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**LOS ANGELES
SUPERIOR COURT**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

Beaux Carson, Carson Signature Films
Inc., Jack Price, and Kay Nelson,
Plaintiffs,

) Case No. BC 349962

) Statement of Intended Decision

v.

Dama C. Chasle,
Defendant.

And Related Counter-Claim

Plaintiffs Beaux Carson, Jack Price and Kay Nelson, filed separate law suits at different times alleging a variety of causes of action against defendant Dama C. Chasle and other previously dismissed defendants. Chasle filed a cross-complaint against Carson.

The court consolidated these actions and, on April 13, 2009, the parties waived jury and proceeded with a court trial. Scott D. Myer, Esq. represented plaintiffs, Tom A.

Nunziato, Esq. and Illece Buckley-Weber, Esq. represented defendant Dama Chasle.

Upon a finding of malice, the court conducted a bifurcated trial on defendant Chasle's financial condition. At the conclusion of trial, and following the parties submission of closing briefs and argument, the court finds and rules as follows:

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1 Findings of Fact:

- 2
- 3 1. In November 2000, plaintiff Beaux Carson met Dama Chasle at the Bubble
4 Factory in Beverly Hills. At the time of this meeting, Carson was happily married
5 to his wife, plaintiff Kay Nelson. Nelson and Carson shared a home in Council
6 Bluffs, Iowa. When not working, Ms. Nelson stayed in Los Angeles with her
7 husband at a number of different residences over the years.
- 8
- 9 2. Chasle claims that a romantic relationship between she and Carson developed
10 shortly after their first meeting in late 2000. The evidence clearly establishes that
11 Chasle was attracted to Carson and pursued him. The evidence fails to
12 establish, however, that Carson reciprocated Chasle's feelings.
- 13
- 14 3. The defendant's photos of Carson, the defendant's recorded phone messages
15 and defendant's testimony do not demonstrate a mutual romantic relationship
16 between Carson and Chasle. Chasle's "hands-on" poses in the photos, often in
17 the company of others, are standard issue in the entertainment world in which
18 she and Carson found themselves. Defendant's sitting on Carson's lap at a
19 holiday party in 2000 does not support her claim that Carson returned her
20 affection. Carson's phone messages, in fact, disclose a formal and largely
21 professional relationship -- not the intimate sexual one claimed by Chasle.
- 22
- 23 4. Although not romantically involved, Carson and Chasle were involved in a
24 number of professional endeavors.
- 25
- 26 5. In April 2001, Carson retained Chasle as his attorney to assist him in a number of
27 projects. This attorney-client relationship lasted until May 22, 2002, when
28 Carson terminated that relationship.

- 1 6. One project on which Chasle worked as Carson's attorney was a movie project
2 about a possible second shooter of Senator Robert F. Kennedy. This project
3 was known by the working title Blue Mountain. At one point, Chasle drafted
4 extensions to option certain life rights of persons involved in the Blue Mountain
5 story. On another occasion, Chasle drafted an option purchase agreement for
6 the Blue Mountain project.
- 7
- 8 7. In connection with their work on Blue Mountain and other entertainment projects,
9 Chasle and Carson entertained friends and business associates. They traveled
10 together to meet and negotiate the extension of the life rights owned by Billy
11 Franklin, Donald and David Sloan -- the three young boys whose life story was at
12 the heart of the Blue Mountain project. They also attended parties and functions
13 together.
- 14
- 15 8. At some point, Carson moved into Chasle's residence and lived in that house
16 until early 2002. During the time that Carson resided in the Chasle house, other
17 business associates of Carson, such as Joe Vendetti, resided there also.
18 Chasle, Vendetti and Carson socialized with one another. During this time,
19 Chasle met and added to her social circle a young, aspiring film-maker, Justin
20 Evaloff, who Carson had first met in Council Bluffs.
- 21
- 22 9. Chasle's intense feelings for Carson were unrequited. Throughout the relevant
23 period in this action, Carson was committed to his marriage to Ms. Kay Nelson.
- 24
- 25 10. The court found the testimony of Ms. Nelson regarding the nature of her
26 relationship with Carson during the relevant period to be entirely credible. Ms.
27 Nelson testified that she and Carson had a happy and mutually committed
28 marriage during the period 2000 through the end of 2004, when she and Carson

1 separated. Nelson divorced Carson in 2005, largely to escape the chaos created
2 by defendant's actions against Carson.

3
4 11. Intent on having Carson herself, Chasle initiated a campaign to destroy Carson's
5 marriage to plaintiff Kay Nelson.

6
7 12. In early March 2002, Chasle called Kay Nelson to tell her that Chasle was having
8 an affair with Carson. While characterized by Chasle as a "compassionate" act,
9 this conduct was intended to, and did, cause enormous pain and emotional
10 distress to Ms. Nelson.

11
12 13. Unsatisfied with Ms. Nelson's defense of her marriage and husband, Chasle
13 arranged to have a letter and photographs delivered to Ms. Nelson's business, a
14 small dance studio in Council Bluffs, Iowa. In her letter, Chasle falsely claimed
15 that she had been in a sexual relationship with Mr. Carson for over a year.
16 Chasle falsely claimed a "romantic saga" with Mr. Carson and advised Ms.
17 Nelson, again falsely, that Mr. Carson had promised to marry Chasle as soon as
18 he was free of his marriage to Nelson.

19
20 14. Defendant's characterization of this letter as an "apology" is utterly fantastic.
21 There was nothing to apologize about. The letter is a tribute to Chasle's
22 imagination and its contents are nothing more than falsehoods intended to injure
23 Carson and Nelson.

24
25 15. The delivery of the letter to Ms. Nelson's workplace was intended to, and did,
26 have the effect of publically humiliating Ms. Nelson. The photos attached to this
27 letter and the letter were delivered through a slot in a glass door. The items,
28 including the letter and a number of annotated photos of Chasle, Carson and

1 others, fell to the floor where they could be observed by any member of the
2 public passing by the front door of the dance studio.

3
4 16. The letter and photos were retrieved by Ms. Nelson's mother, who was
5 profoundly upset by the information claimed by Chasle. Upon seeing the letter
6 and photos, Kay Nelson became physically ill and cried uncontrollably.

7
8 17. Nelson credibly testified that she continued to receive late night phone calls from
9 Chasle through 2003. On one occasion, Chasle claimed to be in bed with
10 Carson, even though Carson was in the same room with Nelson in Iowa at the
11 time of the call.

12
13 18. When Nelson placed a block on her home phone, Chasle began calling Nelson at
14 her dance studio. The defendant's unwanted and harassing calls to Nelson's
15 workplace continued through 2004 and 2005.

16
17 19. At the same time that these calls were being placed to Nelson's phones, a series
18 of harmful rumors began to be heard in Council Bluffs. Specifically, parents of
19 Ms. Nelson's young dance students reported that they had been told that Nelson
20 was a stripper in Los Angeles and was addicted to cocaine.

21
22 20. The timing of these rumors, their coincidence with Chasle's harassing phone
23 calls, Chasle's clear and continuing motive to destroy Carson and his marriage to
24 Nelson, and the absence of any other reasonable explanation as to why such
25 scurrilous rumors would be circulated about Ms. Nelson, support a reasonable
26 inference that the genesis of these falsehoods was defendant Chasle.

27
28 21. These rumors had the intended effect of destroying Nelson's business in Council

1 Bluffs. At the time Chasle delivered her letter and photos to Nelson's dance
2 studio, plaintiff Nelson provided lessons to 368 dance students per week. Hers
3 was a thriving business that had started in 1994 and grown consistently over
4 time. When the rumors of her being a stripper and being a cocaine user started
5 to circulate in Council Bluffs (a town of 67,000 people), she lost 150 of her
6 students virtually overnight.

7
8 22. From her business, Nelson earned approximately \$130,000 per year. As a result
9 of Chasle's misconduct, many of Nelson's students discontinued their lessons.
10 As a result, Nelson was forced to close her studio in 2008.

11
12 23. Ms. Chasle's campaign to destroy Carson and Nelson's marriage continued
13 unabated into 2005. On two occasions, the Nelson/Carson home was
14 burglarized. In one instance, the only item taken was Carson's wedding ring. In
15 the second break in, the only thing taken was Nelson's baby book, which
16 contained evidence of plaintiff's adoption as an infant.

17
18 24. It can be reasonably inferred that Chasle was behind the theft of Nelson's baby
19 book — which included personal information regarding Nelson's adoption. In a
20 telephone conversation sometime after the break-in, Chasle told Nelson that she
21 was surprised that Carson was interested in someone who wasn't even wanted
22 by her own mother. That Kay Nelson had been adopted was not common
23 knowledge. A reasonable inference is that Chasle learned of Nelson's adoption
24 by receiving the stolen baby book taken from plaintiffs' Council Bluffs home.

25
26 25. Chasle's testimony that she abandoned her unrequited affection for Carson as of
27 March 2002 is wholly not believable. Chasle continued to track and monitor
28 Carson's movements and continued to seek and obtain information regarding his

1 personal and professional life.

2

3 26. In August 2002, Chasle came to the home of Darby Connor (an associate of
4 Carson's) and asked numerous questions regarding Beaux, his private life and
5 his marriage. Connor's testimony was completely credible.

6

7 27. In September 2002, without having asked Carson, defendant wrote a note to
8 Carson requesting that he take care of her cat while she was away on business.
9 This was months after Chasle had sent the accusatory letter and photos to
10 Carson's wife. At trial, defendant was in a rage while testifying about the fact that
11 Carson had failed to follow her instructions and feed and attend her cat (which
12 bore Carson's sur-name) on a twice-daily basis.

13

14 28. Luna Kayamori (the concierge of Carson's office building) credibly testified that
15 she was called by Chasle in early 2003. During that conversation, Chasle asked
16 if she could come into Carson's office to bring him a "gift" without him being
17 notified. And, as credibly testified to by Vincent DiPaolo, Chasle set up a
18 business meeting with DiPaolo in 2003 and spent the entire time grilling him on
19 about Beaux Carson and Carson's business activities.

20

21 29. After being repeatedly rebuffed by Carson, Chasle's love mutated into anger and
22 frustration. In her own words, she can't stand Beaux Carson. She directed her
23 energies and considerable intellect at destroying Beaux Carson. And, if other
24 people close to Carson were injured in the process — so be it.

25

26 30. In late 2002, Chasle began to interfere directly in Carson's Blue Mountain project.
27 As Carson's lawyer, Chasle had met and was on friendly terms with some of the
28 key players in the Blue Mountain saga. In December 2002, Chasle contacted

1 one of these individuals, Billy Franklin. In her conversations with Franklin,
2 Chasle reported a number of "facts" that she thought Franklin might want to
3 know. These "facts", like those that she shared with Kay Nelson, were false or
4 misleading and were conveyed with the express intention of injuring Carson's
5 reputation and de-railing the Blue Mountain project.
6

7 31. The deposition testimony of Billy Franklin was not entirely credible, due in part to
8 Chasle's contacts with Franklin in advance of his deposition. However, the court
9 admitted and finds wholly believable a recorded conversation between Price and
10 Franklin made in 2004. During that conversation, Franklin recalled key
11 conversations that he had with Chasle between late 2002 and mid-2003.
12 Franklin also credibly reported on a more recent call that Chasle had placed to
13 him in February 2004.
14

15 32. As disclosed by Frankin, Chasle called him and told him to sever his ties to
16 Carson and the Blue Mountain project. Thereafter, Chasle repeatedly called
17 Franklin to verify that Franklin had not cashed Carson's check by which the life-
18 rights options previously obtained by Carson would be renewed.
19

20 31. In her phone conversations with Franklin, Chasle told him that Carson was a con
21 man, that Carson's family members were abusive drug dealers, that Carson had
22 lied about who he was, and that Franklin was better off not dealing with Carson in
23 the future. Franklin was told that Carson was embezzling money out of a man in
24 Alabama using his child as a way to get the money. Chasle (and later Franklin)
25 referred to Carson as "Jiffy the Con Man" or "Bow Finger."
26

27 32. That Franklin heard and considered Chasle's information to be truthful and
28 accurate is evident by Franklin's adoption and republication of the false

1 information in his dealings with Carson. In one letter, Franklin accused Carson of
2 dishonesty and addressed the letter to plaintiff using Carson's birth name, a
3 piece of information that Franklin had received from Chasle.
4

5 33. Throughout the first part of 2003, Chasle used others with whom she was
6 associated during this period to communicate with Franklin. Chasle regularly
7 incited others to further her campaign of destroying Beau Carson. In this
8 period, Chasle employed Vendetti and Everoff (two former Carson associates) to
9 further her scheme. The record amply establishes Chasle's use of Vendetti and
10 Everoff to communicate directly with Billy Franklin via e-mail. In so doing, Chasle
11 avoided a trail that could be traced back to her. Instead, she used proxies or
12 agents to disseminate disinformation regarding Carson and his personal and
13 professional activities.
14

15 34. As she did later with Richard Farr, Chasle manipulated Vendetti and Everoff to
16 do her bidding, while denying her own role as the puppet master. That Chasle
17 manipulated Franklin through these proxies is evidenced by the e-mail
18 exchanges in May and June 2003. These e-mails contain a number of unique
19 "tells" or words borrowed from Chasle's own telephone communications. For
20 example, Chasle used the term of "Bowfinger" to describe Carson. This name
21 recurs in the Vendetti and Everoff e-mails and Franklin's responses. Franklin
22 republishes in another e-mail Chasle's assertion that she was sexually involved
23 with Carson -- a claim that could only be made by Chasle. And, in an amazing
24 direct exchange, Chasle (described as the "wicked witch of the west") instructed
25 Vendetti to "make sure nobody [including Franklin] signs with bowfinger."
26

27 35. Later, in 2004, Chasle called Franklin to confirm that he had not sold his life
28 rights to Carson and to obtain information to further discredit Carson as part of

1 her defense in the investigation opened by the California State Bar against her.
2 During their 2004 conversation, Chasle told Franklin that he would be able to
3 obtain more money in his life rights in the future if he did not deal with Carson.
4 Chasle also told Franklin that Carson was through, and was out of money, and
5 that Carson would probably be "in trouble with the law" in connection with the
6 scheme in Alabama.

7
8 36. Chasle clearly intended to and did interfere with Carson's ability to obtain Billy
9 Franklin's life rights. Moreover, this interference continues to pose obstacles to
10 anyone considering going forward with the movie project. The court found
11 credible Carson's testimony that any company considering the project would be
12 deterred by the absence of life rights for key actors in this story -- regardless of
13 whether the character has been changed in the script. A lawsuit would invariably
14 be filed challenging the right of the film maker to use the story of these boys
15 without having first obtaining their life rights.

16
17 37. There is, however, no competent evidence in the record to establish the resulting
18 damage to Carson as a result of this ongoing impediment. Despite the optimistic
19 testimony of Laurie Chapman, there is no competent evidence that Blue
20 Mountain, with or without Billy Franklin in the story, will ever be made into a
21 commercially viable movie.

22
23 38. In December 2003, Carson and Nelson retained Jack Price, a police officer in
24 Council Bluffs, Iowa, to work during his off-hours as a private security consultant.
25 Price was retained by Carson and Nelson through November 2005. For the
26 period of time that Price worked for Carson and Nelson, he charged them a
27 negotiated rate of \$52,800.00. As of the time of the trial, he had been paid only
28 \$1800.00.

- 1 39. Price worked until 2006 for the Council Bluffs police department. During his
2 tenure with the police department, Price received sixteen commendations and on
3 three occasions was named "officer of the year." Despite these facts, Chasle
4 described Price to Franklin as a crooked cop.
5
- 6 40. While providing private security for Carson, Price suggested a television show
7 featuring non-custodial parents who did not support their children financially.
8 Carson, although originally unenthusiastic, pitched the idea to dick clark
9 productions. The dick clark productions group was interested in the project.
10
- 11 41. Under the working title "Dead-Beat Dads," Price entered into an agreement in
12 late 2004 with dick clark productions. Carson was scheduled to participate in the
13 project as a co-executive producer. Price began taking acting lessons to develop
14 his ability to participate in the series as on-screen talent. A number of drafts of
15 the development contract were exchanged between Price and dick clark
16 productions. News of the project appeared in the local Council Bluffs newspaper
17 and was quickly picked up by other news organizations, including Fox News.
18
- 19 42. At this point in time, Dama Chasle worked for News America Incorporated as a
20 Vice President, Tax. News America is an entity within the Fox Group of
21 companies. Chasle had generated a "Fox Security Clearance Alert" against
22 Carson in 2004. The security alert contained a photo of Carson provided by
23 Chasle. Pursuant to this alert, Carson was not allowed on Fox property. This
24 security alert was later sent by an unknown person to a representative at dick
25 clark productions.
26
- 27 43. Through information at Fox, Chasle discovered that Carson and Price would be
28 working with dick clark productions on a new project featuring Dead-Beat Dads.

1 44. On February 1, 2005, Richard Farr, an "investigative reporter" at an internet radio
2 station ("Krightsradio.com") saw an internet story about the Dead-Beat Dad
3 project from the web version of the local paper in Council Bluffs, Iowa. As part of
4 his investigation, Farr contacted persons at dick clark productions to inquire
5 further about the proposed series.
6

7 45. By February 7, Farr had been contacted by a Fox producer, Marilyn May,
8 requesting an interview for the "Dayside With Linda Vester" program, which was
9 a Fox television show.
10

11 46. A day or two thereafter, Farr was contacted by a woman who called herself
12 Christine Bean, and who (by way of a forwarded e-mail from Chasle) inquired
13 whether Farr had done the interview with Fox regarding his opposition to any
14 program that would cast non-custodial parents in a bad light. The timing and
15 subjects of these early communications inviting Farr to comment on the Carson-
16 Price project supports a reasonable inference that Chasle was behind these
17 events. Chasle's position at Fox during this period provided her with the unique
18 ability to monitor Carson's activities and to direct Fox's resources to shine a light
19 on a virtually unknown internet radio investigative reporter who was investigating
20 a still-undeveloped television project. Although Chasle denies any involvement
21 with Farr until after the Dayside broadcast, the court finds this testimony not
22 credible.
23

24 47. Shortly thereafter, Farr was called by Dama Chasle personally. Chasle told him
25 that she was an executive at Fox and confirmed her opposition to the Dead-Beat
26 Dad project. According to Chasle, the people behind the project were bad guys.
27 Chasle claimed that she had no personal knowledge or familiarity with Price or
28 Carson, but that she was only concerned about a project that might further

1 damage non-custodial parents' rights.

2
3 48. During the Dayside with Linda Vestry interview, Farr reported Chasle's
4 information that Price had some "problems" in Council Bluffs. A recording of this
5 interview was later sent to dick clark productions.

6
7 49. Over the course of the next weeks, Farr was called and e-mailed repeatedly by
8 Chasle about "Price-Bo" and their nefarious deeds. Farr's testimony regarding
9 his role, these conversations and Chasle's ability to manipulate him to commit
10 misdeeds against Carson, Price and Nelson was entirely believable. Among the
11 other falsehoods Chasle told Farr was that Jack Price's daughters were strippers
12 (the same defamatory statements that she sponsored against Kay Nelson in
13 Council Bluffs). On another occasion, Chasle reported that Carson was addicted
14 to pain killers. Chasle reported a "cover up" in the police force in Council Bluffs.
15 In early March 2005, Chasle suggested that Farr contact Kay Nelson's father and
16 provided Farr with Vernon Nelson's home address and telephone number.
17 According to Chasle's e-mail, Vernon would be interested in knowing about
18 Carson's misdeeds because Kay Nelson's dance students needed to be "safe
19 from this creep." On another occasion, Chasle reported that Beaux Carson had
20 threatened to kill the son of a judge in Council Bluffs. These rumors were
21 repeated by Farr.

22
23 50. On more than one occasion in March 2005, Farr (acting as Chasle's agent)
24 called both Nelson and her mother. Farr told Nelson that Carson had stolen her
25 credit cards and ruined her credit. Farr repeated "information from a high level
26 Fox executive" that Carson and Price were dangerous and liars. Farr told Nelson
27 that her life was in danger — a threat that she took particularly seriously when (in
28 another phone call) Farr described the building across the street from her dance

1 studio accurately and warned Nelson that she could be shot from that location.
2 Later that evening, Ms. Nelson's mother was hospitalized with an irregular heart-
3 beat caused by the stress of Farr's calls and his statements regarding Kay
4 Nelson's safety. Giving greater significance to the threats emanating from
5 Chasle through Farr, Chasle sent another of her agents to Council Bluffs to
6 inspect Nelson's workplace. As credibly testified to by Pfaff, he followed an
7 individual to Chasle's home in Los Angeles. That is the same individual that
8 Nelson witnessed in Council Bluffs in April 2005 inspecting her car and dance
9 studio.

10
11 51. To make herself more credible in Farr's eyes, Chasle repeatedly alluded to Fox
12 News sources as the basis of her information on Price and Carson. Farr credibly
13 testified that he relied on the fact that Chasle's e-mails originated on the Fox
14 server as evidence that her claim of information about Carson and Price was
15 from Fox sources and was reliable. Chasle repeatedly denied that she had a
16 personal relationship with either Carson or Price. Based on these denials, Farr
17 believed that Chasle was an unbiased source of accurate information regarding
18 plaintiffs.

19
20 52. According to Farr's competent testimony, Chasle promised him that once he
21 busted open the Dead-Beat Dads project, she would arrange for a one-hour
22 special on Fox regarding child support and family court issues. As she had
23 represented herself as a Fox executive, Farr believed she could deliver on that
24 promise.

25
26 53. Chasle's communications through Farr were intended to, and did, interfere with
27 the development of the Dead-Beat Dads project by dick clark productions. On at
28 least one occasion, Chasle suggested that Farr contact Michael Richards at dick

1 clark productions to inquire about Carson and Price. Chasle's communications
2 through Farr were intended to and did interfere with Nelson's ability to conduct a
3 successful business at her dance studio. This interference continued throughout
4 the months of February and March 2005.

5
6 54. Once "activated" by Chasle, Farr engaged his vast network of listeners to bring
7 down the Dead Beat Dads project and its creators. In one instance, one of Farr's
8 "listeners" called from the front of Price's home in Council Bluffs and announced
9 over the internet Price's license plate number. Farr and his associates contacted
10 Kay Nelson, followed her home at night, and (as described above) inspected her
11 car while it was parked outside her dance studio. Kay Nelson credibly testified
12 that the phone calls and investigative actions continuing through mid-March by
13 Chasle and her agents caused plaintiff to suffer from extreme distress and
14 anguish.

15
16 55. In mid-March 2005, Richard Pfaff contacted Farr. Carson had hired Pfaff in
17 January 2005 to provide private security. As of the date of trial, Carson owed
18 Pfaff \$436,000 for those services.

19
20 56. On March 15, 2005, Pfaff and Carson traveled to Dallas to meet with Farr.
21 Chasle told Farr that he would be in grave danger if he met with the "bad guys."
22 Despite her entreaties, Farr agreed to meet Carson and Pfaff.

23
24 57. Carson and Pfaff flew to Dallas and met Farr. After being presented with
25 evidence that Chasle did know Carson and Price and that she had been
26 motivated by a personal vendetta against Carson, Farr immediately realized that
27 he had been duped and manipulated by Chasle. Thereafter, Farr ended his
28 "investigation" of Price and Carson.

1 58. To assist Carson in documenting the harassment that Chasle had orchestrated
2 through Farr, Farr agreed to call Chasle and to record the conversation. Carson
3 credibly testified that he believed that he was entitled to record Chasle if she
4 were harassing him.
5

6 59. Price credibly testified that at some point during Farr's campaign, he was invited
7 to a meeting at dick clark productions. At that meeting, the Farr interview on the
8 Dallas Fox television station was played. After that meeting, dick clark
9 productions abandoned the Dead Beat Dads project.
10

11 60. Chasle's use of Farr to spread false information about Carson and Price had the
12 intended effect of de-railing the Dead Beat Dads project. As a result of the
13 cancellation of that project, plaintiffs Carson and Price suffered substantial
14 financial injury. As competently and credibly testified to by Carson, Price would
15 have earned approximately \$50,000 per episode for participating in the Dead
16 Beat Dad series. Beaux Carson would have earned approximately \$35,000 per
17 episode as a co-executive producer of the series. There would have been 14
18 episodes in a single year of the series. Had Dead Beat Dads gone forward,
19 Carson would have earned \$490,000 and Price would have earned \$700,000
20 annually. In addition, Carson was required to incur \$436,000 in private
21 investigator expenses in order to uncover Chasle's wrongdoing. This expense
22 was proximately caused by Chasle's intentional interference in the Dead Beat
23 Dad's project.
24

25 61. In early March 2005, Chasle's employer initiated an investigation of her activities
26 in response to a complaint lodged by Carson and others. As part of the
27 investigation, Fox duplicated Chasle's hard drive on her work computer. A
28 review of that hard drive disclosed that Chasle had been working on an

1 independent production called the Mount Everest project while working at Fox as
2 a tax compliance officer.

3
4 62. Chasle was terminated for violating Fox's prohibition on conflicts of interest.

5
6 63. In January 2008, Ms. Chasle went to the office building at 10 Universal in
7 Universal City. This was the building where Carson had maintained an office. As
8 of early 2008, Carson had only a "virtual office" at that location.

9
10 64. The court finds credible the testimony of Jeffrey Begun, who accompanied
11 Chasle on that occasion. As testified to by Begun, he and Chasle went to the
12 building to attend a meeting. Ms. Chasle had no input into where the meeting
13 would be held, nor did she attempt to contact Carson while in the building.

14
15 65. There was no competent evidence adduced that Chasle's misconduct directed at
16 Price and Nelson continued after 2006. As to Carson, there was substantial
17 evidence that Chasle continues to insinuate herself into projects with which he
18 has a connection, Carson has failed to prove a possibility of continuing harm for
19 which ongoing injunctive relief would be required.

20
21 66. During the bifurcated action on financial condition, Chasle testified credibly that
22 she has little net worth. She currently earns gross income of less than \$5,000.
23 Her principal consulting agreements from which she obtained income ended in
24 2007. In 2007, she earned gross income of \$ 100,000. Chasle testified that she
25 leases her house for \$3,000 per month and she leases her car for \$1300 per
26 month. Her other assets include furniture, art work and other insignificant items.
27 Chasle also has savings accounts with balances of \$ 30-40,000 as of 2008.
28 Chasle's retirement accounts are presently valued at in the range of \$20,000.

1 67. Plaintiff Carson filed his complaint against Dama Chasle on April 3, 2006.
2 Plaintiff Price filed his complaint against Dama Chasle on February 8, 2007.
3 Plaintiff Kay Nelson filed her complaint against Dama Chasle on March 2, 2007.
4 The court related and consolidated these matters on April 24, 2007.
5

6 Conclusions of Law
7

- 8 1. Carson alleges eleven causes of action against Chasle. These are: (1)
9 interference with contractual rights and economic advantage; (2) fraud and
10 breach of fiduciary duties arising from Chasle's role as Carson's former attorney;
11 (3) trade libel; (4) defamation, libel and slander; (5) intentional infliction of
12 emotional distress; (6) negligent infliction of emotional distress; (7) Breach of
13 fiduciary duties as attorney or former attorney; (8) Unruh Act violations; (9) abuse
14 of process; (10) unfair competition under Business and Professions Section
15 17200; and (11) aiding and abetting conspiracy under Business and Professions
16 Code Section 17200.
17
- 18 2. Price alleges seven causes of action against Chasle. These are: (1) interference
19 with contractual rights and economic advantage; (2) trade libel; (3) defamation,
20 libel and slander; (4) intentional infliction of emotional distress; (5) negligent
21 infliction of emotional distress; (6) unfair competition under Business and
22 Professions Code section 17200 and (7) aiding and abetting conspiracy under
23 section 17200.
24
- 25 3. Nelson alleges seven causes of action against Chasle. These are (1)
26 interference with contractual rights and economic advantage; (2) trade libel; (3)
27 defamation, libel and slander; (4) intentional infliction of emotional distress; (5)
28 negligent infliction of emotional distress; (6) unfair competition under Business

1 and Professions Code section 17200 and (7) aiding and abetting conspiracy
2 under section 17200.

3
4 4. With regard to plaintiff Carson's cause of action against Chasle for interference
5 with contractual relations, the court finds that plaintiffs have established the
6 following facts by a preponderance of the evidence. Chasle knew of the
7 existence of the options agreement for Billy Franklin's life story right held by
8 Beaux Carson. Chasle intended to and did disrupt the performance of that
9 contract by instructing Franklin not to deal with Carson, at that time or at any time
10 in the future. Chasle's conduct prevented the performance of that option
11 agreement and, as a result, Carson lost his ability to convey clear rights to the
12 Blue Mountain project. Chasle's actions to deter Franklin were a substantial
13 factor in causing Franklin to refuse to deal with Carson.

14
15 5. Despite these findings, however, plaintiff Carson has not proved that, but for the
16 loss of Billy Franklin's life rights, the Blue Mountain film would have been made.
17 Thus, there is no evidence of compensable damage suffered by Carson due to
18 Chasle's intentional interference in the Franklin life rights option. In the absence
19 of resulting damage, this cause of action cannot be established by Carson.
20 Pacific Gas & Elec. Co. V. Bear Stearns & Co., 50 Cal. 3d 1118, 1126 (1990).

21
22 6. With regard to plaintiffs Price's and Carson's cause of action against Chasle for
23 interference with prospective economic relations, the court finds that plaintiffs
24 have established the following facts by a preponderance of the evidence. Chasle
25 was aware of the negotiations between Price, Carson and dick clark productions.
26 Plaintiffs have proved that these negotiations, while not the subject of an existing
27 contract, had progressed to the point where there was a strong probability of a
28 future economic benefit to both Carson and Price from the Dead Beat Dads

1 program. Plaintiffs have also proved that Chasle knew of this project, wanted to
2 stop the project, and engaged in acts with the intention of disrupting the
3 development of this program. As a result of Chasle's misconduct, dick clark
4 productions dropped the Dead Beat Dads project.

5
6 7. As a proximate result of defendant Chasle's misconduct, both Carson and Price
7 suffered the loss of the income that would have been earned by that project.

8
9 8. Chasle's activities by which she intended to disrupt the Dead Beat Dads project
10 were wrongful and improper outside of the fact of the interference itself. She,
11 through her puppet Farr, spread defamatory and false information about Price
12 and his status as a police officer. The court finds that the plaintiffs have adduced
13 sufficient evidence to establish that Chasle engaged in a knowing agreement with
14 Farr to collectively spread falsehoods and rumors regarding the plaintiffs, their
15 professional and personal reputations. On a Fox telecast, Farr passed along
16 Chasle's characterization of Price as an officer with problems in Council Bluffs.
17 Farr repeated Chasle's lies to others and warned them that Price and Carson
18 were dangerous thugs. These false and malicious statements are outside of the
19 realm of any legitimate business transaction.

20
21 9. Plaintiffs have proved that it was reasonably probable that, except for her tortious
22 interference, the Dead Beat Dads program would have been produced and sold
23 and that both Carson and Price would have obtained income as a result.
24 Plaintiffs have proved that Carson suffered \$490,000 in lost income as a result of
25 Chasle's interference with the Dead Beat Dads project. Plaintiffs have proved
26 that Price suffered \$700,000 in lost income as a result of defendant's interference
27 with the Dead Beat Dads project.

28

1 10. Defendant Chasle has failed to adduce facts sufficient to establish her affirmative
2 defense of the statute of limitations as to the Price and Carson causes of action
3 for intentional interference arising out of the Dead Beat Dads project. As set out
4 in CCP § 339(1), the statute of limitations applicable to interference with
5 contractual rights and prospective advantage is two years. The continuing
6 course of misconduct by Chasle with regard to the Dead Beat Dads project
7 occurred between February 7 and March 16, 2005. Both Carson and Price filed
8 their actions within two years of date on which defendant's misconduct ended.
9 Neither of these plaintiffs' first cause of action for intentional interference is time
10 barred.

11
12 11. Similarly, defendant Chasle's claim of privilege to these causes of action under
13 either a public figure privilege or common interest privilege are unavailing.
14 Assuming, *arguendo*, that the subject matter of the Dead Beat Dads TV program
15 is of a type that is entitled to protection as a matter of public interest, the
16 evidence is more than sufficient to establish -- under a clear and convincing
17 standard of proof -- that Chasle made the statements to Farr knowing that they
18 were false and with actual malice. As set forth above, Chasle repeatedly
19 manifested a complete and utter disregard for the truthfulness of her statements.
20 Chasle's statements were made not just with a reckless disregard of their truth,
21 but with an absolute awareness of their probable falsity. As such, Chasle
22 remains liable for the losses occasioned by her malicious interference in
23 defendants' economic relations.

24
25 12. Equally baseless is Chasle's defense that her statements to Farr and others were
26 nothing more than opinions. The tenor of her "reports," her claim of having
27 sources at Fox unearthing these facts and the nature of the statements
28 themselves clearly evince that these were not simple opinions. Each of her

1 actionable statements — e.g., that Carson was a thug, that his family were drug
2 dealers, that he was dangerous, and that Price was a dirty cop -- are of fact, not
3 opinion. The setting in which these statements were made, i.e., putting an
4 investigative reporter on the scent, takes this out of the ambit of "lust and
5 imaginative expressions of contempt" or "loose, figurative speech."

6
7 13. With regard to Nelson's cause of action for interference with contractual relations
8 or prospective advantage, she has failed to meet her burden of proof. Nelson
9 was not a party to the Dead Beat Dads Project, nor was she a party to the Blue
10 Mountain project. Although married to Carson during the relevant period, she
11 has not suffered any independent loss as a result of Chasle's interference in
12 these two projects. There is no evidence that Nelson had any contracts or
13 economic expectancy about which Chasle was aware. As to Nelson's first cause
14 of action, therefore, judgment shall be for the defendant.

15
16 14. All three plaintiffs assert claims for trade libel against Chasle. A trade libel is an
17 intentional disparagement of the quality of property that results in pecuniary
18 damages.

19
20 15. Although a number of false and untruthful statements of fact were made by
21 Chasle with actual malice toward these plaintiffs, these false statements were not
22 about the quality of goods. Chasle's intentional falsehoods were directed at the
23 character, reputation, veracity, professionalism and integrity of Carson, Price and
24 Nelson.

25
26 16. Even if Chasle's false statements of facts were fairly construed as statements
27 regarding the quality of Carson's, Price's or Nelson's work or ideas, the only
28 proof of pecuniary loss would be the loss of dick clark productions as a customer

1 of the Dead Beat Dads project. The losses incurred by Carson and Price due to
2 the failure of this project are identical to those claimed by these defendants under
3 the first cause of action for intentional interference. There are no additional
4 damages that have been proved as separately compensable under this cause of
5 action.

6
7 17. Nor can Nelson prevail on this cause of action. Assuming *arguendo*, that Nelson
8 could establish trade libel based on Chasle's statements that Nelson was a
9 stripper and a cocaine addict -- which the court finds by clear and convincing
10 evidence were made with actual malice -- there is no competent evidence tracing
11 these statements to a particular pecuniary injury in the form of a lost customer.
12 Although Nelson's business declined after Chasle's libelous falsehoods about her
13 stripping and being a cocaine addict, it is not enough to show a general decline in
14 business resulting from the falsehood. Erlich v. Etner, 224 Cal. App. 2nd 69, 73
15 (1964). Rather, the plaintiff must identify the particular purchasers who refrained
16 from dealing with her and specify the transactions of which she claims to have
17 been deprived. *Id.* Having failed to do so, Nelson's has failed to meet her
18 burden of proof for damages due to trade libel.

19
20 18. In addition, the statute of limitations as to a claim of trade libel is two years. The
21 statements regarding Nelson being a stripper and being addicted to cocaine were
22 made by Chasle and known to Nelson more than two years before the date on
23 which Nelson filed suit. Accordingly, as to plaintiff Nelson, the trade libel cause
24 of action is time barred.

25
26 19. As to plaintiffs' causes of action defamation, libel and slander, each plaintiff has
27 adduced sufficient evidence to prevail on their respective causes of action, if not
28 otherwise time barred. Defamation is an invasion of the interest in reputation. It

1 may be libel or slander. Libel includes the more permanent forms of defamatory
2 matter; slander is more transitory and generally restricted to oral statements and
3 gestures.

4
5 20. The tort involves a publication that is false and defamatory and unprivileged and
6 that has a natural tendency to injure or that causes special damages.

7
8 21. As to Carson, Chasle has engaged in a multi-year campaign to intentionally
9 publish to third parties false and disparaging statements about him. Chasle has
10 called Carson a con man, a liar, a dishonest guy, a dangerous guy, a bad guy
11 and someone about to be arrested. The charge of the commission of a crime is
12 defamatory per se. And, as these statement reflected on Carson's personal
13 integrity so as to bring him into disrepute, they were defamatory.

14
15 22. As to plaintiff Price, he has proved that Chasle published to third persons
16 defamatory statements that he was a dirty cop, was under investigation in
17 Council Bluffs, had "problems" as a police officer and was on a police force that
18 was corrupt. These words, although directed as his department, carry with them
19 the implication that Price was also engaged in these acts of misconduct. As
20 such, they are defamatory.

21
22 23. As to Nelson, the evidence amply demonstrates that Chasle told persons who re-
23 published the information that Nelson was a stripper in Los Angeles and that she
24 was a cocaine addict. These statements are clearly defamatory.

25
26 24. Defendant adduced no evidence that any of these statements made regarding
27 the plaintiffs were truthful. In addition, these are statements of fact, not of
28 opinion.

1 25. Nor did defendant Chasle adduce any evidence that these statements were
2 privileged. They were not made in the proper discharge of an official duty, nor
3 were they made as part of a judicial proceeding or any other official proceeding
4 authorized by law. They were not fair or true reports of official proceedings.
5 There is nothing to suggest that any of these scurrilous statements were made
6 by Chasle in advance of litigation.

7
8 26. As discussed above, to the extent that Chasle asserts the qualified privileges of
9 common interest or public interest, there is clear and convincing evidence that
10 her actions in defaming plaintiffs were committed with actual malice. The malice
11 felt in this case by Chasle toward Carson, Price and Nelson is evinced by
12 defendant's complete and utter disregard for the truth of the statements she
13 made. Where, as here, there was a complete lack of any probable or reasonable
14 cause to believe in the truth of these defamatory statements, malice can be
15 inferred. In addition, the circumstances of this case (as set forth below) clearly
16 and convincingly establish defendant's state of mind as motivated entirely by
17 hatred, ill-will and, thereby, allowing her to make these statements with a
18 reckless disregard as to their truth or falsity.

19
20 27. Although clearly liable for having made false and defamatory statements with
21 actual malice, Chasle asserts the statute of limitations as a complete bar to
22 plaintiffs' recovery for this cause of action. The statute of limitations for a libel
23 action is one year. Moreover, the single publication rule applies. Accordingly, no
24 person shall have more than one cause of action for damages for libel or slander.
25 One cause of action arises, and the statute of limitations necessarily commences
26 on the first general publication or broadcast of a defamatory statement,
27 notwithstanding how many persons ultimately hear or see the defamatory
28 statement or when plaintiff first becomes aware of its publication.

- 1 28. As discussed above, the defamatory remarks originating with Chasle and
2 repeated by Farr, Vendetti, and Evaloff are the evidence upon which these
3 causes of action rest. Plaintiffs have adduced no evidence, however, that Chasle
4 made any defamatory statements regarding any of these plaintiffs after March
5 16, 2005.
- 6
- 7 29. The earliest filed suit was Carson's, which was filed in April 2006. The other two
8 complaints were filed in 2007. As all three suits were brought more than one-
9 year after the last defamatory statement that plaintiffs can trace to Chasle.
10 Accordingly, these causes of action have expired.
- 11
- 12 30. As to the plaintiffs' causes of action for libel and/or slander, therefore, judgment
13 shall be for defendant Chasle.
- 14
- 15 31. All three plaintiffs assert causes of action for intentional infliction of emotional
16 distress. Peace of mind is a legally protected interest. The intentional invasion
17 of one's peace of mind is a recognized legal wrong. The elements of the cause
18 of action require that (1) defendant's conduct be outrageous, i.e., beyond all
19 bounds of decency, (2) that the conduct result in severe emotional distress; (3)
20 that the defendant's conduct be intentional or conduct especially calculated to
21 cause severe emotional distress, and (4) that the emotional distress be actually
22 and proximately caused by the defendant's outrageous conduct.
- 23
- 24 32. As discussed above, Chasle's crusade directed at Carson, Price and Nelson, to
25 spread false and scurrilous statements and to direct others to act as her proxy in
26 order to destroy Carson, his career and those that he loved was beyond the
27 bounds of decency. That conduct, at least in the case of Kay Nelson, has been
28 proved to have caused severe emotional distress. Chasle's conduct in targeting

1 Nelson, in sending her hateful and false letters claiming to have had an affair with
2 her husband, delivering them in a way that would be seen by members of the
3 public and her family, continuing to call and harass Nelson (at her home and
4 business) over the course of three more years, and finally, sending Farr as her
5 emissary to further harass and defame Nelson more than supports the court's
6 conclusion that Chasle's conduct toward Nelson was especially calculated to
7 cause plaintiff Nelson severe emotional distress. Nelson credibly testified that
8 she actually experienced such extreme distress, that her distress was substantial
9 and long lasting and was so extreme that no person in a civilized society should
10 have been required to endure it. This extreme emotional distress was
11 proximately caused by Chasle's conduct.

12
13 33. There is no evidence that Chasle's conduct directed at Nelson was based on a
14 constitutionally protected interest. The content of Chasle's communications and
15 conduct directed at Nelson was not about Carson's projects (either Dead Beat
16 Dads or Blue Mountain), but was about Carson's alleged philandering. Chasle's
17 spreading of false rumors that Nelson was a stripper and cocaine addict were
18 intended to injure her, not to comment on public affairs. When Farr called her in
19 2005 and told her that her credit was ruined and that she had been part of a
20 scheme with Carson and Price to take Billy Franklin's computer, it caused so
21 much disruption that Nelson's mother was taken to the hospital after suffering a
22 heart attack. None of the actions taken by Chasle (personally and through her
23 agents) toward Nelson were directed at a public person or involved a public
24 controversy. Nothing about Chasle's conduct directed at Nelson was consistent
25 with community standards. And, were they so described, Chasle acted with
26 actual malice, which would negate a claim of privilege in any event.

27
28 34. Plaintiff Nelson suffered economic loss as a result of defendant Chasle's

1 misconduct. In response to Chasle's She was forced to hire private investigators
2 to keep her safe. Specifically, she and Carson incurred \$52,800 in yet-unpaid
3 expenses for the security she was required to secure as a foreseeable
4 consequence of Chasle's multi-year campaign of continuing malicious and
5 intentional misconduct. In addition, plaintiff Nelson's business was injured as a
6 result of Chasle's intentional misconduct. In 2008, Nelson's dance business was
7 forced to close. The rumors circulated in the small community of Council Bluffs
8 by Chasle were impossible to overcome. For the year 2008-09, Nelson lost
9 earnings of \$130,000 because of Chasle's intentional misconduct.

10
11 35. In addition, Nelson suffered non-economic damages in the form of physical pain
12 and mental suffering. After phone calls directed by Chasle to be made by Farr
13 (throughout February and March 2005), plaintiff Nelson's mother suffered a heart
14 attack and was hospitalized. This single event caused Nelson unimaginable pain
15 and anxiety. Chasle set up Farr and directed him to make these phone calls.
16 For this one episode of Chasle's campaign of harassment of Nelson, the court
17 awards plaintiff Nelson \$1,000,000.00.

18
19 36. As to plaintiff Price, he testified that Chasle's conduct directed at him caused him
20 to suffer emotional distress and lost sleep. His credible testimony, however,
21 failed to establish that his distress was substantial, long lasting and was so
22 extreme that no person in a civilized society should have been required to endure
23 it. Plaintiff Price has not met his burden of proof as to this element of the cause
24 of action. Therefore, as to plaintiff Price's cause of action for intentional infliction
25 of emotional distress, judgment is for defendant Chasle.

26
27 37. As to plaintiff Carson, the court finds not entirely credible his testimony that he
28 suffered severe emotional distress because of Chasle's multi-year campaign.

1 Although he was angry (in fact, furious) at the shadowy campaign of character
2 assassination conducted by Chasle, he did not credibly testify that he suffered
3 such substantial or long-lasting distress that no reasonable person in a civilized
4 society should be expected to bear it. As to the plaintiff Carson's cause of action
5 for intentional infliction of emotional distress, therefore, judgment is for defendant
6 Chasle.

7
8 38. Plaintiffs' failed to meet their burden of proving that Chasle's conduct was
9 negligent. Rather, the credible evidence regarding Chasle's conduct in this case
10 clearly established that she intentionally, and with actual malice, launched and
11 perpetuated a multi-year campaign to destroy the reputations and lives of all
12 three plaintiffs. As to all three plaintiffs' causes of action for negligent infliction of
13 emotional distress, therefore, judgment is for defendant Chasle.

14
15 39. Plaintiffs' claims against Chasle based on Section 17200 of the Business and
16 Professions Code have not been established by a preponderance of the
17 evidence. As amended by Proposition 64, this cause of action requires that
18 plaintiffs establish injury in fact as a result of alleged unfair business conduct. No
19 such competitive injury has been adduced in this case. Nor did any plaintiff
20 adduce evidence that they had transferred or paid anything to Chasle.
21 Accordingly, there is nothing to be restored or disgorged. Therefore, as to the
22 causes of action based on the Business and Professions Code (either individually
23 or as aiders and abettors), judgment shall be for defendant Chasle.

24
25 40. Carson has three remaining causes of action against Chasle that are not alleged
26 by the other plaintiffs: (1) Abuse of Process; (2) Breach of fiduciary duty based
27 on a claim that Chasle misused information obtained during the period during
28 which she acted as Carson's attorney, and (3) a claim under the Unruh Act.

1 41. Carson alleges that Chasle committed the tort of abuse of process when she
2 wrongfully filed a request for a temporary restraining order. Plaintiff Carson has
3 failed to meet his burden of proof to show that Chasle intentionally used this legal
4 process to harass and stalk him. Accordingly, as to this cause of action,
5 judgment shall be for Chasle.

6
7 42. Carson has adduced sufficient evidence to support his claim of breach of
8 fiduciary duty. Clearly, as his attorney, Chasle owed Carson a duty of loyalty.
9 Similarly, it is apparent that she breached that duty when she contacted Billy
10 Franklin and urged him to decline Carson's offer to have him renew the option on
11 his life rights on the Blue Mountain project. That wrongful act clearly injured
12 Carson.

13
14 43. However, the evidence at trial supports Chasle's affirmative defense that her
15 misdeeds occurred long before the one-year statute of limitations that attaches to
16 wrongful acts or omissions arising in the performance of her professional
17 services or after the discovery of facts constituting the wrongful act. Carson
18 knew as early as 2004 that Chasle had knowingly interfered with his agreement
19 with Franklin regarding the latter's life rights. The one year statute applies in this
20 case even though the misconduct alleged in this case combines both legal and
21 non-legal services. And, the one year statute of limitations applies in all cases in
22 which the client objects to his lawyer's misconduct regardless of whether pled as
23 malpractice or breach of fiduciary duty. Levin v. Graham & James, 37 Cal. App.
24 4th 798, 805 (1995). Moreover, as set forth above, even if this claim were not
25 expired, plaintiff Carson failed to adduce competent evidence that he suffered
26 injury in fact as a result of the loss of the Franklin life rights. Accordingly, as to
27 Carson's claim for breach of fiduciary duty, judgment shall be for defendant
28 Chasle.

1 44. As to Carson's cause of action under the Unruh Civil Rights Act, there is no
2 evidence adduced that defendant Chasle was a qualified entity or engaged in
3 actionable conduct prohibited under this statute. Accordingly, judgment as to this
4 cause of action shall be for defendant Chasle.

5
6 45. With regard to Chasle's cross-complaint against Carson, California Penal Code
7 Section 632 provides that a person who intentionally and without the consent of
8 all parties to a confidential conversation records that conversation shall be
9 punished by fine, imprisonment or both. A person so injured may bring an
10 action against the person who committed the wrong for \$5000.00, or three times
11 the amount of actual damages, if any, sustained by the plaintiff. Chasle has
12 failed to adduce any actual damages caused by Farr's recordation of her phone
13 conversation with him. Carson, who directed Farr to record the conversation as
14 part of an "investigation" of Chasle is liable for the statutory damages due to the
15 intentional recording of a single confidential telephone conversation without
16 Chasle's consent. Like Chasle with her "agents," Carson was the agent of Farr
17 when he directed him to record the conversation. It does not matter that at the
18 time the conversation only one of the parties was in California. Kearney v.
19 Salomon Smith Barney, Inc., 39 Cal. 4th 95 (2006). Judgment shall be for
20 Chasle as cross-complainant against Carson only in the amount of \$5,000.00.
21 Carson's failed to prove that he had been authorized to make such a recording
22 by a deputy district attorney. As credibly testified to, Carson was told only that he
23 had a limited privilege to record any telephone calls made by Chasle to him in
24 order to prove the existence of the harassment. This instruction clearly did not
25 encompass having Richard Farr record his telephone conversation with Chasle.

26
27 46. As set forth above, the court concludes that plaintiffs have proved by clear and
28 convincing that defendant Chasle acted with actual malice in intentionally

1 interfering in Price and Carson's Dead Beat Dads project and in intentionally
2 inflicting severe emotional distress on Nelson. Defendant Chasle wantonly and
3 deliberately acted with an intent to vex, annoy and injure these plaintiffs.
4 Defendant Chasle's conduct is sufficiently reprehensible so as to present a
5 proper case for punitive damages. As discussed above, all three defendants
6 have suffered actual damages as a result of defendants' malicious conduct.

7
8 47. The defendant's wealth, however, is a factor in determining the amount of the
9 award. The court concludes that defendant Chasle does not have the financial
10 ability to pay any amount in punitive damages. No punitive damages, therefore,
11 shall be awarded.

12
13 48. The court awards Carson actual damages on his first cause of action for
14 intentional interference with prospective economic advantage against Chasle in
15 the amount of \$ 926,000.

16
17 49. The court awards Price actual damages on his first cause of action intentional
18 interference with prospective economic advantage against Chasle in the amount
19 of \$ 700,000.

20
21 50. The court awards Nelson actual damages on her fourth cause of action for
22 intentional infliction of emotional distress against Chasle in the amount of
23 1,182,800.

24
25 51. As to all the remaining causes of action, judgment is for defendant.


26
27 52. As to the cross-complaint, the court awards Chasle statutory damages in the
28 amount of \$5,000 against Carson.

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53. As there is no competent evidence of on-going or future misconduct by Chasle,
the court declines plaintiffs' prayer for injunctive relief.

IT IS SO ORDERED.

May 8, 2009



Honorable Ann A. Jones
Los Angeles Superior Court.