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TOP WOMEN LAWYERS



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Practice type: Litigation

Specialty: Complex Business and Consumer Class Action

Mired in the details of a complex business fraud case, Henry had to remind herself of one thing as she headed to trial.

“I had to pull back and understand that the audience that would be hearing the case had not been living with the case for three years like I had been.”

It’s safe to say that her approach paid off. Her client, State Compensation Insurance Fund, was awarded a jury verdict of more than \$300 million *State Compensation Insurance Fund v. Onvoi Business Solutions Inc.*, Select Personal Services Inc., CGC 04-470352.

The defendants in the matter were Select Personal Services Inc., the state’s largest temporary staffing company, and Onvoi Business Solutions. Select did not have an insurance policy with the State Fund but conspired with Onvoi to trick the State Fund into providing workers’ compensation insurance without paying the fair premium, the fund claimed.

The case didn’t get off to an ideal start. Before the trial phase, the trial court summarily adjudicated the fraud cause of action in favor of Onvoi, finding that the claim was time-barred. Henry filed a writ of mandate to the First District Court of Appeal, which subsequently reversed the superior court *State Comp. Ins. Fund v. Superior Court* (2010) 184 Cal. App. 4th 1124.

“That paved the way to go to trial on the fraud causes of action,” said Henry. “It was technically only about Onvoi, but that was part of the reason why we were able to go to trial against Select, as well.”

The jury would end up ruling in favor of the State Fund on every count, awarding tort damages of \$30 million, discretionary interest of \$18 million and punitive damages of \$4 million. The jury also awarded contract damages of \$30 million and statutory damages of \$301 million.

Henry needed to alter her approach slightly, given that in fraud causes of action it is up to the jury’s discretion, not the judge’s, to award interest.

“I tried to think about explaining the entire case to someone that had never had workers’ compensation insurance, that didn’t have any auditing background, that maybe didn’t even know what workers’ compensation insurance was,” said Henry.

Henry has spent her entire career at Sheppard Mullin, beginning as a summer associate in 1996. She has represented mortgage companies, insurers, financial institutions, technology companies and other businesses against claims of Unfair Competition Law and Advertising Law violations under Section 17200 and 17500 of the Business and Professions Code. Henry also co-leads Sheppard Mullin’s consumer class-action team.

— Ryne Hodkowski