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COLUMN ONE

## Celebs, the Web and suits to spare

*Samantha Ronson sues the lawyer she hired to stop rumors circulating about her and Lindsay Lohan. He sues back. It's all fodder for blogs.*

December 11, 2008 | Harriet Ryan | Ryan is a Times staff writer.

On a summer day last year, Martin Garbus, a veteran attorney from New York, went to a beachside cafe in Santa Monica to meet a young woman looking for a lawyer.

Impressing prospective clients was not difficult for Garbus, whose resume reads like a history of the late 20th century. From Lenny Bruce's pornography trial to the publishing of the Pentagon Papers to the fatwa against Salman Rushdie, the septuagenarian could boast a hand in some of the biggest civil liberties cases in the last five decades. He has dodged segregationists' bullets in Mississippi, organized migrant workers with Cesar Chavez and helped craft the Czech Republic's Constitution.

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### For The Record

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Celebrity lawsuits: A story in Thursday's Section A about a court battle involving lawyer Martin Garbus and his former client, disc jockey Samantha Ronson, incorrectly stated that the attorney once represented Lenny Bruce in a pornography trial. In fact, he represented the comedian in an obscenity case.

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The woman sitting across from him that day was Samantha Ronson, a professional DJ recently thrust into the gossip blogosphere for her rumored romance with actress Lindsay Lohan. Ronson, 31, was enraged by some particularly nasty stories posted online about her relationship with Lohan and wanted to sue.

Despite the 40-year age difference, Ronson and the lawyer got along well.

"She was very bright. She understood things," Garbus recalled.

Ronson agreed to hire him at the rate of \$750 an hour.

The goodwill of that first meeting is a distant memory. The defamation suit meant to discourage scandal-mongering blogs turned into a costly, humiliating fiasco that provided more gossip fodder. For months now, Ronson and Garbus have been locked in their own ugly legal battle: She is suing him for malpractice; he is countersuing to recover his fees.

Ronson did not respond to requests for an interview, but in her malpractice suit, she alleged that Garbus, despite his renown, bungled her case with sloppy work and then abandoned her when she wouldn't pay a bill she found excessive.

"It is about his work product in this case," said her new lawyer, David Bass, referring to the libel suit. "It has nothing to do with what he did in other states in other cases years ago."

Meanwhile, Garbus lays the blame at Ronson's feet, saying her insistence on getting a retraction from tart-tongued blogger Perez Hilton -- he had ridiculed her as a "lezbot" -- scuttled a sensible settlement.

"She just really had it out for him," Garbus said.

Now the fight between this solicitor and this celebrity -- he's appeared before the Supreme Court; she appears in *Us Weekly* -- threatens to expose information about Lohan and Ronson that Perez Hilton could only dream about.

Garbus' attorneys have identified Lohan as the most critical witness in the case besides the two litigants and have requested information concerning their relationship, finances, possible drug use and alleged rehab stays. In one measure of how far his defense plans to go, they have asked for copies of every text message and e-mail between the women over the last two years.

A trial is scheduled for May in Los Angeles. The parties spent the last few months squabbling over procedures for deposing Lohan and Ronson after lawyers for the women raised concerns that videotapes of the pretrial Q & As would be leaked to the media.

"Totally acceptable worry. It'll likely happen," Hilton squealed on his blog.

A judge issued a protective order for Ronson, making confidential the time and place of her deposition, and limiting the number of video recordings and transcripts. Attorneys told the judge they were negotiating a similar arrangement with Lohan.

At the bottom of the failed libel suit and the pending malpractice action is a one-car crash: Lohan's Mercedes-Benz versus some shrubs in Beverly Hills on May 26, 2007. Police reported finding a small amount of cocaine in her car. The actress eventually entered rehab and pleaded guilty to driving under the influence.

About a week later, according to the libel suit, Hilton, whose real name is Mario Lavandeira, posted an item on his blog linking to a juicy story on another blog called Celebrity Babylon. Citing unnamed sources, Celebrity Babylon reported the cocaine belonged to Ronson. Additionally, according to the suit, the story said Ronson "has accumulated a substantial side income taking her pal in front of paparazzi cameras for money."

"With friends like Samantha Ronson, Lindsay doesn't need enemies," Hilton blogged. Two weeks later, he posted a picture of himself on perezhilton.com wearing a sweatshirt emblazoned with "Blame Samantha" and referred to her as a "lezbot dj", according to the libel suit.

Ronson was irate, and on the recommendation of a friend, turned to Garbus. Then 72, he had a vaunted reputation -- Fortune called him "one of the country's most able 1st Amendment lawyers" last year -- and a practice that included high-profile clients. At the time he met Ronson, he was representing Don Imus in a suit against CBS.

Difficulties emerged early on. In court papers in the malpractice suit, Garbus alleged that Ronson often didn't return his calls or answer e-mails. She forgot meetings and kept him waiting. Garbus had represented many people whose fame was based on unquestionable achievement -- Andrei Sakharov, Samuel Beckett, Andy Warhol, Allen Ginsberg, Spike Lee -- but Ronson, whose celebrity was rooted in titillation and limited largely to consumers of pop culture, often didn't pick up the phone when he called, he alleged.

Regardless, the defamation suit progressed. Celebrity Babylon agreed to issue a retraction and an apology in exchange for Ronson dropping her claim, according to court filings in the malpractice suit. But that deal didn't interest Hilton, no stranger to defamation suits.

"Perez Hilton doesn't back down to anyone," said Bryan Freedman, one of his attorneys.

Instead, Hilton asked the judge to throw out the case as an assault on his 1st Amendment rights, a request known as an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion. The law was designed to protect citizen activists from being harassed by expensive and time-consuming lawsuits. It is also used by media outlets.

The blogger defended himself in court papers, saying he "genuinely believed" the story about the cocaine in the Mercedes because he had heard "at least 20-50 times that Ronson had a drug problem." The main culprit, Celebrity Babylon, had already retracted the story.

To keep her case alive, Ronson would have to produce evidence that Hilton had acted with malice when he wrote about her and linked to the Celebrity Babylon story. If she failed, she would have to pay Hilton's legal bills

Garbus now says that he became concerned his client would lose. He hammered out an agreement with Hilton that is detailed in filings in the malpractice suit: If Ronson conceded the anti-SLAPP motion, Hilton would agree not to go after her for legal fees. It wasn't much of a deal, but at least Ronson would be spared the indignity of writing her nemesis a check.

Ronson, however, vetoed the proposal. Hilton had cruelly mocked her sexuality. She would not accept any settlement without a retraction from the blogger, according to the malpractice suit.

"She had her own agenda with Perez," Garbus said.

Garbus maintains that Ronson fired him and points to an affidavit he submitted to the judge in which he wrote that she was searching for other attorneys.

Ronson's lawyers in the malpractice case paint a much different picture. They claim in their filings that from the first meeting in Santa Monica, Garbus never mentioned the anti-SLAPP motion or the possibility she might be on the hook for Hilton's legal bills. New York, where Garbus was licensed, did not have the same statute as California, her attorneys note.

They maintain that his prediction of a court victory by Hilton was largely a self-fulfilling prophecy. Specifically, they cite an important court filing opposing the anti-SLAPP motion. Part of it appeared to have been cut and pasted from a document in another case, a point seized upon by Hilton's defense.

Freedman, the blogger's attorney, recalled being astonished by the quality of the document given the legendary reputation of its author.

"It was replete with incomprehensible statements. It was not well thought out," he said recently.

Before ruling on the SLAPP motion, a judge granted Garbus' request to question the blogger. But that deposition never occurred. By its scheduled date, Ronson and Garbus were fighting over money. Four months into the case, Garbus presented his client with a bill. Her \$25,000 retainer was gone, and he said she owed him close to \$100,000 more, according to correspondence included in the malpractice filings. Ronson said in court papers that Garbus told her at their first meeting that the entire cost of the case would be \$75,000.

E-mails included in filings in the malpractice suit show that when no money was forthcoming, Garbus wrote Ronson that he was withdrawing from the case because she couldn't pay her bills. He warned her in another e-mail: "The affidavit I sent you will get picked up on the blogs. Avoid it."

Five days later, he was about to file a suit against her in New York and again urged her in an e-mail to consider the bad publicity. Ronson said in court papers that she interpreted it as a threat. In an interview, Garbus said he saw it as "a statement of reality."

The next day, still awaiting a response from Ronson, he reminded her of an upcoming hearing. Unless you have new counsel, he e-mailed, you will have to represent yourself.

Finally Ronson pecked out an answer on her BlackBerry.

"I'm tired of all this [stuff]. I wanna drop it," she wrote.

"Will I be getting paid," the lawyer replied.

There was no immediate answer.

In the end, neither Garbus nor Ronson attended the hearing. Lawyers from a local law firm hired by Garbus to assist in the case sat at the plaintiff's table to hear the judge rule in Hilton's favor. He dismissed the case and subsequently ordered Ronson to pay the blogger's attorneys nearly \$85,000.

Less than two weeks later, Garbus sued her in New York for close to \$142,000 in fees and services. He later dropped that suit. In May, Ronson filed suit against Garbus in Los Angeles County Superior Court, contending that his incompetence had lost the case against Hilton and asking for damages in excess of \$300,000. Among the allegations was that Garbus failed to fulfill his duties as her attorney because he was focused on collecting his fees.

In response to Ronson's malpractice suit, Garbus countersued to recover his fees.

Ironically, the suit transformed Garbus, who had called celebrity blogs "trash," into an unwitting comrade in Hilton's quest for dirt on Ronson.

To defend the attorney, his lawyers must portray the defamation case as unwinnable, and in court papers, they have indicated they are searching for evidence that suggests that if Hilton's report wasn't completely true, it may have been close enough to not be malicious.

"Plaintiff would have had difficulty proving that reports that the drugs found at the accident were hers harmed her reputation if she had, in fact, been treated for substance abuse," an attorney for Garbus wrote in an August letter to Ronson's lawyer.

Lohan's lawyer has accused Garbus' defense of deposing the actress about the women's relationship in hopes she will sway Ronson to settle.

"These topics revolve around the extremely private intimate details of Ms. Lohan's personal life," an attorney for the actress wrote in an affidavit filed in the malpractice case in October.

Watching from the sidelines, Hilton's lawyer said he was stunned Ronson was pursuing the case. Coverage of the first suit had extended the life and increased the audience for a small blog item, he said, and the malpractice claim was making it even bigger.

"Is this getting her what she wants, which is for this story to never be told in the first place? Are any of the goals she set out to achieve coming even remotely close to being achieved?" Freedman asked.

Her current attorney, Bass, bristles at the suggestion Ronson should just drop the matter.

"She's not walking away from the claim because she has a valid claim and she was injured as a result of Garbus' action -- or inaction," he said.

For his part, Garbus said he is not worried about the case -- his first malpractice suit in 48 years of practicing law -- affecting his reputation.

"I'm not part of that world," he said referring to the new industry of celebrity journalism that chronicles every detail of Lohan and Ronson, no matter how insignificant. "I'm very detached from it."

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