

Summoning some common sense into the courtroom

Smoker told to pay for suing youth league

I bring you a little early Christmas present from the halls of justice today that should gladden the hearts of even the grinchers among us who figure the legal system has run amok.

There is a glimmer of hope.

Los Angeles Superior Court Judge Enrique Romero struck a blow for sanity, fairness and common sense recently when he dropped the gavel on a guy who filed one of the more frivolous lawsuits to come out of our area in 1996.

The guy's name is Robert Westbrook and, as I wrote back in June, he was suing the North Valley Youth Baseball League for \$25,000 on his son's behalf because of the "emotional distress" the boy suffered when league officials and coaches ordered the father to stop smoking near his son's baseball team or leave the game.

The league wanted Westbrook to take his smoking butt about 25 feet from the field, where no one was standing.

"All we asked him to do is what every



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other smoking father does: walk away from the field and bleachers so the smoke won't bother anyone," said league President Stu Goodman.

Westbrook refused, and a little verbal warfare and chest thumping broke out. A few days later, Westbrook sent a letter to league officials threatening to sue unless they apologized, removed all signs prohibiting smoking, and designated smoking and nonsmoking bleachers.

League officials shook their heads and laughed. Westbrook hired an attorney and sued. The matter wound up in

Romero's court.

Joshua Ritz, the league's attorney, filed a demurrer in the case — basically saying that he read the allegations in the lawsuit and thought they had more holes in them than the front line of the old Anaheim Rams.

Romero agreed. He asked Westbrook and his attorney, Robert J. Frank of Encino, to fill those holes with some legal substance.

When they couldn't, the judge held them jointly liable for all costs in the case for "violating Section 128.7 of the California Code of Civil Procedure by presenting to the court a claim not warranted by any existing law and by advancing arguments . . . that are frivolous and without any legal foundation."

Give or take a few dollars, Westbrook and his attorney will be paying Ritz, the court and the league about \$2,500 or 10 percent of the \$25,000 they were suing the league for.

"We don't agree with what the judge did, but it may be wise to just let the matter go, although we haven't made a final decision yet," Frank, Westbrook's attorney, said Thursday.

Ritz, the league's attorney, thinks Judge Romero has sent a much-needed message to those who may be thinking of filing frivolous lawsuits.

"At least in this courtroom, this judge is saying that he's going to scrutinize them very carefully, and there better be something there," Ritz said.

So, let's hear it for Judge Romero and Section 128.7. for putting some legal common sense under the tree for us this year.

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They're coming down to the wire at El Centro de Amistad, the Center of Friendship, one of the oldest and most worthwhile charities in the Valley.

On Tuesday afternoon, Christmas Eve, from 500 to 600 local needy families from the West Valley will line the

street in front of the Canoga Park center for the annual Christmas basket that turns what could be a sad time of year into a happy one for many kids and their families.

The center has collected plenty of toys for the kids this year, but they're lagging badly on filling those baskets with enough food to make it a great Christmas dinner for these families.

"A couple of canned goods, a bag of beans, a canned ham, chicken or turkey, and a family can have a feast on Christmas Day," said Angel Perez Jr. who runs the center.

If anyone wants to donate some food, especially canned hams, the center at 7024 Deering Ave. in Canoga Park, and a satellite center at 568 S. Brand Blvd. in San Fernando will be open all day Saturday and Monday and until noon Tuesday to accept food donations.

Dennis McCarthy's column appears Tuesday, Thursday, Friday and Sunday.