

A CLASS ACTION

Peter Sharp Legal Mystery #3

By Gene Grossman

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If you search the world over, I don't think you'll find any guy who will admit to being a bad driver. That's what makes me so unique. The general consensus of my neighbors here in Marina del Rey is that I am one of the worst drivers in the world, and to be honest, I really can't argue with them.

This is partly due to the fact that I have very shallow depth perception, which means I can't judge distances very well. It's also partly because I've grown accustomed to driving my old, small Mazda 626 - but now I'm driving a big Yellow Hummer. This is a big change for me and I'm having a

really tough time getting used to it. This difficulty got pointed out to me one day last month when I drove little Suzi to turn in her quarterly home-schooling exams. I'm her legal guardian since her stepfather passed away, and she gave me a hint about my driving by sitting in the Hummer's back seat, strapping herself in, and putting on an adult-sized football helmet. As an adorable Chinese girl who doesn't speak that much to me, she's been known to express her feelings in more graphic ways.

During my former marriage to the county's newly elected District Attorney, we also had a nice luxury car that was used for going out in the evening. She always drove. In some ways, I miss my old Mazda... and my ex-driver.

Due to the miraculous improvement in my income from the practice of law, I now have the real car of my dreams, but there's always some schmuck with a clipboard walking around, and one of them – one of my underground garage neighbors, complained to the Marina office about my driving skills. As a result, I now also rent the other two parking spaces on both sides

of mine, so that nearby vehicles might be less likely to get banged by my yellow tank.

Having three parking spaces under the building is good and bad. It's bad because I have to pay extra for the other two spaces, but it's good because now there are fewer cars that can park between my spaces and the four reserved for George Clooney's limo. I've been told that his multi-million dollar megayacht is on the end-tie of our dock, and maybe now I'll have a better chance to bump into him and get friendly. After all, we are boat neighbors.

On the way back from turning in her test results, Suzi tells me she wants to make a stop on Pico Boulevard at a hobby shop just west of the Rancho Park Golf Course, so I park in front of the place while she goes in and purchases a two-foot-long, remote-controlled motor yacht. I've already learned not to ask questions about anything she does, because as the managing partner of her late step-father's law firm, technically, she's my boss.

Her stepfather was an old classmate of mine from law school, and after my suspension and subsequent divorce, he helped get me a slip near his houseboat for

an old wooden Chris Craft that I was restoring and illegally living aboard. After he was killed in a plane crash and I was reinstated to practice again, I took his place in the law firm and then discovered that little Suzi was really the brains behind the whole operation. Not only is she a computer genius, she's also the star of a Chinese Restaurant around the corner where her late mother used to work. Most of the cops in our neighborhood eat lunch there every day and they've adopted her as their mascot, so we have no problem getting police reports and other little favors that most other law firms would kill for.

While Suzi practices driving her new mini motor yacht, the UPS man delivers a package for her. She must have ordered some instructional videos to help her master the art of boat handling because the package is from BOATINGDVD.COM. It isn't until several days later while talking to some of our dock neighbors that I learn what motivated Suzi to start her maritime education efforts. Our anchorage is getting concerned with legal liability for damages caused by inexperienced people driving their boats. Unlike automobiles, there's no age or experience required to drive a boat...

and these big floating trucks don't have brakes.

It's hard to stop that industrial executive from getting behind the wheel of his yacht on Sunday and taking it for a spin, even though he hasn't had more than two hours of instruction given to him by the guy who sold him the boat, and told him "it's easier than driving a car."

People don't realize that a fifty-foot boat like ours, weighing almost forty tons, has a lot of force behind it, even at only two or three miles per hour. When it bumps into another half-million dollar boat, the damages cost a lot more to repair than Emilio charges at the local body shop. You can't just slap on some bondo and send one of these yachts to Earl Scheib for a paint job.

The new Marina rules require each boat to have a valid policy of liability insurance in place, and the owner must take the Coast Guard Auxiliary's boating safety course and pass their test. In addition to these requirements, our anchorage demands that the dockmaster watch every boat's owner pull in and out of the slip, to judge their boat handling abilities.

I guess that because my non-existent boat-driving ability has caused a vacuum of respect, the job of satisfying the new Marina boat owners' requirements has been taken over by the kid. I don't want to be around to see her try to get this huge boat in and out of the slip. I know that I certainly can't do it. I think I'll concentrate on developing my driving skills on land before trying to drive our fifty-foot Grand Banks trawler yacht. In contrast, my driving experience doesn't look too bad when compared with what happened to a soccer mom today.

Tonight's local news has a story about a big GMC Suburban that blew up. Fortunately there were no serious injuries. The owner picked it up at the dealership after some routine service was performed, and drove it all around town, until there was a loud 'bang,' the engine died, and the hood flew off. No foul play is suspected, but there's surely going to be some lawyer getting involved in this... it's too strange an event to be ignored by our bottom-feeding legal community – the shysters at law.

My evening television news viewing is interrupted by a call from Vinnie Norman, a

former client and present associate of my good friend Stuart Schwarzman, who is the most entrepreneurial guy I know. After getting rich off of the publicity he got from being sued for 'negligent nymphomania' when a user of a weight loss product he sells claimed to have been turned into a nymphomaniac, he went on to start several other businesses. His most profitable is the one that accepts assignments of small court claims from people who have received unsolicited 'junk' faxes. Stuart uses a recently enacted Federal Law call the TCPA, to sue those senders for five hundred dollars on each claim, and splits the recoveries with his client.

Stuart also bought an old Brinks armored truck and changed the outer signage to read: *'HE'S TAKING IT WITH HIM.'* He rents the truck and a driver out to disgruntled heirs for three hundred fifty dollars: they pay to have the truck drive behind the hearse that takes their tightwad deceased to the cemetery. Vinnie drives one of the trucks for Stuart and Vinnie's fiancée Olive will be driving the second one soon.

Stuart paid for both Olive and Vinnie to get firearm training so that they could be issued Exposed Firearm Permits by the Department of Consumer Affairs. Now they

can wear holstered but unloaded weapons with their uniforms when they drive the phony armored trucks in funeral processions. Everyone in this town is in showbiz.

Vinnie's current problem is causing quite a crisis in his house. After Stuart spent all that money getting the Vinnie and Olive outfitted and armed, and then buying another armored truck for Olive to operate, she confessed to Vinnie that she has a slight problem when it comes to operating the truck. She never learned how to drive.

It would have been a lot nicer if Vinnie could have had that information before, because now he fears that when Stuart finds out, his own job might be in jeopardy.

After listening to his desperate babbling for about fifteen minutes, I learn that Stuart's second armored truck won't be ready for another month or so. This means that Olive may have time to take some driving lessons and get licensed in time for her first funeral job. I don't think there's any way in hell that she'll pull it off. I know that I couldn't learn to drive that armored truck in only a

month or so, and I've been driving poorly for over twenty-five years.

I wish him luck, get off the phone and start to prepare the evening meal. The special tonight will be my 'pasta ala Marina.' The only thing I know how to do is boil water and cook pasta, so my recipe repertoire consists of numerous large elbow macaroni dishes.

One fan of my cooking is Bernie, Suzi's huge Saint Bernard, who also lives with us on the boat. Whenever he sees me start to prepare some food he's at my feet the entire time, hoping for some droppings. This evening I'll be making my version of a healthy Alfredo sauce, using *Land-O-Lakes* non-fat half and half, *Kraft* non-fat grated Parmesan cheese, *Smart Beat* trans-fat-free butter, and some *Knudsen* fat-free sour cream.. As the secret ingredient, I'll be adding a new salt-free garlic salt. The result may be non-taste sauce, but at least it'll be healthy.

All of these allegedly healthy ingredients have been mandated by Suzi, who now peeks out from her domain – the forward stateroom, when she smells the aromas. I can usually tell by her expression whether

or not I'm on the right track with my formula.

Most of the time a gourmet Chinese meal gets delivered to the boat by the Asian boys, a group of young Chinese teenagers who do everything from wait on and bus tables at the local Szechwan restaurant, to varnish and maintain boats on our dock. Like most of the other people in this Marina, they adore Suzi, so one way or another I manage to have a tasty dinner.

We usually have special nights designated during each week; one for my pasta special, one for entertaining guests, one for eating out, and the others for having the Asian boys serve us dinner. Tonight it's pasta. The word must have gotten out about my new recipe, because Stuart calls to tell me he's on the way over. Suzi must have invited him after approving the bouquet wafting toward her stateroom.

I'm sure that Stuart made the initial call and wormed the invitation out of her. Now that he's signed up with some correspondence mail-order law school, he's her prize student. If not for the fact that you have to be twenty-one years old to

practice law in California, she wouldn't need me at all. She runs the law practice, prepares the pleadings, does all the legal research, and pays me quite well to do her bidding in court. The other reason she can't practice law now is because she isn't tall enough to see over the counsel tables in the courtroom. When taking over as her legal guardian, I was concerned that she wasn't attending one of the local public schools. I now know that several years ago Melvin received permission for her to be home-schooled. All she has to do is go downtown every month or so to pass the Board of Education's home-schooling exams. The strange thing now is that instead of teachers coming to visit her, all I see are people coming to learn from her.

When Stuart gets to the boat he's bubbling over with his new business idea - a used car lot. I tell him that if he's looking for respect, he's going in the wrong direction. It's bad enough that he wants to be a lawyer, because there are very few jobs that rank lower in the public's scale of esteem, but used car salesman is one of them.

He explains to me that the chance to make a great profit here is too good to pass up.

He owns his own warehouse in the San Fernando Valley, where he has his weight-reduction products stored and his armored trucks garaged. There's also a large enough parking lot for him to qualify for a used car sales permit, so he's going for it.

I point out to him that he's not in an area where any other car lots are, and ask him where he's going to get the cars to sell and the customers to buy them. As usual, his answer is quite remarkable.

“Peter my dear friend, you have hit the nail right on the head. Getting customers is no problem if you offer the right product at the right price – and I can do it. I've made an arrangement with I.R.S...”

“Stuart, you're not working with the government on this deal are you?”

“No, no, no. This I.R.S. stands for a New Jersey company named Insurance Recovery Sales. There's a lot of auto theft in New York, and if an insured car isn't recovered within a thirty-day period, the insurance company has to pay policy holder. If the car is subsequently recovered, the insurance company dumps it as soon as possible to

these I.R.S. guys, and I can buy the cars for a little over half of the wholesale blue book.”

“I don’t know, Stu, you know what they say about a deal that’s too good to be true...”

“Yeah Pete, I know, but I’ve been to New Jersey and saw their warehouse, and believe me, this deal is true.”

There’s no talking him out of it, so I do what I usually do every time he comes up with one of his new business ideas – wish him the best of luck and let him know that I’ll be available if he needs any help.

Not too long ago, I settled his uncle’s wrongful death suit. He and Suzi’s stepfather both died when their plane crashed during take-off from some local airport in Thailand, where they were vacationing. That’s why both Stuart and the kid are the richest people I know - until I bump into my neighbor, George.

With no important cases going on, it’s time for a little relaxation, so I’m going to walk over to the Marina del Rey Junior Liquor Store to pick up a six-pack, a box of our neighbor’s favorite wine, and a Playboy. On the way there, I’ll stop by Laverne’s boat.

The Marina has several boxy houseboats they rent out and Laverne lives in one that's on our dock. At one time she probably was a real looker, but all the looking she does now is out of the window of her houseboat, waiting for me to walk by so she can clink two wine glasses together and wink at me. I call it the 'wink and clink,' but clink probably isn't the proper word, because the glasses are plastic. They just sort of clunk.

On several occasions I've allowed myself to be led astray and spent the night aboard with her. Aside from the 'early whorehouse' décor, it's a comfortable place, and she never fails to leave some greasy French toast out for me the next morning when she goes to work.

I still don't know what she does for a living, but some husky guy picks her up every morning at seven and brings her back at six each evening. She may have a couple of years on my forty-three, but she keeps herself well-preserved in alcohol, so the deterioration's been minimal.

My plan is to stop by her boat, tell her I'm going to the market, and ask her if there's anything she needs. It's starting to get

dark. I politely knock on her boat. She pops her head out of the window and after my announcement, requests some crackers and a bag of ice.

Knowing I'm in for some greasy French toast tomorrow morning, I rush to the liquor store and back. As expected, upon my return, the wink and clink are my signal to 'come aboard.' We finish off that box of wine and spend prime time watching one of those stupid reality shows that she likes. She's been known to tape an episode when not around to watch it live, making for an extremely elegant video library. The only books she has on board are some romance novels, each one showing a Fabian wannabee on the cover, shirt torn half off, and a desperate nymphet hanging on him. Every time I go to the neighborhood Ralph's Market I see those soap-opera paperbacks. I used to wonder what type of desperate person would spend their money on them.

Being only partially embalmed I can still see that the late news is showing an angry man threatening to bring a lawsuit against the dealership where his wife's Suburban was serviced. I assume that's the one that exploded.

After the wine and the news we retreat to the aft stateroom part of her floating trailer and fumble ourselves asleep.

It must be about two in the morning and I'm suddenly awake, sensing someone heavy creeping onto her houseboat. Whoever it is stops near the bedroom. I quietly sneak over to the window to get a look outside, and when I stick my head out the window, I hear a low whine. It's Suzi's huge Saint Bernard. When he sees me, he stands up against the side of the boat and I notice that my cell phone is hanging around his neck. I remove it and the dog goes back to our boat. The cell phone is turned on. After holding it for a minute or so, trying to figure out what the hell is going on, it rings.

It's FBI Special Agent Bob Snell, head of the West Los Angeles office. Not too long ago, I was instrumental in getting some information together on a gang of bank robbers, and Snell made the arrests - and took the credit. The reward money was a big contribution to the purchase of our present fifty-foot Grand Banks, so I guess

you could say we've got a decent working relationship.

"Hello Sharp, are you there? It's Bob Snell... special agent Bob Snell, FBI."

"Yeah Snell, I'm here. What's the matter, you guys working overtime tonight? It's kinda late."

"I know it's late Sharp, but the reason I'm calling now is because I'd like to ask you a favor."

"I'm listening."

"Well this is kind of embarrassing, but one of our people has been arrested. We were at a party tonight honoring the retirement of a Federal Agent we all respect. After we left, one of our associates got arrested for drunk driving. She's being held in the Van Nuys LAPD Jail."

"That's a sad story, but I still don't know why you're calling me at two in the morning."

"We'd like to get her out of jail."

“So, why call me? Call a bail bondsman. They can get her out in no time. Got a pencil? Call Fradkin Bail Bonds. Their number is four seven eight,...

He cuts me off mid-sentence. “No, no, no. We can’t use a bail bondsman.”

“Why not?”

“Because we’re FBI agents. If the press ever found out we used a bondsman to bail out a member of the Federal Anti-Crime Task Force, they’d have a field day with it.”

“So? What do you want me to do?”

“Her bail is more cash than we have between us, and they won’t accept a check. We have a couple of hundred, so if you can lend us the rest, I’ll give you my personal check for it, right on the spot. And don’t worry, the check is good.”

“Boy, what a deal. You’ll take my hard-skimmed cash and turn it into a check that I’ll have to deposit and report on my income tax. What’re you trying to do, make an honest person out of me?”

“Sorry Sharp, but I’m afraid that ship’s already sailed. Look, can you help us out or not?”

I know for a fact that most first time offenders don’t have to post bail because they get released on their own recognizance, just like a traffic ticket that the cop asks you to sign. He doesn’t want your autograph. He wants you to sign a promise to appear in court. What you are receiving at that time is what they call a field ‘R.O.R.’, an acronym for Release on your Own Recognizance.

If I call up and talk to the Van Nuys watch commander and let him know that he’s got a fed in his house, I’m sure I can get her an R.O.R.

“Okay Snell, tell you what. You and your partner meet me at the Van Nuys Jail in forty-five minutes. And when we get there, just walk with me and don’t say anything. When we get to the officer at the front desk, just flip your ID’s at him and have a seat in the lobby. Got it?”

“All right, you’re in charge. We’ll see you there.”

I call Van Nuys and explain what's going on to the watch commander. Fortunately he remembers my name, because last year I helped his boss out on a case. He tells me that the girl in custody is still pretty much out of it and he doesn't want to see her driving so soon. I assure him that she's going to be picked up by two FBI agents who will be identifying themselves at the front desk. He agrees to have her ready to go by the time we get there.

Forty-five minutes later I meet Snell and another fed outside the jail. It looks like a drug deal going down.

"Thanks for coming, Sharp. Did you bring the cash? I've got my checkbook right here."

"Don't be so hasty. You're in my ballpark now, so let's go upstairs and see if I can work some magic."

"What do you mean?"

"No questions. Just follow me and get ready to flip those fancy ID wallets when we walk in the front door."

They take my instructions and follow me up the stairs to the jail floor. As we enter the

front door, there's a uniformed officer seated at a small table. I show him my State Bar card and nod to the Feds. They each flash their ID and as we walk into the waiting area, their eyes bulge out.

Only one person is sitting in the lobby. It's a disheveled female, probably in her early thirties. I ask Snell. "Is that her?"

He's totally amazed. There she is, sitting on a chair in the waiting lobby. No handcuffs, no guards, no security. "Yeah, that's her, that's Shirley."

I motion for her to come with us, and she walks over to meet Snell and his partner. She looks at me. "Am I free to go now?"

"Yes, you are. You can go with Agent Snell and his friend but you can't drive. They'll take you home and you can pick up your car tomorrow."

We all walk out together. "Sharp, I don't know how you did it, but we all thank you. Will she be going to court soon?"

I take a look at her R.O.R. papers and tell them when and where her court appearance is. She asks me for help on her case. Snell calls me aside.

“What’s the deal with these drunk driving charges? Is there going to be a big fine?”

“Of course there is. Listen, my miracle working is limited. I can get someone out of jail occasionally, but there’s no way I can make this drunk driving charge go away.”

“Will she have to appear in court?”

“Someone’s got to be there on her behalf. With the proper document signed, waiving her appearance right, an attorney can appear for her and enter a plea.”

“Will you do it?”

“Yeah, I can represent her, but can she afford to pay a fee? You know, by the time the case is over the fine and court costs can add up to over a thousand dollars... but I can get her some time to pay that off.”

“We can’t have that.”

“Whatta ya mean you can’t have that? Who the hell do you think you are, The Federal Government?”

“No, no. What I mean is that if she gets a fine of anything more than twenty-five dollars, she’ll lose her security clearance and get fired from her job. Can’t you do something? How much is your fee?”

“Well, maybe something can be done. I charge a thousand to handle cases like this. I can see by the stunned expression on your face that you think it’s a lot, so just make a check out to me for five hundred, and I’ll represent her in court. The watch commander led me to believe that her Breathalyzer reading was way over the legal limit, so there’ll probably be no reduction of the charge to reckless driving... but I’ll talk to the judge.”

Snell writes out a check to me for the five hundred dollars and makes sure to tell me that I should report it on my income tax. They all leave in his car and I go back to the Marina. Damn. Laverne is probably out like the lights on her boat, so now I won’t get to earn my plate of greasy French toast for breakfast.

About the Author

Gene Grossman worked his way through high school, college, and law school as a shoe salesman, welder, process server, bail bondsman, tire changer, saloon piano player and 'extra,' appearing in seven motion pictures. He then spent 20 years as a trial lawyer, during which time he served as Dean of a small law school, where he also taught several classes.

The film and video company he started while working in the motion picture industry produced over fifty special interest DVD titles on everything from boating, to bankruptcy. Now retired from the practice of law, Gene writes aboard his yacht in Marina del Rey, California.

You can see pictures of attorney Peter Sharp's boats, yellow Hummer, Suzi's e-cart, and Laverne's houseboat at www.PeterSharpBooks.com and all books in the Peter Sharp Legal Mystery Series are available at www.LegalMystery.com