

No Thanks: By Refusing Review, \$67M Award Against TD Bank in Rothstein Case Stands

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TD Bank struck out again Wednesday in asking a federal appellate court to reverse a \$67 million verdict against the bank in a lawsuit brought by former investors of imprisoned ex-lawyer Scott Rothstein.

The full U.S. Court of Appeals for the Eleventh Circuit refused to review a panel's decision upholding the verdict in the lawsuit brought by Texas-based Coquina Investments LLC, which lost money in Rothstein's \$1.2 billion Ponzi scheme.

"We are of course pleased that the case is one step closer to resolution," said Miami attorney David Mandel of Mandel & Mandel, who represented Coquina. "The fact that not a single judge on the court was interested in granting TD's rehearing petition certainly reflects the lack of merit of the bank's arguments. Eventually, TD will have to pay the piper."

Rothstein, who is serving a 50-year prison sentence for fraud and racketeering, ran millions of dollars from his Fort Lauderdale law firm, Rothstein Rosenfeldt Adler, through a variety of accounts at TD Bank.

At trial, Coquina argued the bank was complicit and ignored red flags that Rothstein was running a criminal enterprise.

On appeal, TD Bank challenged U.S. District Judge Marcia Cooke's ruling that Frank Spinosa, then the bank's regional vice president, could testify. He invoked his Fifth Amendment privilege against self-incrimination 193 times.

The three-judge panel in July said U.S. Supreme Court precedent allows such testimony in civil cases and any adverse inference.

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