

# dbbr DAILY BUSINESS REVIEW

## VERDICTS & SETTLEMENTS

# MIAMI ATTORNEYS HELP GET \$1.8M AWARDED TO WOULD-BE MOVIEMAKER

**Case:** Massimo Alvarez and Max Pictures v. Silvio Sardi et al.

**Case Number:** 08-17395CA8

**Description:** Breach of fiduciary duty and fraudulent inducement

**Final judgments after default:**

\$1.12 million, \$486,157 and \$200,747

**Filing date:** April 1, 2008

**Final judgment:** June 9, 2010

**Judge:** Miami-Dade Circuit Judge Gisela Cardonne Ely

**Plaintiff attorneys:** Richard Barbara and Hugo Alvarez, Alvarez & Barbara, Miami

**Defense attorneys:** Brett Feinstein, Stratton & Feinstein, Miami

**Details:** Barbara said his Italian client, Massimo Alvarez, invested more than \$2 million with Silvio Sardi, an independent Miami filmmaker.

The investments were allegedly for Alvarez to serve as executive producer of such motion pictures as "Speed Kills," "Johnny Too" and "Thunder Man: The Don Aronow Story," a biopic about the pioneering speedboat designer and racer who was murdered in Miami in 1987. But Alvarez became concerned that the alleged film costs were being inflated and that the deal was a fraud.

Alvarez filed suit against Sardi and several of his companies in Florida, where the companies were based and the



JILL KAHN

Richard Barbara, left, and Hugo Alvarez of Alvarez & Barbara law firm of Miami represented plaintiff Massimo Alvarez of Italy, who suspected the costs of three films he invested in were wildly inflated.

money was wired.

**Plaintiff case:** Sardi wildly inflated the cost of projects, saying, for example, that "Thunder Man" was going to cost \$1 million to make when it actually cost less than \$300,000. Also, while one film was partially made — and narrated by actor Andy Garcia — none was completed.

**Defense case:** Brett Feinstein of Stratton & Feinstein in Miami, the last of several attorneys for Sardi, withdrew from the case and was unavailable for comment.

According to Barbara, Sardi testified in a deposition that all he promised Alvarez was "the

eventuality of a movie" and the right to a fraction of distribution rights.

**Outcome:** After two attempts at mediation failed and Sardi did not show up for the third one, the judge entered a final judgment after default against three Sardi companies.

The judgments were for \$1.12 million against Buena Onda Americas, \$486,157 against Downtown NYC Productions and \$200,747 against Don Aronow Documentary Production. All amounts included 6 percent interest.

**Quote:** "I think the court got it right," Barbara said. "It's an

extreme remedy to strike pleadings and enter judgment. But when you have a defendant that wastes the parties' time, the court has to do what the court has to do. The defendant did not keep his promises, so he has to pay the consequences."

**Post-verdict:** The case remains pending against other defendants.

Sardi did not appeal the judgments within the 30-day window.

Barbara said he plans to seek a Range Rover owned by Sardi and other assets. "I'm optimistic we will get some fraction of the judgment," he said.

— Julie Kay