

Stephen R. Cornwell

From: Stephen R. Cornwell
Sent: Friday, November 03, 2017 11:42 AM
To: 'jsalven@izonemail.net'; 'tgmanfredo@earthlink.net'
Cc: 'David Moeck'
Subject: Mario Guerra and Daniel Canchola

Jim and Trudy

I write to you as the trustees of Guerra and Canchola. You own their rights to pursue any bad faith rights they have against Infinity Insurance arising out of the crash in June of 2013.

As you know I pursued your clients after being allowed to pursue any insurance policy proceeds by the BK court. I did that which resulted in an agreement with the attorney for the insurance company, Infinity Select. There are a few issues to resolve in the Superior Court regarding costs. We are filing a cost bill, the court will decide what costs we are entitled to and this will then be added to the agreed amount of the presumed judgment we obtained in Superior Court. I say presumed because there is no actual judgment, it is presumed in the Agreement that I have with the insurance company. At that point I intend to pursue Infinity for bad faith.

The debtors have their own claims against Infinity. I cannot represent them. There are numerous reasons why the most practical of which is it is unseemly for me to mix together the heirs of Marsha LeDuc and the persons responsible for her death. Many conflicts could arise as well.

I have spoken in considerable detail with David Moeck. David is perfect for the debtors and he is willing to accept their representation to pursue their bad faith rights. They are entitled to their damages for emotional distress and any punitive damages. I am willing to work with him on a basis that I would hire the expert we need along with taking the depositions and pay for them. In other words I would do the heavy lifting cost wise. David would work with me. Your debtors are now bankrupts and have that on their record for ten years because Infinity did not recognize its obligation to pay my \$750,000 demand to settle. The law in California requires that a commercial vehicle has to have \$750,000 in coverage if its gross vehicle weight rating is over 10,000# which this vehicle was. Infinity had issued a policy with limits of \$25,000/\$50,000. The policy has a provision in it that it conforms to the law of the state in which it writes the coverage. I contend that the policy is effectively amended to reflect the \$750,000 limits. If I am right then my clients and the debtors have an arguable bad faith claim. From the debtors standpoint if Infinity had resolved the claim they would not have filed BK and suffered considerable anxiety and emotional distress in having to face that potential liability, fund the cost for a bankruptcy and now be saddled with being BK. None of that should have happened.

So, I have found a very good lawyer with experience in bad faith and he is willing to work for Guerra and Canchola. I would invite Dave to email you to the end that you could make the suitable arrangements for him to proceed on the bad faith claim.

If there are any questions, please advise.

Steve C

Stephen R. Cornwell
Cornwell & Sample, LLP
7045 No. Fruit Ave.
Fresno, CA 93711
(559) 431-3142
(559) 436-1135 (fax)
steve@cornwellsample.com

Stephen R. Cornwell

From: Stephen R. Cornwell
Sent: Tuesday, June 19, 2018 11:09 AM
To: Trudi Manfredo
Subject: RE: Guerra & Canchola

Whatever lawyer represents you and Salven, we need to deal with the assignment of part of the insured's (Guerra and Canchola) rights against Infinity and join you as plaintiffs. See Dorroh v. Deerbrook 9th circuit appeal of Ishii and Essex v. Five Star 38 C4 1252. I will send you the Dorroh and Essex cases. As I understand it, the insureds have no liability for the large judgment that I have against them. But I believe their right to assign the assignable rights survive and they have their own personal claims for emotional distress, defamation and perhaps fraud that survive and belong to them personally which you now own as trustee. This could be very substantial. As consideration for the assignment of the rights to my clients I will agree to indemnify the trustees from any taxable costs incurred should we lose but I do not believe it is losable. This assignment to my clients is vital to moving ahead with the case. I have several claims to assert. First, the policy is really \$750,000 by law and so Infinity owes that money to my clients because the insureds had that coverage for the death of Marsha, etc. I am also entitled to attorneys fees under Brandt v. Superior Court 37 C3d 813. I also claim that I can collect the excess of my judgment over the \$750,000 based on the implied covenant of good faith and fair dealing. As assignment is preferable but not vital for me to do that under what is known as the Hand v. Farmers case.

I originally talked to David Moeck who was enthusiastic. I think he still is but he had two trials in the last 60 days and it puts you behind. Another excellent lawyer with a lot of insurance experience and a trial lawyer is Jim Wilkins. Jim is interested in the case. So you have a choice. You may want to give Jim a call to see if you would like to meet with him. He has tried many bad faith claims and in fact has two or three pending against Infinity right now. Jim's phone is 438-2390.

I will send you the two cases mentioned. Jim will know these cases inherently from his practice.

Steve

Stephen R. Cornwell
Cornwell & Sample
7045 No. Fruit Ave.
Fresno, CA 93711
(559) 431-3142
(559) 436-1135 (fax)

From: Trudi Manfredo <tgmanfredo@gmail.com>
Sent: Sunday, June 17, 2018 11:02 AM
To: Stephen R. Cornwell <Steve@cornwellsample.com>
Cc: d.moeck@qkffirm.com; tgmanfredo@earthlink.net
Subject: Re: Guerra & Canchola

I still have not heard from Attorney Moeck.

Regards,
Trudi G. Manfredo
Chapter 7 Trustee

On Tue, Jun 12, 2018 at 1:58 PM, Stephen R. Cornwell <Steve@cornwellsample.com> wrote:

David

Trudi and I spoke to today on the issues. Somewhat complicated because we know torts and she knows that otherworld of BK. We need to meet.

If you find you are too busy please let me know.

Steve

Stephen R. Cornwell

Cornwell & Sample

7045 No. Fruit Ave.

Fresno, CA 93711

(559) 431-3142

(559) 436-1135 (fax)

Trudi G. Manfredo
377 W. Fallbrook Ave., Ste. 102
Fresno, CA 93711
ph. 559-242-5577
fax 559-513-8148

Stephen R. Cornwell

From: Trudi Manfredo <tgmanfredo@gmail.com>
Sent: Friday, September 21, 2018 6:12 AM
To: Stephen R. Cornwell; Russell Reynolds; Jim Salven
Subject: Guerra

Hello Steve,

I am in a conference today. Russ Reynolds is handling employing special counsel for us. I have asked him to call you today and give you an update.

Trudi

Trudi G. Manfredo
377 W. Fallbrook Ave., Ste. 102
Fresno, CA 93711
ph. 559-242-5577
fax 559-513-8148

Stephen R. Cornwell

From: Russell Reynolds <rreynolds@ch-law.com>
Sent: Friday, September 21, 2018 7:30 AM
To: Trudi Manfredo; Stephen R. Cornwell; Jim Salven
Subject: RE: Guerra

Good morning Steve.

When would be a good time to call this morning?

Russell W. Reynolds
Coleman & Horowitz, LLP
499 W. Shaw Ave., Ste. 116
Fresno, CA 93704
Phone: (559) 248-4820
Fax: (559) 248-4830
rreynolds@ch-law.com

Visit us online at www.ch-law.com

Offices also in Los Angeles

CONFIDENTIALITY NOTICE: The information contained in this e-mail is intended only for the personal and confidential use of the recipient(s) named above and is legally privileged. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is STRICTLY PROHIBITED. If you have received this e-mail in error, please notify us immediately by forwarding this to rreynolds@ch-law.com, or by telephone to (559) 248-4820 or (800) 891-8362 and destroy the original transmission without reading or saving it in any manner. Thank you.

For your protection: You should carry out your own virus check before opening any attachment. We accept no liability for any loss or damage that may be caused by software viruses or interception/interruption of this e-mail. If you would like additional information regarding Coleman & Horowitz, LLP, please go to www.ch-law.com.

From: Trudi Manfredo [<mailto:tgmanfredo@gmail.com>]
Sent: Friday, September 21, 2018 6:12 AM
To: Stephen R. Cornwell; Russell Reynolds; Jim Salven
Subject: Guerra

Hello Steve,

I am in a conference today. Russ Reynolds is handling employing special counsel for us. I have asked him to call you today and give you an update.

Trudi

--

Trudi G. Manfredo
377 W. Fallbrook Ave., Ste. 102
Fresno, CA 93711

ph. 559-242-5577
fax 559-513-8148

Stephen R. Cornwell

From: Russell Reynolds <rreynolds@ch-law.com>
Sent: Friday, February 15, 2019 7:31 AM
To: 'Walter, Riley'; Fear, Peter L. ; Salven, James E.
Cc: Stephen R. Cornwell; David Moeck (david@qkffirm.com); Morgan, JuliAna
Subject: RE: Cornwell

Sounds good. Thank you.

Russell W. Reynolds

Coleman & Horowitz, LLP
499 W. Shaw Ave., Ste. 116
Fresno, CA 93704
Phone: (559) 248-4820
Fax: (559) 248-4830
rreynolds@ch-law.com

Visit us online at www.ch-law.com

Offices also in Los Angeles

CONFIDENTIALITY NOTICE: The information contained in this e-mail is intended only for the personal and confidential use of the recipient(s) named above and is legally privileged. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is STRICTLY PROHIBITED. If you have received this e-mail in error, please notify us immediately by forwarding this to rreynolds@ch-law.com, or by telephone to (559) 248-4820 or (800) 891-8362 and destroy the original transmission without reading or saving it in any manner. Thank you.

For your protection: You should carry out your own virus check before opening any attachment. We accept no liability for any loss or damage that may be caused by software viruses or interception/interruption of this e-mail. If you would like additional information regarding Coleman & Horowitz, LLP, please go to www.ch-law.com.

From: Walter, Riley [<mailto:rileywalter@W2LG.com>]
Sent: Friday, February 15, 2019 5:09 AM
To: Russell Reynolds; Fear, Peter L. ; Salven, James E.
Cc: Cornwell, Steve; David Moeck (david@qkffirm.com); Morgan, JuliAna; Walter, Riley
Subject: Cornwell

I have now had an opportunity to go over the matter with Steve Cornwell. He has concluded that he will go his own way and he will proceed to bring such action as he believes he is legally entitled to bring on behalf of his clients. He is not asking for an assignment of any right from the bankruptcy trustees.

He is not willing to fund all of the expert witness fees, deposition costs and etc. He believes that he and the estates' special counsel will be able to work this out between them.

If you have any questions, please let me know.

Riley C. Walter

Walter Wilhelm Law Group,
a Professional Corporation
205 E. River Park Circle, Suite 410
Fresno, CA 93720

rileywalter@W2LG.com
559.490.0949 Direct
559.435.9800 Phone
559.435.9868 Fax
www.W2LG.com

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing, or recommending to another person any transaction or matter addressed herein. Furthermore, this e-mail transmission and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. Do not read this e-mail if you are not the intended recipient. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distributing or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone at 559/435-9800 and destroy the original transmission and its attachments without reading or saving it in any manner. Thank You.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply email and delete the message and any attachments.