

Pa. Atty Accused Of Pursuing Abusive Loan Repayment Suit

By **Dan Packel**

Law360 (March 29, 2018, 4:43 PM EDT) -- A Philadelphia-area attorney who is currently fighting a verdict over a purportedly frivolous lawsuit against a former Cozen O'Connor partner was slapped with a complaint in state court on Wednesday alleging that he pursued an abusive case aimed at recouping personal loans for a client.

Attorney Mark Halpern and his former firm Halpern & Levy PC face a new suit from New Jersey resident Shawn Brooks, who says the attorney and client Gregg Garnick filed a baseless lawsuit over two personal loans. Brooks says that his attorney warned Halpern that the suit over the two purported loans — totaling \$34,000 — was barred by the statute of limitations, but Halpern still went forward with the action.

"Only after an expensive and protracted course of litigation fighting the frivolous litigation were defendant Garnick's knowingly false claims dismissed with prejudice, terminating the litigation in favor of Mr. Brooks," the complaint said. "All defendants acted willfully and maliciously solely to extort, harass and to embarrass Mr. Brooks and to cause great expense and injury to him."

Brooks is also seeking punitive damages in the suit, pointing to the recent **\$2.3 million verdict** against Halpern and a client in another case over frivolous litigation. In that case, former Cozen O'Connor partner John Brown won a \$1.75 million punitive award against Halpern and his firm in January 2016. Another \$300,000 was awarded against Halpern's client, and the verdict was rounded out with \$250,000 for reputational damage and emotional distress.

"Lest there be any doubt about the veracity of Mr. Brooks' account, it is quite clear that defendants Halpern and Halpern & Levy PC are serial offenders and their actions warrant the imposition of punitive damages," he said.

According to Thursday's complaint, Garrick — represented by Halpern and his old firm — sued Brooks in the Bucks County Court of Common Pleas in 2014, seeking almost \$66,000 in damages stemming from two outstanding personal loans. That complaint said Garnick loaned Brooks \$4,000 in 2003 and another \$30,000 in 2004.

Garnick said in that complaint that Brooks never repaid any of the 2003 loan, and made several payments but ultimately defaulted on the 2004 loan

But in Wednesday's suit, Brooks pointed to details from discovery in the underlying case indicating that both loans were hazy on documentation. He said the discovery information also revealed that Garnick last attempted to collect on the 2003 loan in 2006 or 2007, and that Brooks made his last payment on the 2004 loan in 2006.

Brooks also argued that he never made any acknowledgement of plans to repay the debt, which would have served to toll the four-year statute of limitations on breach of contract claims in Pennsylvania.

Consequently, after Garnick filed his 2014 suit, Brooks said his attorney wrote Halpern to question the basis for the lawsuit, making clear it was barred by the statute of limitations.

After litigating the case for several years, a Bucks County judge ruled in Brooks' favor in 2016 and threw it out, according to the complaint. Garnick then filed what Brooks called a "ridiculously untimely" appeal to the state's Superior Court, before withdrawing it in January 2017.

Brooks asserted one count of wrongful use of civil proceedings and one count of misuse of process under common law, along with the bid for punitive damages.

Accusations that Halpern engaged in further frivolous litigation are key to **a third lawsuit** involving the suburban Philadelphia attorney. He has sued prominent Philadelphia litigator George Bochetto for falsely testifying in the Brown suit that he had been approached multiple times about potential claims against Halpern over allegedly abusive litigation tactics.

Halpern told Law360 on Thursday that he had not seen the complaint and an attorney for Brooks did not immediately respond to a request for comment.

Brooks is represented by Jeffrey Campolongo of the Law Office of Jeffrey Campolongo and Scott Pollins of Pollins Law.

Counsel information for Halpern was not immediately available on Thursday.

The case is Brooks v. Halpern & Levy PC et al, case number 180303287, in the Philadelphia County Court of Common Pleas.

--Additional reporting by Matt Fair. Editing by Stephen Berg.