

Daily Journal

FEBRUARY 17, 2016

TOP VERDICTS OF 2015

The largest and most significant verdicts and appellate reversals handed down in California in 2015

TOP PLAINTIFFS' VERDICTS BY DOLLAR

\$33.726 million

Berkay v. Ersan et al.

case INFO

Breach of fiduciary duty

San Diego County

Superior Court Judge Joel R. Wohlfeil

Plaintiffs' attorneys: Wingert Grebing Brubaker & Juskie LLP, Andrew A. Servais, Alan K. Brubaker, Ian Friedman

Defense attorneys: Hans M. Gieseke, Gieseke Sweeney LLP; Carothers DiSante & Freudenberger LLP, Steven A. Micheli



ALAN K. BRUBAKER



ANDREW A. SERVAIS

Andrew A. Servais and his team with San Diego firm Wingert Grebing Brubaker & Juskie LLP scored a significant victory for their client last summer.

Their client, Andrea Berkay, filed a complaint against her ex-boyfriend in San Diego County Superior Court that began as a Marvin claim, which unmarried litigants use to claim shared property from relationships.

At stake was a successful security guard business that Berkay and ex-boyfriend Sam Ersan started in the 1980s. Berkay

accused Ersan of unfairly cutting her out of the business, Spectrum Security Services Inc.

The Marvin action was dismissed on a summary judgment motion, but a bench trial proceeded based on a partnership agreement inked in 1994 with a 2001 expiration date. *Berkay v. Ersan et al.*, 00055614 (S.D. Co. Super. Ct., filed July 1, 2013).

Following a five-day bench trial, San Diego County Superior Court Judge Joel R. Wohlfeil entered a verdict in favor of Berkay in June 2015 for more

than \$33 million.

"This woman was wronged and entitled to a portion of the business that she had worked tirelessly to grow," Servais said.

He noted his success was in part due to pointing out several discrepancies in Ersan's testimony before and then during trial. "We huddled up at our firm and fought back in every way we could," Servais said. The case is currently on appeal at the 4th District Court of Appeal.

— Saul Sugarman