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FLORIDA BRIEFS

• COURTS

Sanctions upheld against TD Bank, Greenberg Traurig

A federal appeals court Tuesday upheld a Miami judge's sanctions against the law firm Greenberg Traurig and its client TD Bank for failing to turn over evidence to investors who won a \$67 million judgment in 2012 against the former bank of convicted Ponzi schemer Scott Rothstein.

U.S. District Judge Marcia Cooke found the Miami law firm acted "negligently" and the bank "willfully" as they engaged in "a pattern of discovery violations" while exchanging evidence with attorneys for the so-called Coquina Investments Group from Texas. The 11th U.S. District Court of Appeals, based in Atlanta, affirmed the Miami federal jury's judgment and Cooke's rulings "in all respects."

Cooke did not issue sanctions against any of the lawyers from Greenberg Traurig, whose chairman, Cesar Alvarez, had issued an apology to the judge during a sanctions hearing after admitting "mistakes were made."

As a remedy, Cooke ordered the law firm and client to pay for the post-judgment legal fees and costs of Coquina's attorney, David Mandel and his legal team, who had pushed for the sanctions penalties.

The landmark Coquina case marked the nation's first civil jury verdict against a bank for "aiding and abetting fraud," by assisting Rothstein as he laundered millions of dollars in his law firm's trust accounts kept at TD Bank. The disbarred Fort Lauderdale lawyer is serving a 50-year sentence in the \$1.2 billion investment scam involving the sale of fabricated legal settlements — a scheme that collapsed in October 2009.

JAY WEAVER