

## Judge orders KUSI to pay nearly \$2.38M in attorney fees for former anchor Sandra Maas



Former KUSI anchor Sandra Maas, right, smiles as attorney Josh Gruenberg whispers to her during closing arguments at the Hall of Justice in downtown San Diego on March 8, 2023.

(Kristian Carreon/For The San Diego Union-Tribune)

### SAN DIEGO —

Five months after a San Diego jury awarded former news anchor Sandra Maas nearly \$1.8 million, finding KUSI owners violated equal pay laws, the trial judge said the owners must also pay her attorneys nearly \$2.38 million for their fees.

Her attorneys say the fee they will be paid is too low. The station's attorney say it is too high. Both sides said this week they are either appealing the ruling or considering doing so.

Among the issues at hand was whether the fees should include extra money because the plaintiff's firm took the case on contingency.

Maas' attorney, Josh Gruenberg, asked the judge to award \$3.9 million in fees, which multiplied the \$2.7 million fee by 145 percent. He said Tuesday that because his firm took the labor-code violations case — an inherently risky legal fight, he said — it should be compensated for that, as the law allows for.

San Diego Superior Court Judge Ronald Frazier, who oversaw Maas' trial, agreed that the station should pay attorney's fees, but at a lesser amount than the proposed \$2.7 million. He also rejected the request to tack on the multiplier.

Frazier said in a five-page ruling last week that he "performed an extremely detailed analysis of the disputed hours" and exercised his best judgment in coming up with the amount.

The judge said his decision took into account a review of the evidence and his "knowledge and familiarity with the San Diego legal community" in coming up with amounts.

In saying no to multiplying the fees, Fraizer said the hourly rates were commensurate with other attorneys in employment cases, and that those rates "take into account the risk and delay in payment."

On Tuesday, Gruenberg said the amount was not fair in light of the assumed risk in a case that took four years to get to trial, and he is considering appealing the ruling. He noted his firm has not been paid yet for their work, as is normal in contingency cases.

He pointed to testimony that the defense was paid \$1.9 million — whether they win or lose the case. However, plaintiff attorneys only get paid if they win in contingency cases. And if the plaintiff attorney gets paid less than \$2.4 million, that difference is too small to compensate an attorney for the risk of taking a contingency case.

The law allows for plaintiff attorneys to seek fees from the defense in employment cases. Gruenberg said the firm does not take a cut of the money awarded to Maas.

In March, a San Diego jury found the TV station had violated equal pay laws by paying Maas substantially less than her longtime co-anchor. But they rejected her gender and age discrimination claims.

Maas was awarded nearly \$1.8 million from the company that owns KUSI. The jury awarded her \$200,000 for the equal pay claim (which was doubled to \$400,000 under the law), plus nearly \$1.3 million for past and future lost wages, and \$80,000 for emotional distress.

Her attorney had asked the jury to award her closer to \$8 million in lost earnings, emotional distress and other damages.

In court documents, KUSI attorney Kenneth Fitzgerald called the jury's award a "Pyrrhic victory" — a win, but the losses outweigh the gains.

Fitzgerald argued that Maas lost some of her claims at trial, and the fee award should reflect that loss, as well.

"We felt that the fee should be cut further based on the limited success," he said Wednesday.

Fitzgerald has already filed notice that the station intends to appeal the ruling over attorney fees.

Aside from the battle over fees, KUSI has filed notice that it plans to appeal the trial decision. Fitzgerald said that briefing will be filed within a few months.