"WE WERE NOT BORN TO SUE," SAYS Richard II early in the Shakespearean play that bears his name. Not born to sue? A sarcastic reply to such a misstatement would have been in order, but unfortunately Richard was alone and talking to himself at the time—John of Gaunt having just exited, mumbling something about Mowbray's face. So the royal inanity went unchallenged.

To be fair, the king was thoroughly a product of the Middle Ages and, if pressed, probably would also have said that neither were we born to drive, fly, do the limbo or bank by mail. If Richard had enjoyed the advantages we do—if he had lived in a country teeming with lawyers and equipped with a sprawling, inefficient court system—he might have seen things differently. Certainly he would have had he known about such never-say-die litigants as Anthony Martin-Trigona, a Connecticut man who has filed hundreds of lawsuits over the last 15 years, litigating such issues as the constitutionality of the Iowa presidential-nominating caucuses and a dairy cow's right to life; or George Sassower, a writ-wielding crusader whose credo is "You can sue anybody except God"; or more celebrated legal-system surfers such as Mort Zuckerman and Simon & Schuster chairman Dick Snyder, men who have sued and, it can be safely said, will sue again.

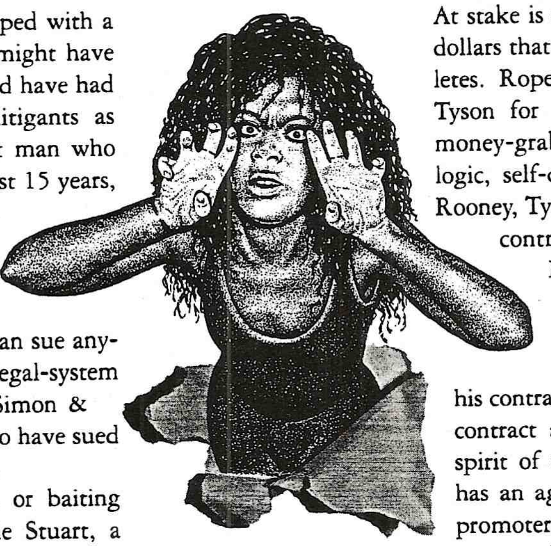
"I used to enjoy suing people . . . or baiting people to sue me," says publisher Lyle Stuart, a pioneer of modern litigiousness, "but in those times you weren't paying lawyers two, three, four hundred dollars an hour." Stuart began his sensationalistic book-publishing company 33 years ago with $8,000, which was part of a settlement he collected after having sued columnist Walter Winchell for libel. He went on to sue Winchell a couple of other times, and also made defendants out of such diverse individuals and institutions as *The Daily Mirror*, Howard Hughes, *Confidential* magazine, *Editor & Publisher* magazine, the Church of Scientology and Kitty Kelley—and many more. Stuart has also enjoyed *being* sued by King Farouk. "I would love to get sued by the Scientologists," he says with the wistfulness of a man unafraid to dream.

GREAT MOMENTS IN THE HISTORY OF LITIGATION — AUGUST 1982: *Linda Bryant sues the maker of Mogen David for more than $10 million, contending that "the taste of the wine is deceptive and invites the*

SOONER OR LATER, HE PROBABLY WILL. IT ISN'T exactly news that Americans—and in particular New Yorkers, the most temperamentally contentious Americans of all—have lately been taking legal action in droves. Lyle Stuart must be a visionary, because there was a time when an aggrieved party was usually content to turn the other cheek or request an apology or simply tamper with the brakes of his antagonist's car—in short, to take advantage of any number of options before seeking the services of a lawyer. No longer. One tiny affront or injustice, real or imagined, and attorneys are being retained and witnesses duly sworn in before you can say "in the matter of the application of." So popular is litigation that more and more—and this, at least, is a silver lining—law firms are themselves getting sued, often for botching a previous lawsuit.

ROBIN GIVENS

*She felt so unfairly characterized when Mike Tyson called her a money-grabber that she sued him for*



*$125 million; now she just pushes for divorce*

Clairol Inc. sues Fabergé Inc. for saying that its hair spray holds better than Clairol's. At stake is a portion of America's huge coiffure-lamination dollar. Dave Winfield and George Steinbrenner sue each other over the Winfield Foundation. At stake is which of the two is the bigger deadbeat regarding programs for New York City kids. Ruth Roper sues Winfield, alleging that he gave her venereal disease. At stake is a portion of those personal-endorsement dollars that go to non-venereal-disease-carrying athletes. Roper's daughter Robin Givens sues Mike Tyson for $125 million for having called her a money-grabber—simultaneously, to all apparent logic, self-destructing her case. Meanwhile, Kevin Rooney, Tyson's former trainer, also sues him, over a contract dispute. Givens's lawyer, Marvin Mitchelson—more on him later—then threatens to sue her for unpaid fees. Tyson, for his part, sues former manager Bill Cayton twice, first to change his contract and then, last November, for breach of contract and fraud. Cayton, finally catching the spirit of the thing, sues Don King, who himself has an agreement with Tyson to be his exclusive promoter. At stake are the millions of dollars for which the behemoth fights.

There's more. The National Audubon Society sues a former member who tries to establish his own renegade Audubon group. At stake is the integrity of birding. Reggae musician Patrick Alley sues Mick Jagger for plagiarism, insisting that Jagger's "Just Another Night" was based on his own "Just Another Night." At stake are the proceeds from a disappointing single and album. Donald Trump sues architect Philip Birnbaum for *self*-plagiarism, after Birnbaum's design for a building Trump planned to erect across the street from Trump Plaza too closely resembles Birnbaum's own design for Trump Plaza. At stake is the undeniable uniqueness of Trump Plaza. Fantasy Records, too, sues for self-plagiarism, contending that John Fogerty's "The Old Man Down the Road" steals from his earlier "Run Through the Jungle," the rights to which Fantasy owns. (Fogerty has in addition been sued for slander by Fantasy's chairman, Saul Zaentz, over the songs "Zanz Kant Danz" and "Mr. Greed," neither of which, thank God, sounds like "Proud Mary," or life would be even more complicated.) At stake is the future of swamp rock. Vidal Sassoon sues Sasson Inc. because the jeans manufacturer is running commercials that supposedly confuse the two companies—and Sasson countersues when it learns that the hair-product king is thinking of going into the jeans business. At stake is the right of Eurotrash immigrant fashion merchandisers to make a killing.

The Sasso(o)n situation raises the issue of two-way suing, which is endemic to the careers of the great litigants of our time. But beyond that there are certain things—people, professions, events—that are legal lightning rods. There are five major subjects that seem to attract litigation:

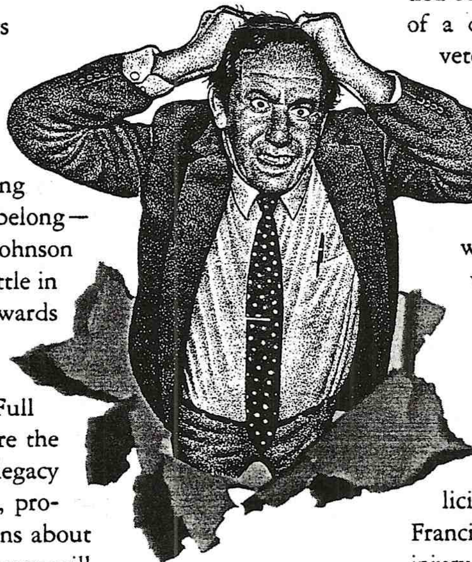
1. Wills
2. Disasters
3. Aging, flamboyant West Coast lawyers
4. The real estate business
5. Richard Pryor

**Wills.** These documents (or their conspicuous absence) bring greed and long-standing resentments out into the open, where they belong—*much* healthier. At first glance, J. Seward Johnson and Bob Marley would seem to have had little in common—the reggae star did not leave upwards of $400 million to a Polish-born former maid, and the baby-powder heir, so far as is known, never recorded "Them Belly Full (But We Hungry)"—yet in death they were the same: both left behind chaos. Johnson's legacy was a contested will and a well-chronicled, protracted trial full of lurid, bathetic revelations about the Johnson family; Marley's was a nonexistent will and still another survivors' squabble over an estate.

The great-grandchildren of tire-and-rubber magnate Harvey S. Firestone have sued two dozen distant relatives for $204 million, alleging wrongful transfers in the estate of their grandmother. And New York governor Mario Cuomo's late father-in-law, Charles Raffa, wanted his $13.7 million estate probated either in Nassau County or in Brooklyn, depending on which of his heirs you talk to. Matilda Cuomo, the governor's wife, so strongly believes the latter that she has gone to court to advance her theory. "This is not a split in the family," Mrs. Cuomo's sister, Nancy Mazzola—a member of the probate-in-Brooklyn movement—assured *The New York Times*. "We're just trying to make some decisions." (Matilda Cuomo's husband, the governor, just settled a nine-year-old battle against his former law partners over the distribution of legal fees collected by them after Cuomo left in 1975.)

MORT ZUCKERMAN

*He flexes his legal muscles in real estate and publishing, but batters who face him in*



*softball games should beware: don't let a dispute over a foul tip turn into something time-consuming and costly*

**Disasters.** From airplane crashes to Amtrak crashes, from Bhopal to Bridgeport, people are being held accountable for damages in the tens-of-skillions-of-dollars range. A total of $41 million was awarded to the families of the 28 victims in a 1987 Bridgeport, Connecticut, building collapse; this case was notable because it was settled in less than five years—though, naturally, it still required the services of 100 lawyers. Mass deaths caused by something or someone other than God have become frequent enough and profitable enough that there are now attorneys who specialize in them—wholesale personal-injury lawyers, as it were. The leading practitioner is probably Stanley Chesley of Cincinnati, who has represented the families of 165 people killed in the Beverly Hills Supper Club fire (General Electric and 28 other companies that manufactured the wiring settled out of court for $30 million) and was a member of a committee of lawyers representing Vietnam veterans and their families (the producers of Agent Orange settled for $180 million).

Disaster trials are notably theatrical—plummeting planes, yawning landscapes, mass grief, platoons of attorneys. In fact, when Los Angeles County was searching last winter for a large enough venue to accommodate the 250 lawyers litigating the Malibu-landslide trial, two sites under consideration were the 4,400-seat Hollywood Palladium and the relatively cramped 1,600-seat Embassy Theater.

**Aging, flamboyant West Coast lawyers.** Melvin Belli, the aging, flamboyant, publicity-seeking West Coast attorney from San Francisco who first made his name as a personal-injury and mass-disaster lawyer and whiskey huckster, is now making his name as an alleged wife- and daughter-abuser and an alleged tax cheat; he denies the former and plans to countersue concerning the latter. In 1982 he lost a legal malpractice suit and with it $3.8 million in damages; six more such suits have been filed against him since then; and, more recently, he was fined $5,000 for filing a damage suit on behalf of a man who had died 12 years earlier. Down the coast, Marvin Mitchelson, the aging, flamboyant, publicity-seeking West Coast attorney from Los Angeles, is also in multifaceted legal trouble. He has been charged by the California State Bar Association with misconduct for allegedly imposing excessive fees. He has bounced checks. He has been sued for unpaid rent. And he has sued Hugh Hefner for defamation.

**The real estate business.** This is an industry virtually fueled by lawsuits, particularly in New York, where, after the Westway controversy, the Marriott Marquis controversy, the St. Bart's controversy and the 42nd Street Development Project controversy, a

*uninitiated and unknowing consumer to drink copious quantities,'* which is her *explanation of why, after drinking a bottle, her husband raped a neighbor.* SEPTEMBER 1982: *Stephen Sayre files a $100 million suit against the maker of Hostess Twinkies, fruit pies and cupcakes, alleging that eating its products caused* construction project can hardly be taken seriously unless and until everyone has slugged it out in court. To be a successful developer, one must have a real appetite for litigation, a *joie de guerre*. One particularly compelling example gives a glimpse, if only in shorthand, of a veritable *Jarndyce* v. *Jarndyce* that was waged and is still being waged in New York State Court in Manhattan. Solow is Sheldon H. Solow ("litigious" — *Forbes* magazine), of the Solow Building Company. Avon is Avon Products Inc. (*Ding dong! Avon calling! With a subpoena!*) Here is their story:

| | |
|---|---|
| October 17, 1973 | Avon sues Solow |
| November 15, 1973 | Avon sues Solow |
| December 10, 1974 | Solow sues Avon |
| May 2, 1975 | Avon sues Solow |
| February 13, 1976 | Solow sues Avon |
| June 24, 1976 | Solow sues Avon |
| October 5, 1976 | Solow sues Avon |
| January 18, 1977 | Solow sues Avon |
| May 10, 1977 | Solow sues Avon |
| May 12, 1977 | Solow sues Avon |
| May 25, 1977 | Solow sues Avon |
| May 17, 1978 | Avon sues Solow |
| July 12, 1978 | Avon sues Solow |
| May 5, 1980 | Avon sues Solow |
| May 6, 1980 | Avon sues Solow |
| November 20, 1980 | Avon sues Solow |
| March 20, 1981 | Avon sues Solow |
| April 28, 1981 | Solow sues Avon |
| December 30, 1981 | Solow sues Avon |
| March 19, 1982 | Solow sues Avon |
| May 7, 1982 | Solow sues Avon |
| April 21, 1986 | Solow sues Avon |

Note that in the middle of this heroic confrontation, which spanned four presidential administrations, there was a peaceful interregnum as Solow and Avon unaccountably *sat out all of 1979*. Then, presumably refreshed, they picked up where they'd left off. "As the swallows return to Capistrano," wrote Judge Edward Greenfield in a more recent installment of the saga, "the salmon to their spawning grounds and the buzzards to Hinkley, Ohio, both Avon and Solow return on their annual pilgrimage to [court]." Of the 21 cases Avon has filed in New York State Supreme Court since 1971, 9 — fully 43 percent — were aimed at Solow, while only 15 of the 81 cases (19 percent) filed by Solow during the same period were aimed at Avon. This suggests that although Solow appears to have out-petitioned Avon in terms of sheer numbers, Avon has proportionately been more Solow-obsessed than Solow has been Avon-obsessed. And what is the nature of the jihad that has so captured the imagination and resources of these two companies? Surely it must be as elemental as the battles for dominance in Jerusalem or Belfast or the National League East?

It is. It concerns the "Wage Rate Escalation Clause."

**Richard Pryor.** In the performance movie *Richard Pryor Live on the Sunset Strip*, Pryor made a reference to a "black lawyer" who took him "hook, line and sinker." It wasn't one of Pryor's funniest routines, but Michael Ashburne, Pryor's former lawyer, was especially unamused. He sued Pryor and eventually settled out of court with Pryor and won $500,000 from the makers of the film. Pryor had previously sued Ashburne for $1 million. And another of his lawyers for $3 million. And certain record companies for $1 million. And *The National Enquirer* for $10 million. Plus he's been to court for five divorces. And a movie extra Pryor worked with in *Jo Jo Dancer, Your Life Is Calling* just won a paternity suit against the comedian. (Her lawyer? Why, aging, flamboyant, publicity-seeking West Coast attorney Marvin Mitchelson, of course.)

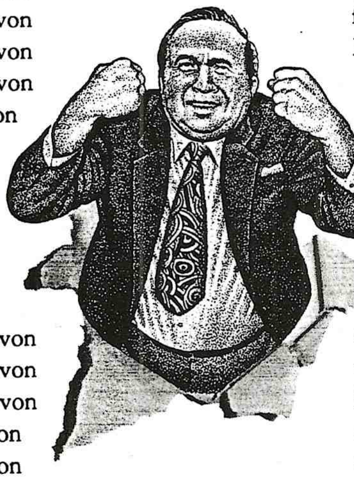
Pryor was even involved, indirectly, in the heap of lawsuits that followed the release of Paramount's bad, moneymaking hit of last summer, *Coming to America*, the idea for which was officially credited to its star, Eddie Murphy (see "Will the Real Man Behind I♥NY Please Stand Up," by Ned Zeman, October 1988). Among those filing lawsuits and claiming to have supplied the movie's story line is a man whose argument rests on his contention that he had submitted a similar idea to *Pryor*, who, as Murphy's incredulous manager sarcastically told the *Times*, "must know Eddie and have passed the story on." Yes. Clearly. It was all Pryor's fault.

WHAT GIVES? WHAT INSPIRES SO MUCH LITIGIOUSNESS? Why would so many people elect to spend so much time in the company of lawyers, who, as a group, are reminiscent of small-minded, niggling, cheerless, unreasonably highly compensated carrion birds?

Well, there's often money in lawsuits, even if you're not a partner in a law firm or entitled in the eyes of a jury to reparations. Indeed, this profiteering spirit can be a kind of corporate asset, deserving of its own page in the accounting books. Consider MCA/Universal, which owns the trademark to King Kong. In 1985 Universal sued Nintendo, the company that makes the Donkey Kong video game, for copyright infringement. Nintendo was cleared, with the court noting drolly that Universal's lawsuit had more to do with making money from Donkey Kong than with protecting its King Kong trademark. Universal's case was not helped by the discov-

JOE FRANKLIN

"*. . . are my dearest friends, I've had virtually every,* definitely *every important one,* every *one, on my show through the years,*



*starting with Walter Winchell up to Jimmy Breslin and, I mean, anybody, anybody,* everybody. . . ."

*him to contract what he calls toxic junk syndrome, which made him fall out of a tree he was trimming and fracture his hip, pelvis, ankle, clavicle and spine.* APRIL 1983: *Connie Daniell, who attempted suicide by locking herself in the trunk of her car but was discovered alive nine days later, sues the Ford* ery that a representative of the company had remarked that Universal's litigation had been a "profit center."

But money can't be the only reason people sue. In New York County Small Claims Court a man named Albert Eidinger has felt compelled, during the past two years, to file suit at least 85 times against 85 different people, for amounts as low as $20.65. We would guess that he is not in it for the money alone.

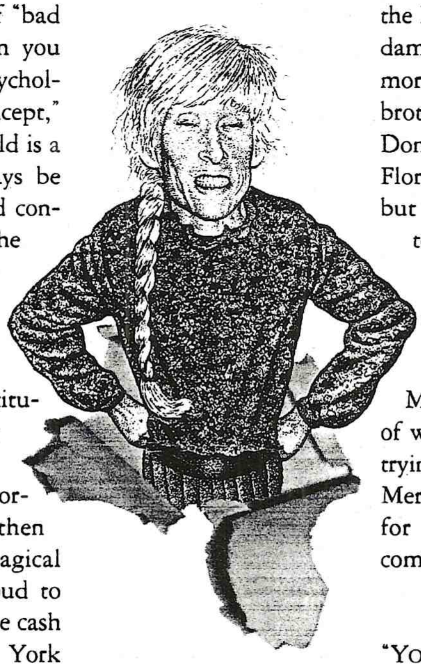
Pride, principles, vengeance and mischief also motivate people in powerful ways. For example, some people who sue for malpractice aren't *really* suing because a physician screwed up. According to Dr. Thomas G. Gutheil of the Harvard Medical School, the reason is usually a combination of "bad outcome accompanied by bad feeling. When you get that critical mass, you get litigation." A psychologist, Gerald Cooke, posits a "just-world concept," wherein paranoid people believe that "the world is a just and fair place, where they should always be treated with 100 percent justice, kindness and consideration." Then, when reality intrudes, in the form of a nasty pothole or a dissembling business partner, it's Writ City.

But come on—isn't litigating sometimes just plain *fun*? Who among us would be immune to the pleasure of seeing a mighty institution, the American legal system, grind to a halt to hear *our* grievances? Whose heart fails to leap at the thought of rich and learned attorneys writing crabbed, dense briefs, and then badgering and haranguing and talking magical double-talk *all on our behalf*? Who isn't proud to live in a time when anyone with a gripe and the cash to cover the filing fee (just $5.25 in New York County Small Claims Court) can appear before a putatively august judge (someone who perhaps received his job through the intervention of Donald Manes or Alfonse D'Amato) and walk away with justice—or at least with redoubled anger and the motivation to file an appeal? Clearly it's the pure suing—and the seductive *litigant's high* that comes with it—that inspires the heroically contentious.

Thus, our Hall of Fame of the Litigious. Whether their litigiousness is measured by quantity, quality or creativity, these people have gone that extra affidavit, and this is their moment of recognition.

RENATA ADLER

*Criticized for poor attendance in court while reporting her libel-trial book* Reckless Disregard,



*Adler eventually logged more courtroom time as a litigant*

### DONALD TRUMP

AS A DEVELOPER, DONALD TRUMP IS NATURALLY well educated in litigation, both as plaintiff (*I'll see you in court!*) and as defendant (*So sue me!*). Tutored by his old friend Roy Cohn, a man who understood not only the power of bringing suit but the power of *threatening* to sue, Trump has taken the trouble to learn even more. A sampling:

In 1981 Trump bought a building on Central Park South and ended up suing to evict the tenants, then suing the tenants' law firm. In 1984 he sued *The Chicago Tribune* and its architecture critic, Paul Gapp, for $500 million because the *Tribune* had published an article critical of Trump's proposal for the world's tallest building (not the proposed Trump-built world's tallest building over the West Side rail yards, but the proposed Trump-built world's tallest building at the southeast corner of Manhattan); the case was dismissed, but Trump got to sound off and waste the *Tribune*'s time. The same year, Trump led the USFL's antitrust lawsuit against the NFL. The pseudoleague sought $1.69 billion in damages and was awarded $1. "We won a great moral victory," Trump said. In 1984 he sued the brothers Eddie and Julius Trump (no relation to Donald) to stop them from selling real estate in Florida under their—sorry, *his*—name; Trump lost, but another suit is pending, and through a petition to the United States Patent and Trademark Office he was able to prevent the non-casino-owning Trumps—who had been using their name in business for 20 years—from using the Trump name as a trademark. In 1986 he sued Bally Manufacturing Corporation because the company, of which he had recently acquired 9.9 percent, was trying to prevent his takeover bid. Last year he sued Merv Griffin and a Resorts International shareholder for $250 million in a struggle for the casino company.

### GEORGE SASSOWER

"YOU'RE DOING AN ARTICLE ON LITIGATION? I'M the expert on it," says George Sassower. "You come up here and look at my stuff, you write about it and I promise you a Pulitzer prize." On the off chance that they will start giving Pulitzers to magazines next year, we talked to Sassower, a Westchester man who was a lawyer for nearly 40 years—"commercial stuff," he brushes it off. He has not so much retired as turned into a missionary, hell-bent on exposing corruption within the New York legal system. Certain judges get his special attention, including one State Supreme Court judge whom Sassower says he has sued "about 25 times."

"I've been convicted ten times and thrown in jail seven times," he says. "Thrown in jail without a trial. Is that legal? No. But they want to shut me up. 'Shut up, shut up, George,' they tell me. I won't, because *the system is filthy*."

Sassower's enthusiasm got him disbarred in 1987 for filing nearly 200 frivolous lawsuits and defy-

*Motor Company for $5 million, claiming that the design of the Ford she had locked herself in was defective because the trunk had no inside latch.* MARCH 1988: *Eileen Collins, a Rockette, and four of her co-workers sue Radio City Music Hall Production Inc., Troika Company Inc. and Trice Talent* ing court orders. "He was able to serve blizzards of paper that confounded his adversaries," said one awestruck attorney several years ago, making Sassower sound like a comic book character (*Superplaintiff!*).

Not easily daunted, Sassower was arrested last year for practicing law without a license. He had filed petitions on behalf of a Long Island man he had met in jail (the man was there for trying to murder his girlfriend; Sassower, for hysterical filing). And now, says Sassower, an exhausted Nassau County judge has ordered the county sheriff to seize Sassower's computer and hard disk.

You call this a free country?

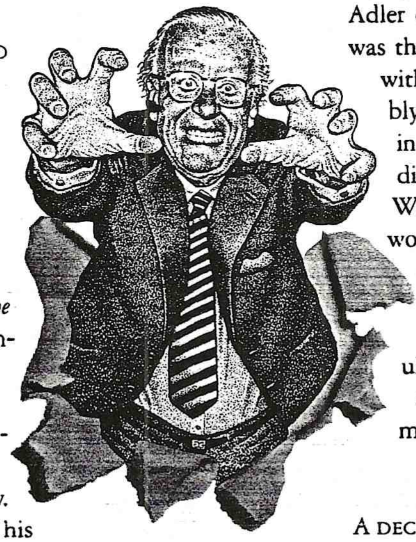
### MORT ZUCKERMAN

"HERE'S A FELLOW WHOM MANY PEOPLE FIND charming, entertaining, a brilliant real estate operator and a great softball pitcher, and for me he comes out as a liar and a cheat." The speaker is Bob Manning, the genteel former editor of *The Atlantic Monthly*. Manning was involved in Zuckerman's most famous (although by no means highest-stakes) lawsuit, the bitter six-year fight over whether the previous owners of *The Atlantic* had misrepresented the magazine's financial condition when they sold it in 1981 to the developer, who bought it in order to attract sufficient glamorous new friends to charm, entertain, hire and pitch softballs to. When the case finally ended in 1987, both sides claimed victory. Zuckerman, the jury found, did not prove his charge of fraud, but he was awarded $500,000 because the previous owners had given him inaccurate revenue projections. "He used to boast that he'd never lost a lawsuit," says Manning, who continued to work under Zuckerman for several months but ended up suing him separately for stock owed and a monthly pension (Zuckerman countersued, then withdrew, and Manning collected $400,000 plus a $750-per-month pension for life).

Zuckerman has litigation experience apart from the *Atlantic* case. He made more than $4 million suing his old real estate firm, Cabot, Cabot & Forbes, in Boston. He has also been sued (indirectly) by former employees of *U.S. News & World Report*, who in 1984 filed a lawsuit against then shareholders in an effort to win a share of the $176 million Zuckerman paid for the magazine. Currently Zuckerman's Boston Properties is involved in a dispute over a proposed office complex just 700 yards from Walden Pond in Concord, Massachusetts; while no lawsuits had been filed at press time, Zuckerman-watchers are crossing their fingers and rooting for him to rise to the occasion.

ALDO GUCCI

*For years the Gucci family's lawsuits covered the planet. But the flying-tape-recorder incident changed all*



*that—soon after, the lawsuits became intra-Gucci, and Aldo became a convict*

"The money doesn't mean much to him," says Manning, "so it must be something else." As we suspected from a sporting man like Zuckerman: a sheer gusto for litigation.

### RENATA ADLER

WHILE WRITING A PRO-PLAINTIFF BOOK ABOUT THE *Westmoreland* v. *CBS* and *Sharon* v. *Time Inc.* libel cases in 1985, Renata Adler was herself suing for libel—against Condé Nast Publications Inc. (which, ironically, owns *The New Yorker*, the magazine for which she'd written the articles that became the book) and the *Washington Journalism Review* (Adler sued because the *Review* had published an article saying she had been fired from *Vanity Fair*, and Adler claimed that Condé Nast editor Leo Lerman was the source). She was also involved in litigation with her New York landlord, but this presumably had nothing to do with either the Israeli invasion of Lebanon or the U.S. government's disinformation campaign during the Vietnam War. Adler herself was sued, for $75 million worth of defamation, by Samuel Adams, a consultant on the CBS documentary about Westmoreland. Adams withdrew the suit and soon after died, which is perhaps what it will ultimately take—*the deaths of everyone remotely involved*—to finally sever the chain of Westmoreland-spawned litigation.

### THE GUCCIS

A DECADE AGO THE GUCCIS STILL POSSESSED AN OLD-world sense of family and directed their litigation efforts against the non-Gucci universe: by 1980 the expensive-leather-goods merchants had won eight lawsuits around the world against imitators calling themselves Goochey, Goochy and worse. The Guccis sued to prevent Bloomingdale's from selling a Valentine's Day cake called Gucci Gucci Goo (*that* was probably actionable even if your name wasn't Gucci). They sued discount furriers David and Daniel Antonovich, who were for some mysterious reason doing business not as David and Daniel Antonovich but as Emilio Gucci, which was not to be confused—or perhaps it was—with Emilio *Pucci*, whose floral patterns once covered Hamptons pillowcases and Hamptons women.

But in recent years a more New World sense of family has prevailed, and the lawsuits—more than 50 of them—have been primarily intra-Gucci. When Paolo Gucci began his own "PG" (as opposed to his family's "GG") line of products, lawsuits erupted from Hong Kong to Switzerland. This led, eventually, to a lively 1982 family board meeting in Florence that ended with Paolo being struck in the

*Payment Inc. for a total of $3.5 million, claiming they were dropped from a show called* Can-Can *because the producer thought they looked too old.* JUNE 1988: *Robert Weil, the actor who played the waiter Bobo in* Moonstruck, *sues the New York Telephone Company for $25,000 in lost residuals and* face with something—his father's fist, or his brother's fist, or a tape recorder Paolo had brought along, depending on whom and when you ask. This, in turn, led to a $13 million lawsuit alleging unprovoked assault. Later still, family patriarch Aldo Gucci was fined and sent to prison courtesy of his son Paolo, who in a lawsuit revealed documents that ultimately led to a tax-evasion conviction against Aldo. Aldo, on a real losing streak, was then ousted as head of the company, courtesy of his cousin Maurizio.

### THE HELMSLEYS

THE DELIGHTFUL, ALLEGEDLY TAX-EVADING BILLIONAIRE couple with the collapsible hotel ceiling should by now be comfortable in both the defendant and plaintiff roles.

According to *Crain's New York Business*, Helmsley companies were named in 110 lawsuits at a time when underachiever William Zeckendorf, who *calls* himself a developer, was involved in a piddling 9. (Incidentally, this developer-litigant correlation is decried by developer-litigant Mort Zuckerman. In a letter rebutting an article about him in *Barron's*, Zuckerman writes, "The author refers to real estate as a cut-throat business that ignores people relationships. . . . The opposite is true." At long last, a developer willing to go on the record and confirm what we have always suspected: that real estate is *a people business*, a business in which *cutthroats are simply unwelcome*.) Harry was sued by Helmsley Palace investors in 1983 over allegedly inflated hotel costs. The previous year, the death of Leona's son from a previous marriage set off an unattractive series of actions that saw, first, Harry evict his newly widowed stepdaughter-in-law from her home and sue her for the money he had spent to fly his stepson's body to New York for burial (he lost); and, next, Leona sue the daughter-in-law for the $100,000 that Leona's son had borrowed to buy Helmsley stock (Leona won) and for the return of a ring she'd given the woman as a gift (she lost). In the end, the widow was left with $2,171, and Leona's four grandchildren with $432 each.

More recently, Leona was sued by a contractor for $500,000 in unpaid bills and by a carpenter for $250,000 over lost wages and benefits. Last year she sued her former decorator, and her landscaper sued her. Harry, whose appreciation for litigation measurably deepened after his marriage to Leona in 1972, sued the Helmsley Real Estate Company of Liverpool, New York, in 1982 over use of the Helmsley name. (Come to think of it, that *Liverpool* doesn't sound very original, either; this town is clearly playing with fire.)

RICHARD SNYDER

*Under his guidance, Simon & Schuster has established itself as a publishing house to be reckoned with—*

*unfortunately, usually before a judge and under oath*

But it was the trivial dispute in 1985 between Leona and Cococare Products Inc., a company that supplied the Helmsley hotels with bathroom products, that best captures Leona's petty essence. "Let me very frankly tell you my perception of this whole litigation," said the judge at one point in the endless proceedings, "and that is that it has been totally blown out of proportion, of which this application [filed by the Helmsley lawyer] is a further symptom or indication. *This was a relatively simple commercial dispute with respect to some soap.*"

### JOE FRANKLIN

"I'VE BEEN ONE OF YOUR BIGGEST FANS FOR YEARS," Franklin said when we called the talk show host to chat about his own, personal experiences with litigation. "I guess every once in a while somebody with a space to fill in the papers—the newspaper people are my dearest friends, I've had virtually every, *definitely* every important one, *every* one, on my show through the years, starting with Walter Winchell up to Jimmy Breslin and, I mean, anybody, anybody, *everybody*, the *Times*, the *News*, *The Village Voice*, I taped Marvin Kitman yesterday—the TV critic—and these people, I mean, they're my friends, I just want to establish that they're my friends and they're all nice—but *once in a while*, I would say five times since I've been in this business, and I'm now into my 39th year, somebody has written something snide, somebody with maybe nothing newsworthy to write about . . . and they decide to pick on somebody who's nice, somebody like Joe Franklin."

Franklin says in four of those five cases he was vindicated, and that in three of the four vindications he and his opponent became great friends. "Those four out of five victories that I won I really savored greatly. Not for me, but for those who would gain or benefit or be protected from such a decision. . . . I hated to do it, but I had no choice."

Although Franklin won't go into greater detail, at least one of the cases is well known. In a 1984 issue of *Heavy Metal* magazine, a cartoon strip by Drew Friedman (Drew, as it happens, created the illustrations for this article) depicted the talk show host as "the incredible shrinking Joe Franklin" and showed him gradually disappearing behind his desk. In the last panel, the WOR-TV "board" says to Franklin, "Joe, viewers are complaining. I'm afraid we're going to have to let you go." "Really?" says Franklin. "But I have Georgie Jessel lined up for next week." Franklin sued Friedman for $40 million, alleging that the cartoon "falsely created the impression that

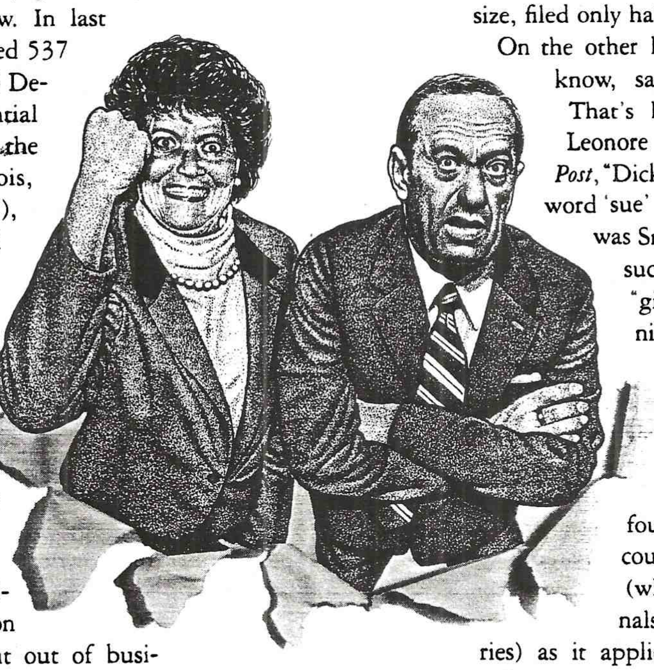
*$500,000 for emotional distress, claiming his reputation was ruined when, for five days, his phone calls were mistakenly directed to a federal prison.* NOVEMBER 1988: *Yvette Paris and Kellie Everts file a $40 million lawsuit against Morton Downey Jr. and WWOR-TV, claiming that Downey, whose*

the television audience was complaining about the plaintiff and his show and that WOR-TV was therefore thinking of letting him go." The case was thrown out of court.

Franklin won't talk about the Friedman case, which he charmingly describes as "pending." But he will say that some of Friedman's cartoons about him were "vicious, vicious, vicious—*vicious*."

### ANTHONY R. MARTIN-TRIGONA

"A FASCINATING STUDY OF A BRIGHT PERSON GONE wrong," says one lawyer who knows Anthony Martin-Trigona, a 43-year-old law school graduate, born-again Christian and 1988 candidate for president of the United States as a "prolife," pro-contra-aid Democrat. (Lower that eyebrow. In last spring's Kentucky primary, he received 537 votes; Bruce Babbitt got only 1,290.) Despite the demands of his presidential campaign, and of earlier runs for the Senate (Connecticut, 1979; Illinois, 1977) and mayor (Chicago, 1977), Martin-Trigona has somehow found the time to file hundreds of lawsuits around the country.



During his campaign for president, Martin-Trigona filed a complaint with the Federal Election Commission to force the Gannett newspaper chain to let him participate in the Iowa State Fair debate; and requested an injunction blocking the Iowa caucuses, saying they were unconstitutional. Earlier, after the radio station that he owned in Connecticut went out of business, he accused federal bankruptcy judges and others of taking part in a Jewish conspiracy to take over his assets; two years later he sued a U.S. Attorney who had called him anti-Semitic.

Martin-Trigona is not a drone fixated on one particular cause. And so he sues, and sues, and sues some more. "And if he gets any kind of response from the judge that he doesn't like," says another lawyer, "he then sues the judge—who then has to excuse himself." The courts, says Martin-Trigona,

*show they had appeared on, derided the two strippers when he called them "bimbos" on the air. Everts claims public humiliation may have ruined her career.*

"are far to be preferred to vigilantism." Thus is established one difference between Martin-Trigona and, say, Bernhard Goetz.

In 1984 the U.S. 2nd Circuit Court of Appeals in New York upheld a federal court order barring Martin-Trigona from filing additional federal lawsuits without the court's permission. Calling the more than 250 Martin-Trigona cases "meritless . . . vexatious and frivolous," Judge Ralph K. Winter said, "Martin-Trigona's voluminous filings have . . . impair[ed] the administration of justice."

Although Martin-Trigona has spent time in prison for filing his suits, he says, "I tend to be in favor of the judicial process." And he wouldn't trade his experiences for anything: "God forbid someone should offer me a full partnership at Cravath, Swaine & Moore."

MARIO AND MATILDA CUOMO *He has fallen out with former partners, she's battling former loved ones.* Decisions must be made. *With the help of lawyers. In court*

### RICHARD SNYDER

ACTUALLY, SIMON & SCHUSTER, THE COMPANY Dick Snyder runs, deserves much of the credit: S&S was party to 31 cases filed in Manhattan's federal court between 1973 and 1988, a period during which Random House, a publisher of comparable size, filed only half as many.

On the other hand, Lyle Stuart, who ought to know, says, "Snyder threatens everybody. That's his style; he's very bold." And Leonore Fleischer wrote in *The Washington Post*, "Dick Snyder is a man to whose lips the word 'sue' rises early and often." The occasion was Snyder's assertion that a certain unsuccessful lawsuit filed against S&S "gives full warning to those companies which engage in frivolous lawsuits." Since then, S&S has threatened to sue one author if he didn't make changes in a manuscript S&S was going to publish. That was in 1983. Yet just four years later, when S&S went to court to challenge the Son of Sam law (which is meant to prevent criminals from profiting by selling their stories) as it applied to the publisher's best-selling *Wiseguy*, a not entirely consistent Snyder was able to talk about the "chilling effect" the Son of Sam law can have on "the right of free speech and freedom of the press." But Snyder is not above seeking *People's Court*–style justice. Recently he fought on his own behalf: Snyder was in court pursuing damages against a well driller who, he alleges, drilled a faulty well at Linden Farms, his estate in rural Westchester County.

### THE PURO BROTHERS

FIFTY YEARS AGO THE BROTHERS PURO STARTED the feather-and-down business that was to become known as Purofied Down Products; a few decades later, Purofied Down Products would become as much a manufacturer of litigation as of pillows, mattresses and parkas. In 1946 Louis and Sam Puro established a trust for their brother Arthur—the "immature and unreliable" Puro brother, as they would later describe him in an affidavit (in the tradition of quiet Beatles, unfunny Marx Brothers and weak-hitting DiMaggios)—and thereby unwittingly paved the way for *Puro* v. *Puro*; *Matter of*

*Arthur Puro*; *Arthur Puro* v. *Jacob Puro, et al.*; *Arthur Puro* v. *Purofied Down Products Inc., et al.*; and many other Puro proceedings involving not only the aforementioned Puro brothers but also Puros named Neil, Michael, Joseph, Gertrude and Mildred, as well as several non-Puros. The 21-year legal battle, lawyers for both Louis and Arthur agree, became one of the most elaborate and contentious in New York State history. They also agree that the lawsuits were not frivolous but involved real legal questions (primarily concerning the trust for Arthur) and millions of dollars.

The beautiful, touching, warmhearted part of this story is that Arthur, who was fired from Purofied and for a time operated a feather-and-down competitor, is now back in the Puro fold and working at Purofied. The web of suits was settled in 1988. Lawson Bernstein, one of several lawyers who had represented Arthur Puro, says of the case, "It was biblical all the way—biblical in its primitive intensity and biblical in its reconciliation."

THE PURO CASE SLUGGED ON HAPPILY FOR 21 YEARS, but there is reason to fear that the general frenzy of litigiousness has peaked. Aspiring litigants are having their hopes dashed with increasing frequency by judges' citation of Rule 11 of the Federal Rules of Civil Procedure. Rule 11 requires a lawyer's signature swearing that there are good grounds for the suit and that it is not frivolous. Lawyers—and occasionally their clients—are subject to penalties if they run afoul of Rule 11 by filing excessively silly lawsuits. (What is believed to be the highest sanction imposed to date occurred in a case involving the sale of a television station; when the carnage had ended, one attorney lay disbarred, two others suspended, and their client was left with a $1 million, federal-judge-imposed fine.)

Is this crackdown discouraging legitimate plaintiffs, people like the San Francisco man who sued in 1984 to play softball on a hardball-only field? Not exactly. According to Georgene Vairo, a Fordham University law professor and an expert on Rule 11, many people slapped with the sanctions end up appealing, thereby setting in motion an entirely fresh round of litigation. *Hear, hear.* Because when Union Carbide starts leaking poison gas into our neighborhood, we'll want our attorneys to do more than just draw up a will and advise us not to stand downwind. We'll want lawyers who can petition and file and badger and object on our behalf without fretting about some silly sanction.

After all, lawsuits are a hallmark of a civilized nation—as Anthony Martin-Trigona says, the courts are preferable to vigilantism. Thus, to those patriots who keep the flame of litigiousness burning bright, to the Helmsleys and Renata Adlers and Joe Franklins, we owe a debt of thanks. Plus, in all likelihood, damages.

# PLENTY OF BARK, NO BITE

## A WHO'S WHO OF PLAINTIFF POSEURS

*Litigiousness has become so acceptable—almost chic—that everybody, it seems, longs to become a litigant. Imagine the pleasurable envy in a companion's eye when you excuse yourself after lunch with "Sorry, have to go—*I have to be deposed at three." *For those who would like to litigate but just don't have the money or the time or the bullheadedness, there is always the threat. It's cheap, easy, and nobody remembers afterward that you were bluffing. Among those who have taken this route:*

**Rev. Al Sharpton, C. Vernon Mason** and **Alton Maddox** threatened to file a $100 million lawsuit against WCBS and WNBC, as well as producer Anna Phillips and reporter Mike Taibbi of Channel 2, following the airing of Taibbi's interviews with Samuel McClease, the apparently unreliable critic of the Sharpton-Mason-Maddox firm of race, media and Brawley family manipulators. Then Mayor Koch practiced litigiousness on the *very* cheap, not by threatening to sue Sharpton and friends but simply by calling for somebody else to sue them.

**Donald Trump**, who is usually a man of his word when it comes to instigating lawsuits, threatened to sue *7 Days* after the paper ran an article describing the low resale prices that Trump Tower condo owners were being forced to accept. He later backed down.

**Jimmy Carter**, Democratic Party albatross, threatened to sue *The Washington Post* in 1980 because its gossip column, The Ear, had obtained an illegally recorded tape of Mrs. Reagan suggesting that the Carters move out of the White House early. After the paper ran a front-page apology for the item disclaiming its accuracy, Carter backed down.

**Henry Kissinger**, social-climbing war criminal, threatened to sue CBS eight years ago if it went ahead with its plans to broadcast a *60 Minutes* segment that he described as a "hatchet job" about his relationship with the deposed shah of Iran. CBS ran it anyway. Kissinger backed down.

**Anne M. Burford**, pudgy, high-strung disgraced former head of Reagan's Environmental Protection Agency, threatened in 1985 to sue Justice Department attorneys (who had counseled her to withhold toxic-waste files from Congress) for malpractice if she was forced to pay the $211,000 legal bill she incurred fighting a contempt-of-Congress charge. She threatened the Justice Department that if it did not foot her legal bill, there would be a "big, bloody lawsuit." The Justice Department paid most of her bill, and she backed down.

**Rev. Jesse Jackson**, potentially the Harold Stassen of his generation, last summer threatened to sue MPI Home Video, which was marketing a $14.95 videotape of his speech to the Democratic National Convention. He backed down. In 1987 Jackson threatened to sue Al Campanis, the dishonorably discharged general manager of the Dodgers, after Campanis made racist remarks on *Nightline* regarding blacks' managerial potential. Jackson backed down.

Businessman **Marion Harris** threatened to sue Jesse Jackson in 1988 after Jackson failed to repay the $25,000 loan that had financed the 1984 trip to Syria during which Jackson won the release of U.S. pilot Robert Goodman. "I'm mad as hell. If I give you a loan of five cents, I expect to be paid back. I'm a businessman," Harris said. "I'd take my sister to court [if she owed me money]." Or threaten to, anyway.

*—Eddie Stern*