

Chapter 18 Closing Jury Arguments in a Satellite Dish Door-to-Door Scam

Tom Methvin began his legal career with Beasley, Allen in 1988 representing people who have been victimized by consumer fraud. He pioneered many legal theories that are still in use today throughout the country. Some of these theories include lender liability causes of action known as "loan flipping," "insurance packing," and "yield spread premiums." He also became a national spokesman for the rights of consumers and for the law which applies to such rights. He was the lead attorney in a landmark case involving a door-to-door sales and finance scam which resulted in a settlement of \$581 million dollars. As a result of this litigation, the finance company in question ceased to be involved in such activities in the state of Alabama.

Since 1998, Mr. Methvin has been the managing shareholder of Beaseley, Allen. As a result of his reorganization of the firm, each lawyer has been allowed to focus on certain types of cases and to be on the cutting edge in their fields of expertise. He has helped Beasley, Allen, to become a national powerhouse in representing victims of wrongdoing.

Tom was recently named by the Montgomery Advertiser newspaper as one of the "Top 40 under 40." This is a list of the top 40 business people in Central Alabama under the age of 40.

Tom has authored numerous papers including "The Law of Unfair Competition—A Plaintiffs Perspective," "Business Torts from a Plaintiffs Perspective," "Preparing Yourself to Take an Experts Deposition," "Consumer Fraud Class Action: A Plaintiff's Perspective," "Damages, Theories & Trial Strategies," "The Workup of a Debit Insurance Fraud Case," "Mortgage Fraud", "Winning and Collecting Big Verdicts Against Fringe Market Sellers," "The Workup of a Consumer Credit Fraud Case," "Alabama's Poverty Industry," "Fraud in Alabama," "Binding Arbitration and Its Effect on Consumer Finance Cases," "When Business Needs a Trial Lawyer," "Negotiations and Settlements of a Civil Action from a Plaintiffs Perspective," and "Alabama—The Arbitration State."

Tom is on the Board of Alabama Trial Lawyers for Children and the Cystic Fibrosis Advisory Panel. He also serves on the Board of the Let God Arise Ministries. Tom is married to the former Amy Agee of Birmingham and they have two sons. He attends church at Christ Community Church in Montgomery. He can be reached at Beasley, Allen, Crow, Methvin, Portis, & Miles, P.C., P.O. Box 4160, Montgomery, AL 36130, (334) 269 2343, fax: (334) 954 7555.

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is a graduate of the University of Alabama Law School: (J.D., 1995) and Auburn University (B.I.E., 1990).

LaBarron concentrates his practice in product liability, consumer fraud, and personal and injury. He is the recipient of the "Chairman's Award of Excellence" presented by MCDC Young Democrats on September 28, 2000. He is a lecturer for The Association of Trial Lawyers of America. He was president of Kappa Alpha Psi Fraternity. He was featured in the April 2001 edition of the Kappa Alpha Psi Journal discussing the law on how it related to consumer issues. LaBarron was also featured in the December 1999 issue of Jet Magazine involving victories for consumers regarding the two cases he tried resulting in verdicts of \$581 and \$116 million in the Merriweather v. Whirlpool and Aultman v. Terex Telelect cases respectively. A cover story was done on LaBarron in the Urban Metro June 2000 issue titled, "Lawyer Makes Big Strides in Alabama's America's Community." He was the 2000-2001 President of the Capital City Bar Association and also serves as president of the Alabama Lawyers Association.

This chapter is the consumers' closing argument from a case in which the jury awarded \$581 million in damages for fraudulently selling satellite dishes door to door. The closing argument emphasized the fraud perpetrated by the defendants: telling their door to door victims that they would only have to make payments for three years when the documents provided for payments for four years and four months. It was pointed out that the documents provided for payments totaling \$1800 when the satellite dish was only worth \$199. The argument emphasized that in addition to the plaintiffs, there were hundreds of other victims in the state-the defendant testified that they received thousands of complaints at their national headquarters each week. It emphasized that a significant award was necessary to send a message to the board of the defendant and the other companies selling door to door in the state.

CLOSING ARGUMENT

BY MR. METHEVIN:

Before we start closing, I'd like to read the jury the stipulation we had where both parties agreed. Ladies and gentlemen of the jury, this can be taken as evidence. And the parties have agreed that if the [REDACTED] and [REDACTED] had made all their payments on time, and had not had any new charges, that the satellite dish would have been paid off in four years and four months. That's evidence in this case.

May it please the Court. Ladies and gentlemen of the jury, you know now what has taken us two years to uncover in this case. Very simple. This is a big case. It was a big case for several reasons. It's a big case because really it's a test case. No satellite dish fraud case against a finance company has gone to the jury in Alabama in the history of Alabama. This is the first one. And that is why the jury system is so important in this case.

As I told you earlier, the jury system is the thing that sets America apart from other countries. It is the only place where folks can really get justice. Especially folks who have been victimized by widespread cheating and predatory lending practices like this crowd has perpetrated. And that is why those in corporate America today are trying to take away the right to trial by jury. They're trying to do it in what they call tort reform. They're trying to do it in arbitration agreements, by when you sign a document, you can't go to

1 a jury. Because they know this is the only place where there's
2 consumer protection, where the twelve people on this jury have the
3 same power as the folks over there and the folks up in Michigan in the
4 boardroom that are making the decisions to run Whirlpool. Y'all are
5 on a level playing field. And that is the duty of jury system. And
6 that's why I told you before that Whirlpool is scared. They have not
7 faced a jury before for what they've done. And it's time for them to
8 face a jury. And it's time for them to let a jury pass on what
9 they've done.

10 And it's a big case for other reasons. This case is going to
11 have impact, what you do. What you say is going to have impact on the
12 entire finance dish finance -- Excuse me. It's going to have an
13 impact on the entire industry of door-to-door sales and financing.
14 There are folks going through the community right now in this county
15 and other counties selling Kirby vacuum cleaners, selling furniture,
16 selling alarms, selling satellite dishes. All going into people's
17 homes and signing them up on documents, and getting them hooked on
18 payments. And there's a lot of fraud involved in those. And a lot
19 of people have been victims of that.

20 In fact, yesterday there was some lawyers here from California
21 that represent a company, a bank called Fidelity Bank that has been
22 sued for financing Kirby in this area. And they're here to watch.
23 And they were keeping a close eye on this.

24 So what y'all do is not just going to affect Whirlpool, this
25 predatory crowd over here, or the whole industry, it's going to affect

1 the entire door-to-door sales and finance industry. And I'm going to
2 ask you to do justice in this case. Because when the case is over,
3 I'm going to make a suggestion to you that you send a message to
4 Whirlpool, to other finance companies, to all the door-to-door crowd
5 that says, "a jury in Hale County has heard what y'all have done, and
6 we don't like it. And we say you ought to stop, and you ought to go
7 back and make it right".

8 They on the other hand of course are going to ask for you to put
9 your stamp of approval and say what they've done is okay. Because
10 they're going to have to make a phone call. There's the corporate in-
11 house lawyer for Whirlpool Corporation sitting right there on the
12 first row(indicating). He's going to have to make a phone call right
13 after this jury comes back back to Michigan to say, "we got away with
14 it. We can keep on doing what we're doing". Or he's going to have
15 to say, "they've told us to stop. Let's bring this up at the next
16 board meeting. Let's see if we ought to check out these dealers a
17 little bit more. Let's see if we ought to tell others in the industry
18 to learn from what happened to us. They ought to check out their
19 dealers. Let's see if maybe we ought to find out if folks are being
20 victimized. And if they are, maybe we ought to go back and fix it".

21 Now, you know now that this is a flim-flam. Mr. [REDACTED]
22 sitting right there on the front row said it better than anybody
23 could. He's not here now, but he was here on Monday. He said this
24 is a flim-flam. And it is a flim-flam. It is a flim-flam from the
25 very top of it. It ain't one flim-flam, it's thousands of flim-flams.

1 They did not just through Gulf Coast Electronics, they did it through
2 at least four dealers that you've heard people testify about in here.
3 You've heard witnesses say they dealt with Telestar, Centevision,
4 Aroryck, several other ones. All told the same lie through different
5 dealers. And you know now that it's not an isolated case. In fact
6 it's everywhere. It's running rampant. And you saw when I
7 highlighted this map after Mr. [REDACTED] testified.

8 And, look, he's got nothing to gain or lose in this case. He's
9 not a party. He's not asking for anything. He sat up there and
10 raised his hand and swore to tell the truth. And he told you that
11 people have been victimized in everyone of these counties that I have
12 written in red. He knows of approximately two hundred folks out there
13 right now that have got Whirlpool satellite dishes that they're making
14 payments on, and they think that they're supposed to pay for three
15 years, and that's a lie.

16 He also told you that he told Whirlpool some of these problems.
17 And what did they do. What do you expect them to do. This crowd's
18 out there to make money, make a profit. They're closing their eyes
19 while that money is sucking out of Alabama like a tick, just coming,
20 coming, coming. And I don't think they're going to change their ways
21 unless you do something about it. Also you see there are other
22 counties where people testified from, Gulf Coast Electronics in
23 Mobile, people from Montgomery, people from Tuscaloosa. And so you
24 see this is not really the case of these victims right here. This is
25 a case of all people that have been victimized by this. And it's a

1 scam, and it is a scheme, and it's a flim-flam. And they know it.

2 And when they get up here in their part of closing statement, I
3 want them to tell you why what they did is not wrong. They can't do
4 it. They can't do it, because everybody knows it's wrong. Everybody
5 in this courtroom knows it's wrong.

6 Now, you also saw, in addition to the two hundred folks that have
7 been victimized out there, you saw fifty-nine lawsuits where people
8 have filed suits against them in the state of Alabama, and public
9 records, and said, "Whirlpool you have cheated me too. You have come
10 into my house through your dealers and lied to me". Did that slow
11 that crowd down. Not one bit. That put them on notice there was a
12 problem. What did they do, turned that head. In the mean time, they
13 kept taking those dollar bills in. This is, there's no question about
14 it, predatory lending.

15 Predatory lending. I asked them if they had ever heard of that,
16 and everybody said, "oh, no, I've never heard of that". When you
17 charge somebody \$1100.00 plus 22 percent interest rate, that means
18 they're going to have to pay \$1800.00 for that satellite dish over
19 time. And you heard Mr. [REDACTED], who ain't got nothing to gain or
20 lose in this case, tell you how much a satellite dish costs in 1995,
21 \$199.00. But yet why should these folks have to pay \$1800.00. I want
22 this crowd to tell us where the justice is in that. There ain't no
23 justice in that. The effective and the real interest rate of having
24 to pay back \$1800.00 when you only borrow 199.00 is over 300 percent.
25 That is predatory lending. They sought out unsophisticated people.

1 They came into their homes. They armed the dealers with their
2 documents. They got them on the hook, and then they sat back up there
3 behind the curtain and just sucked the money out of them. And even
4 when people complained, like you heard one witness sat on the stand
5 and said, "I'm from Tuscaloosa. Yeah, I called them, and I told them,
6 they still didn't fix it". They said, "that's tough. You signed the
7 documents, you got to pay". Reckon how much of that goes on.

8 Now, let's look at what Mr. [REDACTED] specifically said here.
9 He told you that they had a target market. Even Mr. [REDACTED] said
10 they had a target market. He said they had a target of coming to
11 Alabama -- and what was the term he used -- available consumers.
12 That's what he was looking for, available consumers. They knew who
13 they were targeting. Whirlpool knew that this group was going door-
14 to-door. They knew the folks were vulnerable. There were prior
15 lawsuits before he started going to door-to-door. Did they tell him
16 to slow down? Did they tell him not to target anybody? No, they just
17 turned their head, because they were bringing in a lot, and that was
18 one of bigger dealers, and they were bringing in money hand over feet.
19 He said that he made Whirlpool aware of the problems. Did they stop?
20 No, sir. Still collecting the money even today.

21 What did Mr. [REDACTED] tell you, the corporate rep. He came to
22 Alabama with this scheme because there were available consumers. And
23 even to this day, I asked him if all these people have been lied to
24 and cheated and stolen from, is that right. And he still wouldn't say
25 anything. He said, "we have done nothing wrong. I'm a corporate man,

1 and I'm proud of what we did. I stand by the company. We haven't
2 done anything wrong". And that's their mentality. And I think you
3 can see past that. He did finally admit that if somebody was actually
4 charging 300 percent, that that is sorry. It would be a sorry company
5 if you do that. And you know from what Mr. [REDACTED] said that they
6 were charging 300 percent, and that is sorry. One thing that he said
7 that just shocked me. Did you hear what he said? I wrote it down.
8 They get thousands, with an "s", of complaints every week. What does
9 that tell you? What kind of rotten, low-down company is this?
10 Thousands of complaints every week. Why haven't they gone back and
11 fixed everybody? Why haven't they given them the money back? What's
12 going to make them do it? When are they going to be responsible for
13 what they did? Why do they come into people's homes and cheat them?
14 Thousands of complaints every week. Let's say thousands means 2,000,
15 you know that's over 100,000 complaints every year.

16 What else did he say? They want to say, "well, Gulf Coast was
17 the one that did the bad things. It wasn't us. We don't know nothing
18 about it". They put them on a watch list. They knew they were high
19 risk. They knew who they were dealing with. They had said, "we're
20 only recently out of woods with them". But they put them on a watch
21 list. You saw when I wrote that down when he was talking. He said
22 they are high risk. And I told him the corporate motto for this crowd
23 ought to be the dollar sign. That's what they ought to have, because
24 that's all they care about. What did he say it was? I find that
25 interesting, the corporate motto, "service different". What in the

1 world is that? The corporate motto is money for them. Volume.
2 That's all they care about. Folks are just a number. Folks are
3 treated with callous disregard for their feelings, and done wrong.

4 Now, let's look a little bit further at exactly what they say on
5 this. They say, "it wasn't us, it was Gulf Coast Electronics". Well,
6 they're the ones that went out and found Gulf Coast. They knew they
7 were doing four and a half million dollars in sales, and they wanted
8 a piece of that action. They gave them their documents. They sent
9 people into the homes. They gave Gulf Coast the authority to explain
10 those documents for people, to tell them exactly what it was going to
11 do. And then they sat back and took in the payments. So the law says
12 in those situations that Gulf Coast was their agent. And if their
13 agent is cheating folks, then Whirlpool is responsible for them. And
14 that's a good law if you think about it. Because Whirlpool is the one
15 sitting up there behind the curtain collecting all the money. And we
16 ought to encourage them to police their agents. And that's the way
17 that law stands.

18 Now, let's talk about this, which I found very interesting --
19 how much money did they make off this flim-flam and this scheme? I
20 asked Mr. [REDACTED] about Gulf Coast Electronics. I said, "is Gulf
21 Coast an average size dealer". He said, no, they were kind of small.
22 I thought they did 220 deals, because that's how many Gulf Coast sent
23 in. But he said, "no, they only did 127 deals with us in one year".
24 So I wrote down 127 deals in one year. Centevision on the other hand,
25 that Mr. [REDACTED] testified about, was a bigger dealer. He said that

1 they did 300 deals in three months. So that works out to 800 deals
2 in a year. So what I did is I calculated, "well if Gulf Coast is a
3 small one, Centevision may be one of larger ones". So let's just take
4 an average. Let's take an average and say that each dealer, on an
5 average -- and this won't be exactly right, but it will be close. It
6 will be an estimate. Each dealer was selling 463 satellites a year,
7 getting financed through Whirlpool. I just took an average between
8 a small dealer and a big dealer. And I said they're selling 463 a
9 year. We have before you in evidence that there are eight dealers.
10 Okay. So if an average dealer was selling 463 a year, times eight
11 dealers, this is how many satellite dishes they are selling and
12 getting financed in Alabama every year, 3,704. Okay. Then I asked
13 Mr. [REDACTED] "well how long has this been going on in Alabama". He
14 said 1994 to 1998. Four years. So I said, "all right. Y'all are
15 selling 3,704 a year in Alabama times four years". Rough estimate of
16 the total that are sold and financed in Alabama is 14,816. That's a
17 rough estimate of the number of people that have gotten satellite
18 dishes in the state of Alabama that have been financed by Whirlpool.
19 Then I looked and I said, "now how much were these folks cheated out
20 of". Remember they've got to pay four years and four months. They
21 were supposed to only have to pay three years. So they've got to pay
22 sixteen extra months at \$34.00 a month. So sixteen times thirty-four
23 is \$544.00. So they've got to pay an extra \$544.00 more than what
24 they thought they should have to pay, and what they were told. So if
25 you say they got 14,816 out there, and each person is cheated out of

1 the same amount they were, that's \$544.00, you come up with this
2 number as a total profit from cheating folks in Alabama, of a little
3 over eight million dollars. A little over eight million dollars.
4 \$8,000,059.00 if my calculations are right. And y'all can check them
5 when you get back in the jury box. It's not going to be exactly right
6 because these are estimates. But I'll just say around seven to eight
7 million dollars is what we're talking about. So you can see why they
8 would turn their eye to 59 complaints. And why they would turn their
9 eye when they got customer complaints. And why they would turn their
10 head when they've got two hundred victims that Mr. [REDACTED] testified
11 about. And why they would turn their head when he tells them they've
12 got problems. That all mighty dollar, corporate motto. That money
13 is flowing in. You think they're going to stop it voluntarily, not
14 the chance.

15 Now let's talk specifically about the type of damages in this
16 case that we're asking you to award. The law allows you two types of
17 damages; compensatory damages, which are designed to compensate folks
18 for like mental anguish, worry, feeling just disgusted, feeling like
19 you've been taken advantage of, having headaches, sleep problems,
20 having to get on blood pressure medicine, having your sugar run up,
21 those kind of things. That is compensatory damages. Punitive damages
22 are designed to punish and to stop somebody from doing what they did,
23 and to punish them for what they did in the past. And the law tells
24 you, and the Judge will tell you what punitive damages are. And
25 punitive damages are to send a message to the industry, to everybody

1 that doggone it, you better look up, and don't be doing this, because
2 these damages are to protect the public, to stop wrongful conduct.

3 Now, we can't, as lawyers, can't tell you what to award. Nobod
4 can tell you what to award. It's all up to y'all. We can make
5 suggestions. And if you think our suggestions are good, you can
6 follow them, or you don't have to follow them. If they're too low
7 you can raise them. If they're too high, you can lower them. It's
8 totally up to you. Now I want to talk just generally, and I will make
9 some suggestions for you in just a minute. But, again, you don't have
10 to follow me if you don't want to. What did Mrs. [REDACTED] tell you,
11 and what did the [REDACTED] tell you about how they worried about
12 it. You heard testimony about Mr. [REDACTED] saying, "I'm tired of
13 folks doing us this way". Slammed his fist down. And he ought to be
14 tired. I thought we'd come past that in America. He ought to be
15 tired of it. You heard testimony about headaches from both of them,
16 from the [REDACTED] You heard testimony about the blood pressure
17 medicine, the sugar. You heard Mrs. [REDACTED] about how bad she felt
18 for getting her parents into this. About how she's worried about it,
19 and how she said, "we're not rich people, we're working for a living.
20 We're trying to do right". And one of them said, "look, we ain't
21 never done nobody wrong. Why are they doing this to us". And you can
22 understand how it kind of weigh on you and get at you. And that's
23 what these kind of damages are for.

24 So for Mrs. [REDACTED] [REDACTED] I'm going to suggest an amount of
25 compensatory damages to compensate her for the mental pain and the

1 anguish for what this crowd did to her, \$300,000.00. For the
2 Merriweathers, same thing, \$300,000.00 each. Now these are only
3 suggestions. And really, this case is a punitive damage case. That
4 is what this case is about. Now punitive damages are designed like
5 I said, to send a message. And I don't know what the right amount is
6 to get this kind of conduct straight, but I can tell you this, it's
7 got to be big. Because you can not put a corporation in jail. You
8 can not take them out to the woodshed and give them a spanking. There
9 ain't but one thing that they understand, and that's money. And the
10 only way to punish them is to hit them in the pocket book. And
11 whatever your message is, your punishment has got to be large. If
12 it's less than a million dollars, that ain't going to get their
13 attention. That's like a slap on the hand. It's got to be big. It's
14 got to be a message that's going to get all the way back to the home
15 office office where this crowd sitting over here goes to the phone
16 right after the verdict and calls the home office and says, "a jury
17 in Hale County, the conscious of the community, has heard these facts
18 and they've told us to stop". What will it take to get that, I don't
19 have a magic number. We know that they profitted around \$8,000,000.00
20 from what they did. They weren't fair to anybody else. But I'm not
21 going to ask you to award the whole \$8,000,000.00. I'm going to ask
22 you to be fair to them. Because we have a duty to be fair. It ought
23 to be something that ought to get their attention. I have a
24 suggestion, and I'm going to write it in right here. And this amount
25 is what in my opinion will get their attention. But if you think the

1 amount is too low, don't listen to it. Or if it's too high, don't
2 listen to it. It's strictly a suggestion. And it's designed to stop
3 them from doing what they've done, and to make them know that y'all
4 mean business, and to let them know on this test case, the test has
5 come back and they failed.

6 Now, the amount I suggest for [REDACTED] awarded against
7 this corporation is \$3,000,000.00. That would make her total award
8 \$3,300,000.00. The amount I would suggest for the [REDACTED] to
9 get their attention, to try to stop them, to make them go back and do
10 right is the same thing, \$3,000,000.00. That would make their total
11 award \$3,600,000.00. If these numbers are wrong, I want them to come
12 tell you what the right numbers should be. When you go back to
13 deliberate, the Judge is going to give y'all these jury verdict forms.
14 He's going to ask y'all to select a foreperson to kind of be the
15 leader and kind of lead the group. You have four forms to choose
16 from. If you want to rule in favor of the victims against this abuser
17 over here, here's a one page document, there are two of them, you
18 don't need them, because they say you're going to find for them. You
19 don't need those. You don't write on them, you don't put x's on them,
20 you don't do anything. If you want to find for the victims here, and
21 against them, you have two forms. You got to fill them both out. Each
22 one of them has got two pages. The first one says, "we find for the
23 plaintiffs, [REDACTED] against the following
24 defendants." And it has a place to check Whirlpool Financial and [REDACTED]
25 [REDACTED] doing business as Gulf Coast Electronics. You put an "X" or

1 a check mark in both of those blocks. Then you would turn over to the
2 second page, it says, "we find that the plaintiff, [REDACTED]
3 [REDACTED] is entitled to compensatory damages in amount of --,"
4 you put a little "X" in that box and then you write in the amount of
5 his compensatory damages. Then right below that, "we find the
6 plaintiff, [REDACTED] is entitled to compensatory damages in
7 the amount of --," and you write in the amount of her compensatory
8 damages, also you would check that box. Then down here on the bottom,
9 you check on of two boxes. Don't check both of them. It says check
10 one. We find that the plaintiffs, [REDACTED] are
11 entitled to recover punitive damages. You write in the amount of
12 punitive damages. Then you take the two compensatory and punitive,
13 total them up, and put it right here (indicating). And there will be
14 one place down here that says, "we find that the plaintiffs are not
15 entitled to punitive damages." You would not check that one at all.
16 You just check the one where it says we are entitled to punitive.
17 Close them up, and whoever the foreperson is signs it at the bottom,
18 and that's your jury verdict form.

19 Then you would do the same thing for Mrs. [REDACTED] You would
20 check where it says you're supposed to check with the "X". Put a
21 check here, and then give compensatory damages. And then you'd check
22 one out of two here to say she got punitive damages, total them up and
23 the foreperson would sign at the bottom.

24 Now, I'm going to sit down now. And I appreciate y'all listening
25 to me. I just want to say this, the lawyers in this case, when they

1 get up, I expect them to do one thing, and that's attack me and attack
2 my firm. And I want everybody to know, including them, that I'm as
3 proud to represent these victims right here, the [REDACTED] and Mrs.
4 [REDACTED], as anybody in this courtroom is to represent their corporate
5 client. In fact, I choose to represent folks like this because I
6 can't stand to see corporate America taking advantage of folks. And
7 they're going to jump me, and I'm ready for it. And they're going to
8 jump this firm. And they're going to say everything in the world
9 about us, and that's fine. My wife has admitted to me a couple of
10 times, it kind of gets under her when they've done it, but it ain't
11 going to bother me because I'm used to it. And they know it. And
12 there's one little rule we learned our very first day of law school.
13 Everybody learns it when they go to law school. Everybody in here
14 knows it. And that is, if you got the facts on your side, argue the
15 facts. If you got the law on your side, argue the law. If you ain't
16 got nothing on your side, you're just in a box, you're just dead
17 wrong, then shoot the messenger. Just attack the lawyer. And that's
18 what they're going to do so y'all just get ready for it. Thank you.

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9 CLOSING ARGUMENT

10 BY MR. BOONE:

11 Ladies and gentlemen of the jury, I have never in my life been so
12 offended. I can't believe that this gentleman would sit here and try
13 to trick you into believing that all these people have made this up.
14 If you cut through the chase and what he just said, well, I'll just
15 start at the beginning. Him, him, him, and him are just liars
16 (indicating). But it don't matter, it's not about us. What he has
17 said was these people sat here and lied to you. Mr. [REDACTED] you
18 are a liar. Mrs. [REDACTED] you are a liar. [REDACTED], you
19 are a liar. You're dispicable for coming in this court telling the
20 lie you told. This is what he's telling you about your people in your
21 community who's been cheated like thousands of people, just like
22 thousands of other people around this state. He wants you to believe
23 that. I have never seen so much magic and trickery played in my life.
24 He wants you to believe that.

25 He has attacked this lawyer, a member of my law firm, because he

1 was scared to attack them. He attacked us. But if you look at it,
2 if you cut right to the chase, and figure out what he just did to you,
3 because I'm so worried that he convinced you and tricked you to
4 believe that. I am scared. I'm terrified if you believe what he just
5 told you. He just told you you are no good and a lie, and you sat
6 there and lied and made this up. And he tried to say it nicely and
7 say, "I think they just was telling the truth". But when they got to
8 the lawyers, they told a lie. They just changed the story. But
9 ladies and gentlemen, they said we ain't got no evidence. Please
10 don't be tricked.

11 [REDACTED] if he's a thief, guess what, he was their thief.
12 He worked for them. He was their agent, ladies and gentlemen. And
13 he's blaming him on us. He's blaming us for their man. Can you
14 believe it. I ain't never talked this loud in a closing argument
15 either. I just feel like I am because I'm so -- he told you all that
16 it's our fault that his man was a crook. And said Mr. Methvin's star
17 witness. Mr. Methvin's star witness. How did he get to be Mr.
18 Methvin's star witness, ladies and gentlemen? What did he do to make
19 him his star witness? Where did he get some ownership from? Where
20 did he buy this man? Ladies and gentlemen, he worked for them. He
21 was their agent. He called them and told them when he got concerned
22 about the problem, "we're out here cheating folks everywhere". Ladies
23 and gentlemen, it was their man. He told us where he cheated folks
24 at. Well he may not have intentionally, but he was using their
25 program, their documents, whatever they told him to do. It didn't set

1 out on the terms of paper as we said. It didn't tell the people how
2 much to the payments were. Whirlpool knew what they were doing. This
3 man has pulled off, and I'm terrified that he just pulled off the best
4 fraud in the history of law practice. I don't know. But I sure hope
5 y'all saw through it. This man is Mr. Methvin's star witness and he
6 worked for them. What did we do? He was on their payroll. He made
7 them thousands and thousands of dollars by what he did, and he's our
8 witness. I own him. They made the money from the cheating he did,
9 ladies and gentlemen. How are they going to blame him on us. He
10 cheated. He was their agent, and he cheated for these people. He did
11 their cheating.

12 And guess what they're doing? This is the theory they used: once
13 they got caught, I wish -- wherever his documents he did his numbers
14 on about this family, ladies and gentlemen. Guess what he did.
15 Ladies and gentlemen, this is hum bug. What is this? Ladies and
16 gentlemen, he's telling you that because they got caught cheating
17 these people that is okay, and we just zeroed the balance. Ladies and
18 gentlemen, I zeroed your balance because I'm busted. And you-all --
19 I don't believe you believe it, but I'm scared that you might. He's
20 zeroed -- this man, he zeroed the balance because he got caught
21 cheating. Ladies and gentlemen, he wanted to come in here and have
22 something to say to you, "we tried to make it right". But, ladies and
23 gentlemen, why he can't do that, and why you can't believe that that's
24 the truth, the reason is simple, don't get it from me, get it from his
25 employee that he want to throw off on me. He wants me to take the

1 blame for his employee. If he's a crook, because they hired the
2 crook, and I've got to pay for it.

3 We've got another man that had felonies. A crook, their crook.
4 I don't know if you remember the felony documents, questions asked
5 about the felonies, he was their dealer. They're blaming us for their
6 crooks. The crooks that made them millions of dollars. Ladies and
7 gentlemen, I'm going to say it again, I was worried that if you-all
8 just bought that, the greatest scam in the history of law practice
9 just occurred here today.

10 Ladies and gentlemen, Whirlpool Financing sent these people out
11 there to sell all of these places. We put "Xs" in other places, red.
12 They sent these people out here to set these satellite dishes. And
13 it's our fault, and that's my star witness? Let me explain it how we
14 would explain when I was younger growing up in my community. They
15 had, they've been cheating folks, ladies. They got caught. And you
16 know what crooks usually do if some of their buddies get caught: like
17 y'all ride to the store, whatever you do, or go do something bad and
18 the neighbor catch you, you just let your buddies take the fall.
19 They're trying to cut the baggage and run. Everybody else is a crook
20 who cheated these people. But Whirlpool is who put them up to it.
21 They gave them the paperwork, the man told you they called and talked
22 to them.

23 Ladies and gentlemen, we didn't make this up, ladies and
24 gentlemen. I hope he did not get you to believe this. I was worried
25 for a moment. I'm thinking now that you-all are a jury who has the

1 responsibility to speak for this community, the state, and the nation,
2 and I'm starting to calm back down and believe you-all will see what
3 really happened. Just because I'm scared any way, because these
4 people turned their life over to me.

5 You know what she told me, she said, "you treated me so nice this
6 week". That's what she told me. And that made me feel good. And not
7 all of them, it was a personal conversation. Mrs. [REDACTED] told
8 me that, not her husband, not her daughter, not because I know they
9 feel that way because we got a great relationship, but she told me
10 that in private. She whispered it to me: "you made me feel special.
11 You treated me so good". But I was afraid because I got their case,
12 their life, the pain, the feelings they've had about this, in my hand.
13 And I was afraid that y'all almost just got tricked. This lady told
14 me she appreciated me being nice to her. She said, "I appreciate you
15 just being so nice to me". And I was afraid that this gentleman told
16 you that his employee, who was a crook, is my star witness, and blame
17 me for it.

18 And just out of caution, [REDACTED] was their crook, who sold
19 all of it, they know it, they made all the money from it. Their
20 crook, not mine. I didn't hire him. I didn't pay him his salary.
21 I didn't make thousands and thousands of dollars off of him. But
22 that's all right.

23 [REDACTED] He was a gentleman, he bought a satellite. He said
24 they told him \$40.00 a month for three years. "Are you sure. Yes".
25 Did he lie? Well, I'm sure if you're going to believe anything they

1 said, you got to say that that man sat up in here and just lied to
2 you. Ms. [REDACTED] from this community, a nurse, she sat here,
3 ladies and gentlemen, she is a no good liar, is what they want you to
4 believe. She was nervous. I saw her up here nervous. She was scared
5 to even be here. She was telling the truth of what happened to her.

6 [REDACTED] I think that was the older white gentleman. He
7 said they told him \$37.00 a month for three years. He said he didn't
8 ask them too much because he was confused. Yeah, the man didn't have
9 much of an education. He wasn't that smart. He was confused. He was
10 confused the day they walked in the house and sold him the junk. He
11 trusted them. That's the whole point. These people trusted them.
12 Yeah, he was confused. He had no clue what he was getting. He
13 trusted that man on what he told him. He didn't understand nothing
14 about these terms, these numbers, this financing. They said \$33.00
15 a month for three years, and that's what he believed. Yeah, he was
16 confused. He don't know no better.

17 Ms. [REDACTED] Talking about preying, uneducated, the
18 gentleman I was talking about. Ms. [REDACTED] bad credit, bankrupt.
19 Ain't many people going to give her credit. They took advantage of
20 it. We're talking about preying.

21 [REDACTED] single mother, two kids, not good credit. They
22 took advantage of her, ladies and gentlemen. And they're going to
23 call these people a lie and get away with it. But they ain't the only
24 lie. Everybody here had to be lying. And he said it ain't no
25 evidence. Well good God, what you want? All these people telling you

1 they've been lied to and cheated by Whirlpool. If that ain't
2 evidence, ain't no such thing as evidence in the world.

3 Ms. [REDACTED] two kids, single mama, credit not good, she trusted
4 these people. [REDACTED] bankrupt. He brought it out.
5 Credit bad. Told her that if her mama signed the document that that
6 was just so -- since it was the mother's house, that was so they could
7 just come back in the house and take the computer. That's the lie
8 they told these people so they would agree to this.

9 Yes, ma'am, you're only signing this because they trusted them.
10 She say she didn't really read the document because the man ate a
11 steak dinner in her house. She trusted the man. He ate dinner with
12 them. He stayed there until eleven o'clock. She believed he was
13 telling the truth. The mother signed because it what they told her,
14 out of their mouth is, "if we got to come repossess it, since you're
15 bankrupt, bad credit, maybe you're going to go bad on us again, we'll
16 collect your money and then come get our stuff once you have trouble".
17 They knew she was having financial trouble. They were going to sell
18 the stuff, get the money as long as they could, and come take the
19 equipment back. But they told her -- and listen, Ms. [REDACTED] that
20 was the white female who had her own business, or did work for a
21 nurse, something like that, she was bankrupt, had financial trouble,
22 had to go to them. They told her, after this man ate her steak
23 dinner, and she trusted him, "but your mom is going to have to sign.
24 You got a little credit problem, and it's just to come take the
25 computer if you don't pay". They lied. The lady just told you all

1 that these people went in her house, ate her steak dinner, and had her
2 mama as the primary person responsible for the loan. Meaning they can
3 get her credit bad, come seize any property she got, sue her. Lady
4 said she ain't paid on the satellite. Her credit is bad, ain't no
5 probably. They lied to this lady. Not only told her a lie about the
6 terms, just like they told these people, just like [REDACTED] [REDACTED]
7 [REDACTED] all of them been told exactly what they're going
8 to pay, and how many years. All of these people are no good liars who
9 just lie, lie, lie. Maybe we ought to find out where the lie is at.
10 Who's doing the lying.

11 Ladies and gentlemen, I was afraid the greatest trick was pulled
12 in history of today. I'm feeling better. I don't believe y'all are
13 going to buy that. I hope y'all are not going to buy that. Got this
14 lady's mother is on the hook for something. Never told her.

15 [REDACTED] Y'all remember [REDACTED]. Anybody remember
16 [REDACTED]? [REDACTED] she was a white elderly female. Health
17 so bad, she couldn't even come out the house to give a deposition.
18 They had to go to her. Ms. [REDACTED], if she was sitting there,
19 I could ask her that question. "Ms. [REDACTED], how you feel about
20 these people calling you a no good sleazy, liar". Ms. [REDACTED]
21 ain't got nothing to do with this lawsuit. I don't know how he tried
22 to twist all of that to make it sound like something bad about us.
23 These people don't know nothing about the lawsuit. That's right.
24 They were cheated separately and individually. That's just the point.
25 They're cheating all these people. That's the point. These people

1 don't know these people, that's the point. They cheated those people
2 way up here in Huntsville, in North Alabama. They cheated people all
3 over the place, Lamar County, Fayette County, Walker County,
4 Tuscaloosa County, Greene County, Hale County, Bibb County. They
5 don't know each other. They're cheating them everywhere. That's the
6 point. How some kind of way he tried to trick y'all into believing,
7 I don't know what he was trying to do. It sounded negative to me.
8 They don't know nothing about this lawsuit. That's right. They were
9 cheated by themselves, on their own.

10 Ms. [REDACTED] can't see, sick, couldn't come out of her house, and
11 she sat there and told you-all she was told a particular price. I
12 think it was maybe the same thing, \$34.00 a month for three years, or
13 maybe it was five years and \$52.00. Whatever it was, it was a set
14 number, same price, same lie they told to everybody.

15 But, ladies and gentlemen, Mr. [REDACTED] their man, which they
16 don't want to take credit for, who worked for Whirlpool, no friend of
17 the [REDACTED] who made them all of that money, said, "not only
18 the people we just told y'all about and put in this courtroom have
19 been lied and cheated the same way". He knows at least two hundred
20 more that they cheated. And when he realized the payments weren't
21 coming out as they said, he was feeling a little upset about it.
22 Well, whatever he felt, he thought that wasn't right, and he left the
23 company. You-all know they want to blame us for that. That agreement
24 didn't tell nobody what the terms were. He wouldn't have known.
25 Whirlpool was behind this scam.

1 And they're talking about our use of the word. Ocie used it.
2 It's a good word because it's the truth. They are preying on people,
3 cheating people, taking advantage of people because of lack of -- not
4 one reason, it's several reasons you're going to prey on people. If
5 you don't have that much money, you got to take the deal you got or
6 you ain't getting nothing. You can't go to the bank and get better
7 credit because you've got to take this bad credit. You don't have no
8 education. You got to -- I can sell you whatever I want to and take
9 advantage of you. If you can't see, and you're just signing a
10 document because you trust them, they can come back and say, "I never
11 told that to nobody". That's what they did. They done lied. They
12 said, "I don't know what happened". Ms. [REDACTED] "I don't know what
13 happened". Nobody said that. All these people lying to you, and the
14 other two hundred.

15 And he was talking about offensive. Ladies and gentlemen, this
16 is the most offensive way I've ever seen in my life to defend a case.
17 He has called everybody a lie. When he and his company did all the
18 lying. This is simple, though, but I want you to guess this one.
19 Because, I mean you heard the witness, nobody tried to embarrass any
20 of these people. We wanted y'all to understand what the conditions
21 were when this loan was made. Some people were not as much as
22 educated as others. I think [REDACTED] may have said she finished the
23 10th grade; father, 3rd grade; mother, 7th. Ms. [REDACTED] can't see.
24 Diabetes. [REDACTED] single mother, bad financing. [REDACTED]
25 the guy from the military. He said his credit was bad. Couldn't

1 hardly get credit. I mean, all of these people with reasons why they
2 could be preyed on. Education, finances, women, single mothers. But
3 this is just one little small sample of the trickery, ladies and
4 gentlemen. Because a lot of these people did not, and were not very,
5 you know, understanding, flipping numbers. And this lawyer kept
6 trying to say 36 months. Ladies and gentlemen, we kept saying \$34.00
7 a month in three years, very simple so it could be simple and straight
8 forward. Y'all heard him keep saying 36 months. That's just a very
9 simple of example because he was hoping they didn't know what 36
10 months were, and said the terms wrong. Because his case was, if it
11 wasn't \$34.00 a month for three years, and they understood it to be
12 different, this is the law, we've got to prove the law. And if it was
13 \$34.00 and some other number a month and some other number or years,
14 then we don't know what the claim was, we can't prove the fraud. But
15 all of these people told you specifically what they were told.

16 This man kept telling you 36 months from the beginning of trial
17 to the end. Why was it so hard for him to say three years? Because
18 he was hoping somebody didn't understand the 36 months. He knew some
19 of these people weren't very educated. He was hoping somebody didn't
20 understand what 36 months calculated to. 36 months equaled three
21 years. Why he kept using 36 months? That's just one small -- I don't
22 even want to make a big issue of it. Just one small example of how
23 he was trying to prey on these people, to hope he could trap somebody
24 before the case was over into that trick, and saying a different
25 number, and jumping up in front of y'all and say, "see there, they

1 don't know what the agreement was, they were confused. And they may
2 be confused today". See that's what he could have said. They didn't
3 really understand the agreement. If they would have agreed to some
4 other number 44, 43, 18, 20, he could have said, "see, they really
5 don't understand the agreement. And, ladies and gentlemen, y'all
6 can't hold us responsible when these people really didn't understand.
7 They just made a mistake. Don't hold us at fault". People, he's
8 trying to trick y'all, ladies and gentlemen.

9 The crook trying to call us crooks. And the simple way to do it
10 is don't worry about whether he called me a crook. Just don't worry
11 about that. The simple way is judge it for who this case is about.
12 Don't let him fool you. Don't let him talk my law firm because we
13 defend consumers, people who are are being cheated every day. We're
14 one of the only law firms in this state that does that every day. We
15 protect people, regular people. We're not with the big corporation.
16 That's why we're the enemy. We're like Robin Hood. They think we're
17 taking from the rich, giving it to the poor. We're bad. We're
18 messing with their establishment. We're taking money from the big
19 powerful companies who usually can run over people and get away with
20 it and sell you this trick that he tried to sell you, that when I
21 jumped up out that seat, I was so pissed off. I'm better now. He
22 tried to trick y'all, and y'all ought to be really offended. Because
23 I was offended. And I don't get offended trying a lawsuit. But your
24 intelligence was challenged then. This man (indicating), from
25 wherever he came from, whatever kind of background he came from, he

1 challenged y'all and thought he was smarter than y'all and could fool
2 y'all. This man said, "my education, my skills, I can trick these
3 people, and Mr. Boone ain't going to be smart enough to catch it. I'm
4 going to trick this jury. Mr. Boone and his law firm ain't going to
5 be able to do nothing about it". Mr. Boone. I'm last. He didn't
6 think I was going to catch him. He didn't think I was going to call
7 his card right here today. His card has been called, ladies and
8 gentlemen. He was tricking you, and been trying to trick us from the
9 beginning. I didn't make these people up. [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]. White and black people,
11 all with a problem: uneducated, no money. I didn't make these
12 people up. All across the state. I'm offended.

13 And that number Tom put up on the board, that don't mean nothing
14 to me. This company don't care. That number just -- somebody got to
15 do something. They're trying pull this kind of stuff, and look at us
16 straight in our eyes and calling us a lie. You heard what the people
17 said. I didn't tell them to say that. His own people are cheating
18 folks. His employees that they took the money from. And he sat here
19 and looked them in the eye in particular and called them a lie. But
20 one time before he had finished, he called me directly a lie. He got
21 me before it was over.

22 But it ain't even about us. This is what it's about. Mr.
23 [REDACTED] either you're a no good liar or you're not. That's what
24 y'all got to decide. And all them other people were no good liars.
25 Mrs. [REDACTED] you're a no good liar. [REDACTED], you're a no good

1 liar. That's what you go to decide. That's what he just told you.
2 And either you saw it or you didn't. But my faith is restored now.
3 And I think I see the way again. And I don't think it's a problem no
4 more. But I was scared. I was scared to death.

5 You know, he kept bragging about him not being scared. Because
6 he thought he was going to trick y'all. Well he -- I'm going to go
7 with his term, they ain't scared. I'm going to go against him. He
8 said they was was scared. He said they wasn't. I don't believe Tom,
9 I believe him. They ain't scared. Guess what, I wish y'all knew what
10 I was thinking. I'm going to say it, let's make them scared. They
11 ain't scared. I don't believe Tom. They ain't. He was right.
12 They're not. They're not scared. So the only way they're going to
13 stop doing what they're doing, let's make them scared. Because
14 they're going to come in here and try to flim-flam y'all some more.

15 Ladies and gentlemen, this case, it's not even just about Mr. and
16 Mrs. [REDACTED] All the people I just went over to you have been
17 pulled -- the same scam has been pulled on them. You couldn't talk
18 to nobody else. During this trial you didn't supposed to confer with
19 anybody else, and I trust that. And I know y'all didn't, because the
20 Judge told you you couldn't. And I trust you-all followed the law,
21 and going to continue to follow the law. But this trial is going to
22 end one day, and you're going to have to feel good about what you did.
23 And you're going to have to look into your community, and it's just
24 one simple thing you're going to have to look at and say, "I turned
25 these people aloose with a license to continue doing it," or, "I stood

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1 it goes along with that general conduct we've seen anyway, you know,
2 that's the kind of scam they were pulling, I guess they're going to
3 continue to try to do it. But it's not all about Mr. [REDACTED]
4 other people have been cheated just like you heard.

5 Ladies and gentlemen, put your seal of approval on something.
6 Stamp it in bold letters. Feel proud and confident whatever you do
7 for your community here. And if it's what they did was okay, stamp
8 it proud and be proud. I don't know how you can do that. I just have
9 no clue how you could do that. And if you don't appreciate it, stamp
10 it loud and proud. Tell them you don't appreciate it.

11 What Mr. Methvin asked for today when we started was fine with
12 me. After what I've seen today, I don't know what it's going to take
13 to change it. They just tried to pull the greatest scam I've ever
14 seen. Thank y'all, ladies and gentlemen.

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