," Cronthall said. "It was challenging to use a whole bunch of circumstantial evidence to convince the jury."

To begin with, Cronthall pointed out how suspicious it is to let someone in who looked a bit like the Unabomber.

"This fellow was wearing dark sunglasses, a dark cap and holding up an umbrella to hide himself from a camera pointed at him," he said. "Harry opens the blind and he's let in — in only three seconds."

The arguments then turned to the time that elapsed — almost 15 minutes to clean out the safe, "which is an eternity for someone committing a robbery," Cronthall said. "There is no reason to stick around when you don't know who will show up."

Then there was the gym bag the alleged thief used to empty the safe of 515 pieces of finished jewels and pendants, plus all of the casings. The investigators used a forensics expert to gauge the dimensions of the bag depicted in the photographs, and then purchased replicas of what was allegedly

inside.

"All of it failed to fit into a bag that was one-third larger," said Cronthall, who works out of Sheppard's L.A. office.

The list of holes the Cronthall team highlighted goes on and on — the ties binding the owner were too loose; shortly after the alleged robbery, the owner's son took a trip to Aruba to sell diamonds; and the store was increasing inventory while profits were down.

As Cronthall's team painted the picture of a botched cover-up, the jury was enthralled, he said.

"The evidence in a certain sense was Columbo-esque, which made it fascinating," he said. "At certain times, they were on the edge of their seats."

Cronthall bills himself as a business trial lawyer and averages about one trial a year. But this one definitely stands out.

The owners "made some mistakes in retrospect," Cronthall said, "but I thought it was some pretty good detective work on the part of the lawyers and adjusters."

— Kellie Schmit