

# VERDICTS & SETTLEMENTS

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MAY  
Orange County  
Santa Ana

FRIDAY, MAY 6, 2016

## CONTRACTS

### BREACH OF CONTRACT

VERDICT: \$350,000.

CASE/NUMBER: Oceanus Trading Company, LLC v. HSK Consultants, LLC; David Bonivach; and Does 1 through 10 inclusive / MC024102.

COURT/DATE: Los Angeles Superior Lancaster / April 8, 2016.

JUDGE: Hon. Joseph R. Kalin.

ATTORNEYS: Plaintiff - David R. Flyer, Racquel Flyer (Flyer & Flyer APLC, Newport Beach).

Defendant - Sean Macias (Macias Counsel Inc., Pasadena) for HSK Consultants LLC and David Bunevacz aka David Bonivach.

TECHNICAL EXPERTS: Defendant - James Black, Ph.D., document examiner, Lake Forest.

FACTS: In 2012, plaintiff and defendant David Bunevacz, also known as Bonivach, and defendant's company HSK Consultants LLC, entered into a Supply Agreement in which plaintiff would become the exclusive marketing agent of electronic vaporizers imported from China.

### PLAINTIFF'S CONTENTIONS:

Defendant Bunevacz, going by the alias "Bonivach," befriended plaintiff in early 2012. Bunevacz provided financial documents and purchase orders showing a profitable business in importing electronic vaporizers from China for sale in the United States. Plaintiff, at Bunevacz's direction, wired \$262,000 to the Chinese Manufacturer. Under the supply agreement, Bunevacz was responsible for bringing the product from China to California. Instead, Bunevacz came up with excuses that the products were stuck at the border and then that the batteries were all stale despite a one year product guarantee. The Supply Agreement included a personal guarantee by Bunevacz. Plaintiff wanted out of the deal after Bunevacz failed to deliver the products. The parties entered into a Global Release Agreement for Bunevacz to pay \$350,000 to plaintiff to cover the \$262,000 plus a reasonable return on investment. Bunevacz did not make any payments to plaintiff.

Plaintiff claimed that Bunevacz owed plaintiff \$350,000 under the

Continued from page 5

Global Release Agreement and failed to make any payments.

### DEFENDANTS' CONTENTIONS:

Bunevacz alleged that he did not sign the Global Release Agreement. Defendants also disputed the obligations under both agreements.

JURY TRIAL: Length, seven days; Poll, 12-0; Deliberation, one hour.

RESULT: The jury found Bunevacz breached the Global Release Agreement for \$350,000, which also has a provision for attorney fees and prejudgment interest.

OTHER INFORMATION: The parties began in arbitration but the court ordered the parties out of arbitration when Bunevacz failed to pay arbitration fees.

FILING DATE: Feb. 19, 2013.