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## David Boies Involved in Dispute Over His Movie Investment

"We were up against someone who was not only a business person, but a highly skilled trial lawyer," said attorney Alan Rose, shareholder at Mrachek Law in West Palm Beach.

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Litigation



Lisa Willis



The movie might have been a bomb, but the result at trial was anything but for a South Florida team of attorneys going up against a production company owned by David Boies, an attorney at one the most powerful law firms in the country.

The case was decided via bench trial in a final decision rendered through a voluntary trial proceeding before Judge Peter Blanc, as trial resolution judge under the jurisdiction of the Palm Beach County Circuit Court.

This is one of the first cases under the judge's [new mediation firm](#) since he left the circuit bench.

Blanc is a Florida Supreme Court-certified circuit mediator and retired Palm Beach Circuit Court judge. New Florida laws allow for this type of proceeding to take place in lieu of usual court proceedings when both parties agree.

Tal Lifshitz, a partner in Kozyak Tropin & Throckmorton's complex litigation department in Coral Gables was part of the team that just won the case, along with co-defense counsel L. Louis Mrachek and Alan Rose.

"How do you defend a case where it's a 'he said, she said' when the person on the other side is one of the most prominent well-known lawyers in the country?" Lifshitz said.

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Lifshitz and co-counsel represented the defendants, Impala Partners, Scott Pictures Management, Motion Picture Ventures, Scott Pictures and Peter Nathaniel, a 25% owner of Impala who headed up the investment advisory firm accused of fraudulent or negligent misrepresentations, court documents showed.

"When you deal with somebody like this, where you have one discussion in a restaurant lounge, and then four years later, you get sued, ... never having the opportunity to talk about it," Lifshitz said. "They pretty much could make up any story that they want to make up."

### **Underlying Dispute Over a Movie**

The plaintiffs, listed as Boies Schiller Film Group LLC and BSFG V1, both Nevada companies, were seeking more than \$10 million in repayment for their investment in the film venture, which did not perform to expectations.

## [Click here to read the full complaint](#)

Lifshitz said it was a gamble that the high-profile lawyers on the opposing side lost.

“David [Boies] openly admits he likes gambling. David testified, Zack Schiller testified. From their perspective, they were led to believe that there was a commitment on the part of Nathaniel and Impala to put this money in,” Lifshitz said. “From our perspective, they rolled the dice, and they didn’t get the result they wanted, and then after the fact, they came back to try to get a recovery.”

David Boies and Zack Schiller did not respond to requests for comment.

The case involved a legal dispute between the producers of the 2015 Natalie Portman Western film titled “Jane Got a Gun,” where noted attorney and film producer David Boies and film producer Zack Schiller and their production arm, the Boies Schiller Film Group, filed suit in an attempt to get their investment in the film returned, according to court records.

Blanc ruled in favor of the defendants after listening to both sides of the argument.

“Witnesses for both sides appeared to testify truthfully. Sometimes in critical conversations, the listener hears something different from what the speaker says,” the judge noted in his ruling. “The significant passage of time that occurred herein between March 14, 2013, and the institution of litigation may cloud the memory even more, and exacerbate the potential for error. Importantly, if our memory deceives us, we are generally not aware of the error.”

Blanc continued, “Because, there is no contemporaneous documentation, such as a confirmatory e-mail, letter, text, demand or any other document supportive of the accuracy of BSFG’s recollection in this record, it is the finding of this court that plaintiffs have not met their burden of proof on the alleged March 14, 2013 funding promise by Nathaniel in regard to equity funding by Impala.”

## **Up Against a Highly Skilled Lawyer**

In celebrating the victory Rose said, “One of the challenges of defending the case is we were up against someone who was not only a business person, but a highly skilled trial lawyer,” referring to Boies, who had family members involved in the production of the movie. Zack Schiller is the son of Jonathan Schiller.

However, the matter isn’t quite over.

The attorneys said the plaintiffs filed an appeal, but the defense feels confident about prevailing.

Attorneys for the plaintiff are listed as Gregory Coleman and Santo DiGangi of Critton, Luttier & Coleman in West Palm Beach, and Steven N. Zack, Tyler Ulrich and Kristina Infante of Boies Schiller & Flexner in Miami. None of the lawyers responded to calls for comment by press time.

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