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# Dragonetti Case Nets \$2.3M Against Drexel Hill Attorney, Client

Max Mitchell, The Legal Intelligencer

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A Philadelphia-area lawyer has been hit with \$1.75 million in punitive damages over claims he filed a frivolous lawsuit that had accused a former Cozen O'Connor attorney of conspiring to loot his mother-in-law's trust.

Colorado attorney John F. Brown Jr. won a \$2.3 million award Sept. 30 in the Philadelphia Court of Common Pleas over allegations that Drexel Hill attorney Mark S. Halpern of Halpern & Levy sued him in an attempt to pressure Brown into amending his mother-in-law's trust.

The jury in *Brown v. Halpern* attributed 65 percent liability to Halpern and his firm and 35 percent liability against Lynne Boghossian, who is Brown's sister-in-law and was involved in the underlying trust dispute. Judge Shelley Robins New presided over the case.

Along with the \$1.75 million in punitives the jury awarded against Halpern, the jury also awarded \$300,000 in punitives against Boghossian, \$50,000 in damages related to Brown's reputation and \$200,000 for emotional distress.

According to Brown's pretrial memo, the lawsuit can be traced back to a 2006 dispute Boghossian had with her aunt, Hilda Kilijian, which resulted in Kilijian ordering that all joint stocks the two shared would be split 50/50. Soon after, Kilijian set up an irrevocable trust that named Lesley Brown, who is Boghossian's sister and John Brown's ex-wife, as a co-trustee.

In January 2009, Boghossian sued the Browns and Kilijian on claims including conversion and tortious interference. The suit accused the Browns of blackmail, extortion, slander, coercion, kidnapping and "conspiring to unduly influence" Kilijian, and made allegations about infidelity within the Browns' marriage, the complaint said.

In January 2013, a judge dismissed all the claims against the Browns, and the following year the state Superior Court affirmed the lower court's decision to grant summary judgment for the trust, the memo said.

But, according to the memo, Halpern should have known the claims against the Browns were meritless, as four lawyers had allegedly told him Boghossian had fabricated the claims. The memo said three of those attorneys had represented Kilijian, while one had represented Boghossian in the 2006 dispute.

According to the memo, John Brown, who had worked at Cozen O'Connor from 1980 until 2008, had been attempting to start a law firm at the time, and the claims in the suit significantly impacted his

reputation.

The Beasley Firm attorney James Beasley Jr., who represented Brown, said the case was important because it affirms the limitations that all attorneys should be working under.

"You have to send the lawyers and clients like this a message. You can't abuse the legal system for your own personal gain," Beasley said. "They were doing exactly what the *Dragonetti* statute was created for."

Halpern, however, contended in his pretrial memo that he relied on the facts presented by Boghossian.

In an interview Monday, Halpern said he was hopeful the verdict will be overturned.

"Additionally, we agree with several recent decisions by judges in the Chester County Court of Common Pleas, who have ruled that the *Dragonetti* statute is unconstitutional as to claims against attorneys. We are hopeful that those decisions will be affirmed by the Pennsylvania Supreme Court, which is currently considering the same," Halpern said, referring to *Villani v. Seibert*.

In her pretrial memo, Boghossian contended that she relied on Halpern's advice regarding the viability of the claims, and argued that the claims against the Browns were dropped only because of John Brown's "obstructionist litigation tactics."

Boghossian was represented by Weir & Partners attorney Patrick T. Krenicky, who declined to comment.

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