

Attorneys gain nearly \$3 million judgment for Russian immigrant fleeced by nephew



Evdima Libman and Paul McKenna said the nephew of a wealthy Russian immigrant said the uncle that he became a doctor he needed to invest \$1 million in American businesses — and the nephew said he needed the businesses best suited for that.

Case: Rustin London v. Vladimir Dubrovin et al.
Case no.: 2011-10820-CA-01 (13)
Description: Civil theft, fraud and misrepresentation, unjust enrichment
Filing date: May 15, 2011
Trial date: April 30-May 1, 2013

Judge: Miami Dade Circuit Judge Terry Trowick
Plaintiff attorneys: Paul McKenna, Paul A. McKenna & Associates, Coral Gables, Daphne Libman, Law Office of Evdima Libman, Miami

Defense attorneys: Keith Silverstein, Ray Marjan, Islands Anna Lenchuk, Law Offices of Anna Lenchuk, Boca Raton, Ted Finkler, Eugene Brown, Lewis, Frankel & Chert, Hollywood

Jury verdict: \$2.97 million
Details: Rustin London, 75, a successful Ukrainian scientist and investor, bought a \$1.7 million condominium with his wife, Lida, in Sunny Isles Beach, which has a large Russian community. His nephew, Vladimir Dubrovin, a U.S. citizen involved in real estate, helped in the 2001 purchase and learned London had \$2 million in a Citibank retirement fund.

Dubrovin persuaded London to seek permanent U.S. residency and with business associate Svetlana Kagan closed his uncle to an immigration law firm in Philadelphia. London did not speak English and designated Dubrovin and Kagan as his interpreters.

The firm recommended London get an EB-1 visa for people with extraordinary abilities. An EB-1 visa, where a foreigner receives \$1 million in U.S. business, also was discussed. Dubrovin and Kagan told London investing was the only route to residency. "I had given what I'd have the businesses to do it," McKenna said they told him.

London obtained his worth

as gifts from his son, chairman of the state-owned television company in Novorossiysk. Rustin then began to invest. McKenna said. Bank accounts were set up making Dubrovin a joint tenant and co-owner with London to assist in making the investments.
Plaintiff's case: Dubrovin transferred money from the accounts without London's knowledge from 2008 to 2010, McKenna said.

London nearly had a heart attack when he learned 1000,000 was gone, McKenna said. He contacted Dubrovin and Kagan, who told him the EB-1 visa had been filed and the immigration attorneys authorized the transfers. But immigration attorney Jason Giacomini told London he never filed the invoice via because Dubrovin and Kagan did not forward the necessary documents.

When London demanded his money back, Kagan threatened to have him deported, McKenna said.

Forensic accountant Kathryn Liban tracked London's 1990,000 to Dubrovin's EB-1 Case Pharmacy Services Inc. in Hollywood Beach, Kagan's Florida by the Sea and Angel Care Home Health Center in Pompano Beach. Dubrovin owned Supreme Patients Care and Kagan owned Angel Care Home Health Agency Inc. The money was used for personal expenses, business association and operational overhead, McKenna alleged.

He said his client's age and wife presented a challenge. "He was on the verge for about a full day. His blood pressure rose," McKenna said. "He had an impression it was hard to get his mind through his testimony." Kagan was more than just a business associate of London's nephew, he said. She took him to the doctor's office for cancer treatments.

"There are people people

who were shocked by what happened to them," McKenna said. "He was really looking for some kind of resolution."

Defense case: Keith Silverstein, who with Anna Lenchuk represents Dubrovin, Supreme Patients Care and EB-1 Case Pharmacy, said the jury ignored evidence that London knew about the investments and his lawyers confused them with the concept of joint and several liability.

"It was the plaintiff's argument that in for a penny, in for a pound," Silverstein said.

Outcome: Jurors spent 45 minutes in deliberations before awarding \$2,970,000, which was reduced by the civil death finding.

Comments: The London's "are absolutely in awe of the American justice system. We have professional juries in Russia," Liban said.

Past work: Trowick granted a motion dismissing the fraudulent misrepresentation verdicts against EB-1 Case, Supreme and Angel Care.

The defense filed motions for a new trial, remittitur and a directed verdict, and framed, representing Kagan and her clients by the Sea and Angel Care Home Health Center, said in his motion for a new trial that McKenna and Liban "tried this case by ambush" and turned it into "a dark-angled contest."

A hearing is scheduled May 30.

EB-1 Case also filed an affidavit saying no attorney advised the company that the case was going to trial. Silverstein called it "a real bummer."

McKenna said the Medicare business the defendants held may help satisfy the judgment.

"These are the types of cases — they have a very high value," he said. "It's a dollar that can be collected, we're going to do it."

—Steve Pearlberg

VERDICTS & SETTLEMENTS

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