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Sleuthing Lawyer Wins Vanishing-Medallion Suit

By Christina Landers
Daily Journal Staff Writer

The case had all the makings of a movie plot: missing jewelry, possibly forged appraisals, Iranian royalty and jewelers who seemed to vanish into thin air.

But after some gumshoeing by attorney Timothy A. Lambirth, the trial lasted only one day before Bank of America won a defense judgment against a former customer who claimed that the bank's Westwood branch lost his "valuable" gold medallion, *Alexander V. Javaheri v Bank of America*, SC064158 (L.A. Super. Ct.).

"At the end of the day, the judge ruled for Bank of America that the plaintiff failed to meet his burden of proof," Lambirth said. "The plaintiff took nothing."

The plaintiff's attorneys, Derek I. Tabone, a Van Nuys sole practitioner, and Cameron Y. Brock of Sherman Oaks' Burg & Brock did not respond to requests for comment.

Lambirth said he undercut the plaintiff's credibility on the appraisals to torpedo the entire case.

"I suggested that having submitted apparently fabricated appraisals to the court, the larger claim was probably fabricated as well," Lambirth said. He drove the point home in court by focusing on the plaintiff's failure of proof.

"The plaintiffs did not produce any live appraisers who had ever actually seen the item, and I demonstrated that there had

never been appraisers by those names in those buildings," Lambirth said. "This left the plaintiff with a big hole in his case. They'd have a hard time showing that the missing item was actually the valuable pendant they said it was."

According to Lambirth, Alexander Javaheri had a safe deposit box at Bank of America's Westwood branch for 10 years when, in the summer of 1997, he stopped paying rent for it, according to court documents. He received notices from the bank first that his payments were overdue and that his box would be re-rented.

On May 20, 2000, bank employees forced entry into the box, inventoried its contents and placed them in a vault.

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Lawyer Pounds the Pavement to Win Case of Vanishing Medallion

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On June 3, Javaheri came to the bank with his brother and parents to reclaim his property. At that time, Nina Thomas, the branch manager, provided him with six envelopes containing the contents of the safe deposit box. She spent more than four hours with him and his relatives, reviewing every item.

At the meeting's conclusion, one item was missing, which had been described by the bank's employees as "a cardboard with a yellow token attached," according to court documents, Lambirth said.

Javaheri claimed that yellow token was in fact "the Iranian equivalent of the Hope diamond," a one-ounce rectangular bar of 24-karat Italian gold with an 1860 United States \$20 Pike's Peak coin attached, all of which was surrounded by 36 diamonds, Lambirth said.

Javaheri claimed it had been given to his father by the sister of the Shah of Iran, the defense attorney said.

Javaheri filed suit against the bank for the loss of his medallion on Nov. 29, 2000. As evidence, he produced two appraisals for the piece, from 1993 and 1996.

"I was looking at these appraisals, thinking these were just too good to be true," Lambirth said.

So he left his downtown Los Angeles office and hit the street, heading for the Jewelry District.

After asking around, Lambirth found a store that sells blank appraisal forms.

"I was surprised that anyone could buy

one," he said. "I noticed they were almost identical to those used for the plaintiff's appraisals."

That discovery led him to seek out the jewelers listed on the appraisals.

He could not find either one, though their addresses were mere blocks from his own office.

"I spoke with the building managers at each building and, in both instances, the managers said there was no jeweler by that name, nor had there ever been, as a tenant there, and there was no such suite number in the building," Lambirth said.

Upon returning to his office, Lambirth checked the civil index for plaintiff claims filings and found that Javaheri and his brother had another suit involving an insurance carrier in a Northridge earthquake claim.

"I was of the opinion there was some type of modus operandi there — that perhaps [in this case] they had fabricated a document to support a fraudulent claim," Lambirth said.

During last Wednesday's trial before Judge John H. Reid, Lambirth surprised the plaintiff when he brought in one of the managers from the building where jewelers allegedly appraised the now-missing medallion.

"As it became apparent who she was, it became obvious that we were on to them, and we created the impression that they were putting forth fraudulent appraisals," he said.

After the short trial, the judge ruled in



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Attorney Tim Lambirth went to the Jewelry District, hunting for jewelers who allegedly had appraised a gold pendant that his client, Bank of America, had lost. "I spoke with the building managers at each building and, in both instances, the managers said there was no jeweler by that name, nor had there ever been, as a tenant there, and there was no such suite number in the building," Lambirth said.

favor of the bank, who will pay nothing to the plaintiff. The Javaheris were visibly upset, Lambirth said.

"I think they were very disappointed," he said.

It remains a mystery where that gold medallion with alleged royal ties is today.

■ E-mail: christina_landers@dailyjournal.com