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ECG Obtains Unanimous Jury Verdict Against Corporate President for Taking Excess Salary from Corporation

USDC Central – April 12, 2004
Hon. Paul Gutman

Topic: Employment Law
Sub topic: Breach of Contract

Jury verdict

\$82,500 Plaintiff's verdict, plus \$9,905 interest and \$118,931.25 in attorney's fees.

Attorneys

Plaintiff – Jeffrey Lewis (Enterprise Counsel Group, a Law Corporation, Irvine)
Defendant – Alan Mirman (Horgan, Rosen, Beckham & Coren, Calabasas)

Technical Experts

Plaintiff – Brett Lund, handwriting identification, Billings, MT.

Facts

Plaintiff Richard Bresnahan was a vice-president of Monterey Bay Group, a health care consulting company in Valencia. Plaintiff brought a lawsuit against defendant Ray Dunn, the president of the company. The lawsuit alleged breach of fiduciary duty, conversion and breach of contract. Ray Dunn filed a cross-complaint for fraud against Richard Bresnahan.

Plaintiff Contentions

Plaintiff contended that defendant took a salary of \$16,000 per month when he was only entitled to \$8,000 per month.

Plaintiff also contended that defendant failed to fully pay back a \$250,000 promissory note.

Defendant Contentions

Defendant argued that his salary was covered by his contract with plaintiff and that the \$250,000 paid by defendant on the promissory note constituted full payment.

Trial Jury

Length six days; Poll 12-0 (on liability); 12-0 on damages; Deliberation three hours.



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